

## **ARTICLE 14. WASTEWATER BILLING ADJUSTMENT FOR EVAPORATIVE COOLING TOWERS.**

### **§ 15-9-241 EVAPORATIVE LOSS ADJUSTMENT FOR EVAPORATIVE COOLING TOWERS.**

(A) In this section, “director” means the director of the Water Utility.

(B) A retail customer of the Water Utility who takes water from the City’s public water system for operation of one or more evaporative cooling towers may receive an adjustment in the calculation of the monthly wastewater billing for the amount of evaporated water not returned to the City’s wastewater system (Evaporative Loss Adjustment) provided that all of the following conditions are met:

(1) Written application required. For each customer utility account for which the customer desires to receive the evaporative loss adjustment, the customer must make written application to the director and receive written approval from the director in accordance with this article. The customer application for approval to receive the evaporative loss adjustment shall be made on a form provided by the director for this purpose.

(2) Application and processing fee. The application shall be accompanied by the customer’s payment to the Water Utility of a non-refundable processing fee for handling, analysis and processing of the application and appurtenant materials for the premises housing the subject cooling tower installation. Payment of a fee under this section does not excuse the payment of fees required by other city codes and ordinances for permits, inspections, or other approvals necessary for lawful installation of facilities required by this chapter.

(3) Submeter installation by customer required. An applicant desiring to receive the evaporative loss adjustment must install, at the customer's sole expense, for each cooling tower or set of cooling towers, submetering equipment of a size, type, design, number, location and configuration approved by the director to measure accurately both the amount of water that is taken into the cooling tower or set of towers (commonly referred to as a “makeup meter,” referred to in this section as the “intake meter”) and to measure the amount of water that is discharged from the cooling tower(s) into the City’s wastewater system (commonly referred to as a “blowdown meter,” here referred to as the “discharge meter”).

(4) Authority to require electronic readout, radio or computer controlled data transmittal equipment. In addition to intake and discharge submeters conforming to this section, a customer desiring approval to receive the evaporative loss adjustment shall install, at the customer's sole expense, the readout equipment or data transmittal equipment of a size, type, design, number, location and configuration as the director may determine to be necessary for the safe, accurate and efficient reading of the intake and discharge meters required to be installed by the customer.

(5) Special conditions. The director may prescribe special conditions for approval of the evaporative loss adjustment that the director determine are necessary because of particular circumstances relating to the nature of the cooling tower installation or other operations conducted on the subject premises including, without limitation, special conditions concerning the number, size, design, location, configuration or security of intake and discharge meters, installation of readout and data transmittal equipment, reconfiguration of plumbing servicing the subject premises or cooling tower installation, access to submetering, readout and data transmittal facilities, conditions for proper recording and reporting of water consumption and discharge to the sewer system, submeter read date(s), elimination or metering of bypass plumbing, securing or sealing of bypass plumbing, meter reading and billing protocols, meter maintenance protocols, safety of applicant personnel, City personnel and third persons installation of backflow prevention devices or other measures for protection of the potable water supply and other special conditions that the director determines are necessary to the safe, proper and efficient installation, operation and maintenance of the submetered installation and the proper documentation, reporting, calculation and administration of wastewater billings for the subject premises. The evaporative loss adjustment shall be granted only in accordance with the general conditions stated in this article and the special conditions prescribed by the director. The director may reject an application or revoke approval for receipt of the evaporative loss adjustment for failure to comply with the special conditions prescribed and the adjustment shall not be granted for any portion of the billing cycle in which the customer has failed to comply with the special condition(s).

(6) Information required. The customer application for approval of the evaporative loss adjustment shall:

- (a) describe the processes or operations conducted on the subject premises;
- (b) describe the subject cooling tower installation, its location and the location of primary city water meters;
- (c) describe the size, type, design, number and location of backflow prevention devices existing or proposed to be installed on the subject premises;
- (d) describe the size, type, design, number, location and configuration of intake and discharge meters and appurtenances proposed to be installed;
- (e) describe the readout and data transmittal equipment and appurtenances proposed to be installed by the applicant;
- (f) demonstrate the feasibility of submetering the cooling tower installation in accordance with all requirements of this section, other applicable city codes and ordinances and sound engineering, utility and billing practices;
- (g) be accompanied by four copies of the following plumbing diagrams:

- (i) water diagram plan view of the proposed installation;
- (ii) water diagram elevation view of the proposed installation;
- (iii) drainage diagram plan view of the proposed installation; and
- (iv) drainage diagram elevation view of the proposed installation;

(h) where the director determines the same to be necessary, the applicant shall prepare and submit for review and approval by the director plans and specifications for installation of readout or data transmittal equipment required by the director to be installed; and

(i) provide other and further information as the director shall determine to be necessary for proper review and consideration of the application.

(7) Review by director; grounds for rejection; proceedings upon rejection. The director shall review and may reject an application that the director determines is false, inaccurate, incomplete, fails to demonstrate the feasibility of submetering the cooling tower installation in accordance with this article, other applicable City codes and ordinances and sound engineering, utility and billing practices, or otherwise fails to conform to this article. If the director rejects the application, the director shall notify the applicant in writing of the rejection of the application and the reasons for rejection. If the application is rejected, the applicant may, at its option, submit a revised application conforming to this article for review and approval without payment of another application and processing fee provided that the revised application is received by the director within 90 days of the initial rejection by the director. The director may extend the time for resubmittal of the application upon written request by the applicant demonstrating that good cause exists for the extension.

(8) Access for site review. If the director determines that a site review of the cooling tower installation is necessary for proper consideration of the application, the applicant shall provide the director access to the subject cooling tower installation.

(9) Submeter installations previously installed and approved under written agreements with the city. In the event that the customer had installed submetering equipment pursuant to a written agreement with the City executed prior to the effective date of this article, the customer may continue to receive the evaporative loss adjustment in accordance with the terms of the written agreement previously entered into for a period not to exceed two years from the effective date of this article. On or before the expiration of the two year period, the director shall give written notice of the termination of the written agreements including the effective date for termination of the written agreement. In order to receive the evaporative loss adjustment after the effective date for termination of the prior written agreement, the customer shall apply for approval to receive the evaporative loss adjustment in accordance with this article.

(10) Documentary requirements for reapplications or renewals under this article, applications by customers whose previous agreement is terminated, or applications in process prior to effective date of this article. Where a customer had requested approval for receipt of the evaporative loss adjustment prior to the effective date of this article but no written agreement was executed, or where an application is submitted by a customer who has received notice of the termination of a prior written agreement for receipt of the evaporative loss adjustment, or in the case of reapplications or renewal applications under this article, the director may modify or waive the documentary submittal requirements set forth above in a manner the director shall determine to be just and equitable so long as:

(a) the director determines that information describing the cooling tower installation, submeter facilities and appurtenances sufficient for processing the application has been obtained from the applicant;

(b) the director has conducted a site inspection of the submeter facilities previously installed;

(c) the applicant has paid all applicable fees for processing the application;  
and

(d) the applicant complies with all other requirements of this article for receipt of the evaporative loss adjustment.

(11) Compliance with plumbing, electrical, cross-connection, other ordinances. The applicant shall obtain all permits, inspections, and approvals and otherwise comply with the terms of the city's Plumbing Code, Electrical Code, Chapter [15-1](#) (*Cross Connection Regulations*), Industrial Waste Ordinance and other ordinances applicable to the installation of the intake and discharge meters, readout and data transmittal equipment or the discharge from the cooling tower installation.

(12) Unmetered bypass piping to be sealed. Any piping constituting or capable of being utilized as an unmetered bypass of the discharge meter installed (the unmetered bypass piping or unmetered bypass) must be sealed in a manner specified by the director and the seal so affixed thereon shall not be broken except following written or telephonic notice to the director indicating the intent of the customer to utilize the unmetered bypass piping and providing an estimate of the time for completion of meter maintenance or other activity requiring utilization of the unmetered bypass piping.

(13) Calibration and testing of intake and discharge meters and appurtenances required prior to final approval of evaporative loss adjustment. Prior to final approval by the director, the customer shall retain a qualified independent meter calibration and testing firm approval by the director to calibrate and test the intake and discharge meters, and readout or data transmittal equipment if the installation of same is required by the director, to ensure the proper calibration and performance in accordance with American Water Works Association standards for meter accuracy. The written results evidencing

proper calibration and performance of the equipment shall be forwarded to the director as a condition for final approval to receive the evaporative loss adjustment.

(14) Written notification by director of completion of requirements and final approval for receipt of evaporative loss adjustment. The director shall notify the applicant in writing of the completion of all requirements for final approval for application of the evaporative loss adjustment to wastewater billings for the subject cooling tower installation.

(15) Approval for five year term; reapplication to receive evaporative loss adjustment. Approval to receive the evaporative loss adjustment shall be valid for a period of five years following which the applicant must reapply under the then existing conditions for application and approval of the evaporative loss adjustment. If the customer fails to reapply for approval to receive the evaporative loss adjustment on or before the expiration of the prior approval, wastewater billings to the premises will be based on metered water consumption until a new wastewater average is established for the premises or until the customer reapplies and is again granted approval to receive the evaporative loss adjustment.

(16) Adjustment effective first complete billing period following final approval of submeter installation. Application of the evaporative loss adjustment to customer billings shall commence with the first complete billing cycle following inspection, testing and final approval of the submetered installation and the director's issuance of a letter to the customer acknowledging that all requirements for approval of the evaporative loss adjustment have been completed and accepted.

(17) Annual calibration and testing of submeter installation required. In order to continue receipt of the evaporative loss adjustment for each calendar year in the five year period following final approval by the director, the customer must have the intake and discharge meters calibrated and tested for accuracy at least annually and forward written evidence of the completion of same to the director on or before the expiration of one calendar year from the date of the previous calibration and testing.

(18) Operation and maintenance in accordance with manufacturer's specifications. The applicant shall, at all times, operate and maintain the intake and discharge meters, readout and data transmittal equipment in accordance with the manufacturer's specifications for same and in accordance with American Water Works Association standards for meter accuracy. A submeter not meeting the above standards for accuracy must be repaired or replaced and recalibrated to conform to the American Water Works Association standards for accuracy. In the event that a submeter stops registering or otherwise becomes inaccurate, the evaporative loss adjustment shall be adjusted back to the beginning of the inaccuracy. If the beginning date of the inaccuracy cannot be determined, the adjustment period will be one-half the time from the last submeter test date.

(19) Submetered installation subject to inspection and testing by the City. The intake and discharge meters, readout and read data transmittal equipment installed by the customer shall be subject to inspection and testing by the director at any time. The customer shall ensure access for the purpose of the inspection and testing without delay at all times.

(20) Monthly customer submeter reading and transmittal of submeter reading data to director. In order to receive the evaporative loss adjustment for each monthly billing cycle, the customer approved to receive the evaporative loss adjustment must read correctly the intake and discharge meters on the same day that the city meter readers read the city water meters for the subject premises (the city meter read date) and the customer shall transmit the submeter reading data to the director by telephone, telefax, by radio or computer controlled data transmittal equipment, or other means approved by the director, before the close of business on the city meter read date. The director shall notify the customer in writing of the approved city meter read date on which the intake and discharge meters must be read and reported to the director.

(21) Written certification of meter reading required. Following an unsigned transmittal of the readings of the intake and discharge meters by the customer under the Subparagraph (20), an authorized representative of the customer shall forward written verification of the meter readings to the director on a form provided by the director. The written verification of the intake and discharge meter readings shall be signed and dated and forwarded to the director within three business days following the City meter read date.

(22) No evaporative loss adjustment or use of winter average method for monthly billing cycles in which customer fails to transmit submeter read data on city meter read date. The evaporative loss adjustment shall not be granted for any monthly billing cycle in which the customer has failed to read the intake and discharge meters and transmit the submeter readings to the director before the close of business on the city meter read date. In addition, in the event of the failure by the customer to report or transmit the required submeter readings on the city meter read date, the customer's wastewater bill for the monthly billing cycle in question shall be determined on the basis of the actual water consumption for the subject premises for the billing cycle in question.

(23) Calculation of wastewater bill for premises for which the evaporative loss adjustment has been approved. The following rules shall apply to the calculation of the wastewater bill for premises for which the evaporative loss adjustment has been approved:

(a) The amount of evaporative loss shall be determined for each monthly billing cycle by the readings of the intake and discharge meter(s) reported to the director in accordance with this article unless the director determines that the meter readings are false, inaccurate or otherwise unreliable in which case the evaporative loss adjustment shall not be granted for the subject billing period.

(b) Nothing in this section shall be construed to permit or require the retroactive application of this article or the adjustment or recalculation of the wastewater bill of a customer for any monthly billing cycle or portion occurring prior to final approval by the director of the customer's application for receipt of the evaporative loss adjustment.

(c) The amount of evaporative loss determined by readings of the intake and discharge meters shall not be subtracted from the winter average water consumption in the calculation of the wastewater bill for the customer premises for which the evaporative loss adjustment has been approved.

(d) Subject to any special billing conditions or protocol approved by the director, and subject to this article, for customers having a City water meter used to service the building (including the cooling towers) and an irrigation system, the wastewater bill for the premises for which the evaporative loss adjustment has been approved shall be calculated as follows:

(i) For each year following approval of the customer application for receipt of the evaporative loss adjustment, a revised wastewater average for the customer premises housing the approved cooling tower installation (Revised Wastewater Average) shall be established which shall be the average of the differences between the readings of the City water meter and the readings of the customer's intake meter for the months of December, January, and February.

(ii) Once the revised wastewater average for the customer premises is established in the above manner, the wastewater volume for the ensuing months will be the revised wastewater average so established or the actual water consumption determined by the readings of the City water meter(s) for each billing cycle, whichever is less, plus the volume of cooling tower blowdown determined by the discharge meter reading(s) for each monthly billing cycle.

(iii) The volume of wastewater derived in accordance with (ii) above shall then be multiplied by the wastewater rate for the applicable customer class and then added to the monthly customer account charge established by the city council to derive the wastewater bill for the customer premises.

(iv) A revised wastewater average for the customer premises shall be established as set forth above in the winter months for each year of the five year term that the approval for the evaporative loss adjustment is in effect.

(v) For any year in which a revised wastewater average for the customer premises cannot be derived as set forth above due to the timing of the application or approval of the evaporative loss adjustment, the wastewater volume will be based on the actual water consumption for customer premises determined by the reading of the city water meter for each monthly billing cycle less the volume of cooling tower makeup water determined by the intake meter in the monthly billing cycle plus the

volume of cooling tower blowdown water discharged to the city's wastewater system determined by the discharge meter reading for the monthly billing cycle.

(e) Notwithstanding the above, and subject to any special conditions or billing protocol approved by the director, wastewater billings for those utility customers having one or more city water meters to service the building (including the cooling towers) and one or more separate city water meters used solely to service an irrigation system shall not be based on the standard wastewater average method or the revised wastewater average calculation described in Subparagraph (d) but shall be calculated as follows:

(i) for each billing period following approval of the customer application for receipt of the evaporative loss adjustment, the difference between the intake meter reading and the discharge meter reading shall be subtracted from the actual water consumption for the building (including the cooling towers) determined by the readings of the city meters servicing the building (and cooling towers) for each monthly billing cycle; and

(ii) the volume of wastewater derived in accordance with Subdivision (i) shall be multiplied by the wastewater rate for the applicable customer class and adding the customer account charge established by the city council to derive the wastewater bill for the building utility account.

(f) Notwithstanding the above, and subject to any special billing conditions or protocol approved by the director, for customer premises that have one or more separate city water meters that service both an irrigation system as well as one or more cooling towers (but not the building proper), or for customer premises having one or more separate city water meters used solely to service the cooling tower(s) (but not the building proper), the wastewater bill for the utility account(s) servicing the cooling tower(s) shall be calculated by multiplying the wastewater volume determined by the discharge meter reading for each monthly billing period by the rate for the applicable customer class and adding the customer account charge established by the city council to derive the wastewater bill for the utility account.


(24) Flow metered installations not eligible. Customer premises whose total wastewater discharge to the City's wastewater system (meaning the discharge from all buildings, cooling towers and other installations on the site) is monitored by one or more wastewater flow meters whose installation has been separately approved by the director are not eligible to receive the evaporative loss adjustment.

(25) Contracts authorized for non-standard situations. For users of evaporative cooling towers whose particular circumstances do not meet the literal requirements of this article but in which the director reasonably determines that the grant of evaporative loss adjustment is just and equitable and capable of being implemented and administered in accordance with generally accepted metering, billing and engineering practices, the director may enter into written agreements approved by the city attorney setting forth



terms and conditions for approval and application of the evaporative loss adjustment to non-standard situations. A written agreement shall reflect the substantive requirements of this article as closely as possible and the existence of an agreement shall not exempt the customer from the obligation to comply with Section [15-9-242](#) (*Offenses*) nor limit the applicability of the sanctions set forth in Section [15-9-243](#) (*Revocation of Adjustment*).

*Source: 1992 Code Section 18-4-350; Ord. 031204-14; Ord. 031211-11.*

 § 15-9-242 OFFENSES.

(A) A person commits an offense if the person:

(1) makes or transmits to the director a false report of the reading of an intake or discharge meter for a cooling tower installation approved to receive the evaporative loss adjustment;

(2) tampers with an intake or discharge meter, readout device, read data transmittal equipment, or attached plumbing or electrical connections in a manner that causes inaccurate or false readings or reports of the water taken into or discharged from a cooling tower installation authorized to receive the evaporative loss adjustment;

(3) installs a water tap downstream of an intake meter installed for the purpose of receiving the evaporative loss adjustment without securing the prior written approval of the director; or

(4) uses an unmetered bypass of a discharge meter without providing written or telephonic notice to the director prior to using the unmetered bypass.

(B) An offense under this section is a Class C misdemeanor punishable by a fine of up to \$2000.

*Source: 1992 Code Section 18-4-351; Ord. 031204-14; Ord. 031211-11.*

 § 15-9-243 REVOCATION OF ADJUSTMENT.

(A) Approval for receipt of the evaporative loss adjustment shall be revoked and the customer shall not receive the evaporative loss adjustment for any billing period:

(1) affected by customer tampering with the intake or discharge meter or readout or read data transmittal equipment;

(2) in which a false report of the intake or discharge meter reading is made;

(3) during which a water tap was installed downstream of the intake meter without the prior written approval of the director; or

(4) in which the customer has utilized an unmetered bypass of the discharge meter without prior written or telephonic notice to the director.

(B) For the billing period in which an act described in Subsection (A) occurs, the customer shall be billed for wastewater service with the volume of wastewater being determined by the monthly readings of the City water meters whose readings include the cooling tower installation (i.e. the wastewater volume shall be equal to the actual water consumption for the City water meters servicing the cooling towers).

(C) In addition to the filing of criminal charges, revocation of the evaporative loss adjustment for the billing cycle affected, and other sanctions available at law or in equity, the director may revoke approval for future application of the evaporative loss adjustment to subsequent wastewater billings of a customer that has made a false report of the reading of the intake or discharge meter, tampered with the intake or discharge meter, readout device, or data transmittal equipment installed, installed a water tap downstream of the intake meter or utilized an unmetered bypass of the discharge meter without notice to the director. If the director revokes approval for application of the evaporative loss adjustment to future wastewater billings, future wastewater billings will be based on the standard wastewater average. If sufficient winter month consumption history is not available to calculate the standard wastewater average, then wastewater billings will be based on actual water consumption determined by the monthly readings of the City water meter readings whose readings include the cooling tower installation until sufficient winter month water consumption data is available to calculate the standard wastewater average.

(D) Filing of criminal charges or a conviction is not a precondition for revocation of the evaporative loss adjustment if the director has reasonable cause to believe the customer has engaged in conduct prohibited by this article.

*Source: 1992 Code Section 18-4-352; Ord. 031204-14; Ord. 031211-11.*