

# The Wastewater User Fee Tariff

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1. **Scope of Responsibilities:** The purpose of the Virgin Islands Waste Management Authority (VIWMA) is to provide environmentally sound management for the collection and disposal of solid waste including the operation and closure of landfills and wastewater collection, transport, treatment, and disposal in the Territory. The VIWMA reserves the right to determine the type(s) of solid waste services and type(s) of wastewater services offered in different geographical areas of the Territory.
2. **Wastewater User Fee (WUF) Definitions:**
  - 2.1. *“Annual Wastewater User Fees”* means the annual service charge, expressed as an Equivalent Residential Unit, imposed for the use and services of the wastewater treatment facilities.
  - 2.2. *“Equivalent Residential Unit (ERU)”* means the unit of measurement applied to determine the base fee to be charged to Residential and Commercial users, the number of units of which is varied on the basis of anticipated volume and strength of sewage treated by the System.
  - 2.3. *“Building”* means any building or structure heretofore or hereafter constructed and designed for dwelling or commercial purposes: either temporary or permanent, occupied by one, or more persons, and which connects directly or indirectly to the System.

- 2.4. “Non-Residential User” means use of the System by a single business, professional, industrial, governmental, religious, or other entity, other than residential user, in a building occupied by one or more of such commercial users, without regard to the number of connections to the System by a single commercial user.
- 2.5. “Residential User” means the use of the System by a single person, family, or other living unit in a building used for single or multi-family dwelling purposes without regard to the number of connections to the System used by that single person, family, or living unit regardless of number of bedrooms, bathrooms or square feet.
- 2.6. “System” means the network of sewer lines, interceptors, wastewater treatment facilities and all appurtenances thereto, owned and operated by the Virgin Islands Waste Management Authority for the purpose of collecting, transporting, and treating sewage generated by users of the System.
3. **User Classifications:** The annual charge for an Equivalent Residential Unit has been established by assessing actual costs for operation and maintenance, including replacement, and by determining the total number of ERUs on the System. An ERU is a unit of service defined in accordance with and in proportion to the volume, strength, and delivery flow of sewage to be treated.
- 3.1. Owners of Residential Properties: The owner of every building which contains sanitary facilities connected to the public sewer system and is used as a private dwelling unit shall pay to the Department of Finance an annual Wastewater User Fee for the use of the public sewer system based on the number of dwelling units connected to the System. A dwelling unit is defined as a living unit such as an apartment house or condominium. Each dwelling unit shall be charged for one (1) ERU.
- For example, a private home with an studio apartment for rental would be assessed at two (2) ERUs.
- 3.2. Owners of Non-Residential Properties: The owner of every building which contains sanitary or any other facilities connected to the public sewer system and is used as a commercial or professional establishment or for any purpose other than a private dwelling unit shall pay to the Department of Finance an annual Wastewater User Fee for the use of the public sewer system for each commercial, professional, or other establishment occupying said building. Such fees are based on the number of ERUs connected to the System. Any and all such commercial, professional, or other establishments shall be charged for one (1) Equivalent Residential Unit (ERU) except as indicated in Table 1 herein.

3.3. *Properties with Multiple Use*: A single building used by multiple businesses would be charged according to the aggregate number of ERUs which may vary on the type of business. For example, a strip mall with four different businesses would be assessed as follows:

A Store	1	unit
A 100 Seat Restaurant	10	units
A Health Club	2	units
<u>A Church</u>	<u>1</u>	<u>unit</u>
Total	14	units

4. **Annual WUF Billing:** One bill shall be used for annual wastewater user fees. Billing shall be on an annual basis. An explanation of the user's share of the cost for the use of the system shall accompany each user's bill.
5. **Changes to Property Usage:** It shall be the duty of the owner of the property or the administrator thereof to report to the VIWMA changes in the type(s) of commercial, professional, or other establishments and/or the number of dwelling units occupying the owner's building so that an adjustment in the number of units can be made, if necessary. These changes shall be addressed in writing to the Chief Financial Officer of the VIWMA.
6. **Assessment Review:** The VIWMA shall conduct a review, as frequently as deemed necessary, for the purpose of making any adjustment which may have been overlooked previously. This review shall include: the number and type(s) of commercial, professional, or other establishments; the number of dwelling units found on each property; the name of the owner; and in case of a property being administered, the name of the administrator as well; and the date the review was conducted. Whenever a property owner or the administrator of a property fails to make the required report concerning any change in the type of service, said property shall be held liable for fees and applicable penalties as a result of such neglect. Penalties will be in accordance with the property tax penalty system.
7. **Discounts or Rate Reductions:** Quantity discounts to large volume users shall not be permitted. Any rate reductions made possible by system savings shall be apportioned equally among all users or user classes and shall be reflected by reduced subsequent fees.

**Table 1: Territory Wastewater ERU Equivalencies**

Hotels, motels, and resorts	1 unit for each room
Food service facilities (including any person, society, non-profit with a bar or restaurant on the premises, and any other bar, diner, tavern, soda fountain, luncheonette, nightclub, or restaurant.)	1 unit for each 10 seats or portion thereof
Bakery	2 units
Supermarkets/Food Wholesalers With meat processing	1 unit for each 5 employees Add 1 unit
Laundering Services Each washer of not more than 12 pound capacity Each washer over 12 pound capacity	1 unit 1.5 units
Single family dwelling with a place of business	2 units
Rented rooms	0.25 units per room
Service station: with car wash without car wash	3 units 2 units
Car Wash & Car Rental Agencies	2 units
Health Club	2 units
Theater or movie house	1 unit for each 100 seats or fraction thereof
Industrial plants and airports	1 unit for each 5 employees
Schools	1 unit for each 30 occupants: faculty, staff, and students
Hospitals, nursing homes, orphanages, prisons	1 unit for each 2 beds
Churches	1 unit
Offices	1 unit for each 30 employees
Government offices, federal and local	1 unit for each 30 employees
Fractional ownership of apartments or condominiums (otherwise known as timeshares)	1/52 unit for each week of fractional ownership or \$5, whichever is greater
Other	1 unit

8. **Disputes of WUF Payments Due:** The dispute resolution process was designed by the VIWMA to provide a formal way for resolving disputes initiated by property owners who disagree with the VIWMA's assessment of the Wastewater User Fee.

8.1.1. Who Can File a Dispute: The Real Property Owner during the period of assessment (Complainant).

8.1.2. Payment of WUF: Complainant cannot file dispute notices until they have paid all of the WUF. The VIWMA will reject dispute notices when Complainants have not paid these sums for the services at issue.

8.1.3. Time Limit for Filing a Dispute Notice: Dispute notices must be filed within 90 days of the date the WUF fee was paid. When the last day of the time limit falls on a day that the appropriate office is not open for business, the final day for filing the dispute notice is the next business day.

8.1.4. Preparing and Presenting a Dispute Notice: Complainants must submit dispute notices in the form, manner, and with the appropriate information required by the VIWMA. The VIWMA retains the right to reject a dispute notice which does not meet the specified requirements. When the VIWMA returns a dispute notice to a Complainant, for a reason other than the expiration of a time limit requirement, the Complainant can present a revised notice to the VIWMA within the time limit.

8.1.4.1. Reviewing the Dispute: The VIWMA shall review all dispute notices, supporting documentation, and evidence submitted in an effort to determine the validity of the arguments as set forth by the Complainant. The VIWMA shall investigate the Complainant's concerns and render a decision within 90 days of receipt of a satisfactory dispute notice and all required information.

8.1.5. Issuing the Decision: The VIWMA shall prepare a detailed statement to inform the Complainant of its decision regarding the dispute, as well as the reasons supporting that decision. The detailed statement shall also indicate the amount of any refund or demand for payment.

8.1.6. Payment or Refund Requirements After a Dispute Decision:

8.1.6.1. Refund Due: When the VIWMA owes the Complainant a refund of fees, it shall pay this amount, either through cash reimbursement or credit against future or existing fees within 30 days.

8.1.6.2. Payment Due: When the Complainant owes the VIWMA additional fees, they shall pay the fees owed, within 30 days. If timely payment is not made, the VIWMA may take lien action against the property. The VIWMA may also take other action as deemed necessary.

- 8.1.7. *Complaint with the Public Services Commission:* Complainants who are dissatisfied with the decision rendered by the VIWMA may elect to file a complaint stating their case to the Virgin Islands Public Service Commission.

**9. Rights of the VIWMA:**

- 9.1. The VIWMA reserves the right to have other wastewater rules and regulations.
- 9.2. The VIWMA's authorized representatives shall have the right to have access at all reasonable times to all parts of any premises connected with the System for the purpose of examining and inspecting connections and fixtures, including wastewater metering arrangement, assessing property usage classifications, or for disconnecting service for any proper cause.
- 9.3. The VIWMA reserves the right to change or amend, from time to time, these Rules and Rates, in accordance with law.
- 9.4. The VIWMA reserves the right to change the terms set forth in this tariff upon review by the PSC.
- 9.5. The VIWMA reserves the right to charge other fees, subject to the PSC approval, to cover the actual costs of the VIWMA: for additional solid waste and wastewater services, in order to comply with federal and local regulations and orders, for changes in anticipated funding, to meet the future budgetary requirements of the VIWMA, or as otherwise deemed necessary by the VIWMA.
10. **WUF Rate Schedule:** The WUF Rate Schedule is included therein in this tariff in Appendix A.

# Appendix A

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## Environmental User Fee Schedule of Rates

**WASTEWATER COLLECTION & TREATMENT SERVICE**

**SERVICE AVAILABILITY -**

Available throughout the U.S. Virgin Islands

**LIMITATIONS -**

Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the U.S. Virgin Island Waste Management Authority and approved by the Public Service Commission of the U.S. Virgin Islands

**USER FEE APPLICABILITY -**

To all residents and businesses located in the U.S. Virgin Islands based upon contribution of wastewater to the U.S. Virgin Islands wastewater management facilities and general benefit from existence of a wastewater system

**RATES -**

Identified below for Connected Customers per Service Unit ("Unit") as identified and defined within the U.S. Virgin Islands Waste Management Authority billing system

<b>Units Connected to the Wastewater System:</b>	
<b><u>WUF</u></b>	<b><u>Annually</u></b>
<b>Charge / Unit</b>	<b>\$110.97</b>