

EXHIBIT 8

City of College Place STORMWATER UTILITY & RATES

September 25, 2018



Ordinance & Rate Resolution Highlights

EXHIBIT 3

City of College Place, Washington ORDINANCE NO. 18-019

AN ORDINANCE OF THE CITY OF COLLEGE PLACE, WASHINGTON, AMENDING TITLE 13 OF THE COLLEGE PLACE MUNICIPAL CODE BY ADDING A NEW CHAPTER 13.15 STORM AND SURFACE WATER UTILITY THERETO; CREATING A STORM AND SURFACE WATER UTILITY AND REGULATIONS PERTAINING THERETO; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of College Place, Washington is a non-chartered code city governed by Title 35A Revised Code of Washington; and

WHEREAS, Article 11, section 11, of the Washington State Constitution provides that the City of College Place "may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;" and

WHEREAS, the College Place City Council, by Section 35A.11.020 of the Revised Code of Washington, through section 35A.13.230 of the Revised Code of Washington, has any authority ever given to any class of municipality or to all municipalities in this state, and all powers denied to code cities by law, which may be exercised in regard to the regulation or use of public ways and property of all kinds and improvements thereto; and

WHEREAS, the City of College Place received a letter State of Washington Department of Ecology dated October 25, 2017 notifying the City that the City meets the criteria for coverage under the Clean Water Act's National Pollution Discharge Elimination System (NPDES) municipal stormwater permit program as outlined in 40 CFR 122.32 and will need to submit an application for permit coverage in 2019; and

WHEREAS, the NPDES permit requires the City to actively perform and meet requirements involving public education and outreach, public involvement and participation activities, post construction stormwater management for new development and redevelopment, construction site stormwater run-off control and enforcement, municipal operations and maintenance of city rights-of-way and properties, and Total Maximum Daily Load (TMDL) monitoring and compliance; and

WHEREAS, the Clean Water Act provides opportunity for third party lawsuits against the City

EXHIBIT 5

City of College Place RESOLUTION NO. 18-032

A RESOLUTION OF THE CITY OF COLLEGE PLACE, WALLA WALLA COUNTY, WASHINGTON, RELATING TO THE ADMINISTRATIVE FEES AND CHARGES OF THE COLLEGE PLACE MUNICIPAL CODE.

WHEREAS, the City of College Place received a letter State of Washington Department of Ecology dated October 25, 2017 notifying the City that the City meets the criteria for coverage under the Clean Water Act's National Pollution Discharge Elimination System (NPDES) municipal stormwater permit program as outlined in 40 CFR 122.32 and will need to submit an application for permit coverage in 2019; and

WHEREAS, the NPDES permit requires the City to actively perform and meet requirements involving public education and outreach, public involvement and participation activities, post construction stormwater management for new development and redevelopment, construction site stormwater run-off control and enforcement, municipal operations and maintenance of city rights-of-way and properties, and Total Maximum Daily Load (TMDL) monitoring and compliance; and

WHEREAS, the City of College Place Council has seen fit to establish a stormwater utility to meet the requirements of the permit; and

WHEREAS, the City of College Place Council has retained Financial Solutions Consulting Group to perform a storm and surface water rate study to determine City storm and surface water rates that will fully cover the cost of compliance programs, maintenance, improvements, and essential City infrastructure; and

WHEREAS, the Council has reviewed alternative rate structures and levels of service; and a rate schedule was published in the newspaper of record in advance of a public hearing on the setting of storm and surface water rates held on September 25, 2018;

WHEREAS, the Council has determined that a new equivalent service unit (ESU) based rate structure is in the best interest and future needs of the community in providing reliable stormwater services; and

WHEREAS, the City Council of the City of College Place that the rates set forth below shall henceforth be modified and charged:

Ordinance & Rate Resolution Highlights

Purpose:

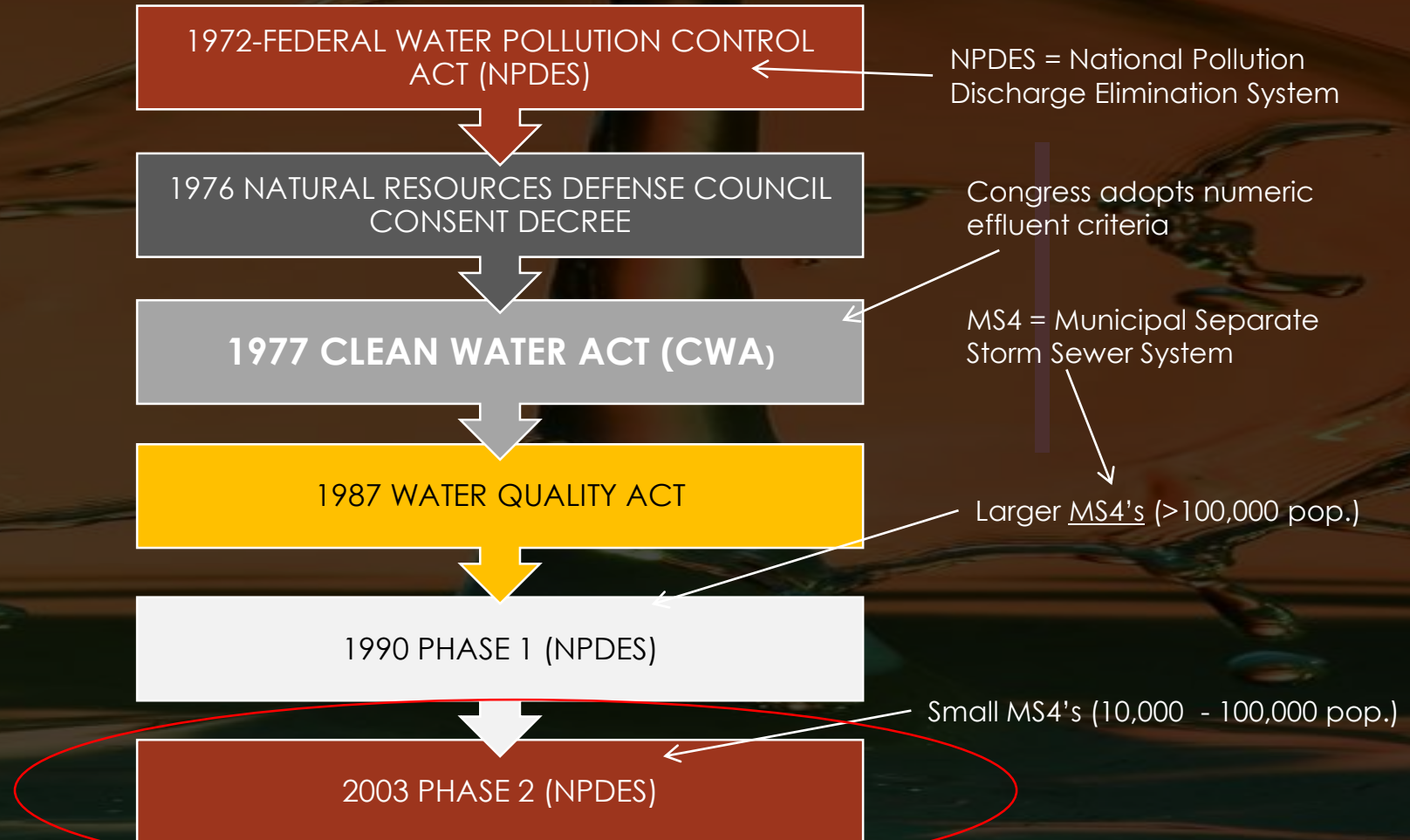
- Promote public health, safety and welfare through a comprehensive approach to surface and storm water problems, including but not limited to enhancing the protection of the City's aquatic resources, reducing discharge of pollutants and providing a response to reduce flooding and erosion damages.
- Comply with the Clean Water Act.
- Protect the City against EPA fines and third-party lawsuits.
- Establish rates and charges.
- Create a storm and surface water management fund.

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SOME HISTORY...



Ordinance & Rate Resolution Highlights

Third-party Lawsuits:

- Special interest groups seeking to preserve stream habitat and water quality.
- Allowed to sue for non-compliance.
- Listed species in Mill Creek (Dolly Varden/Bull Trout & summer steelhead)
- Spring Chinook reintroduced.

Ordinance & Rate Resolution Highlights

Regulatory Enforcement Options

- Under section 309, EPA can issue administrative orders against violators, and seek civil or criminal penalties when necessary.
- For a first offense of criminal negligence, the minimum fine is \$2,500, with a maximum of \$25,000 fine per day of violation. A violator may also receive up to a year in jail. On a second offense, a maximum fine of \$50,000 per day may be issued.
- For a knowing endangerment violation, i.e. placing another person in imminent danger of death or serious bodily injury, a fine may be issued up to \$250,000 and/or imprisonment up to 15 years for an individual.

Ordinance & Rate Resolution Highlights

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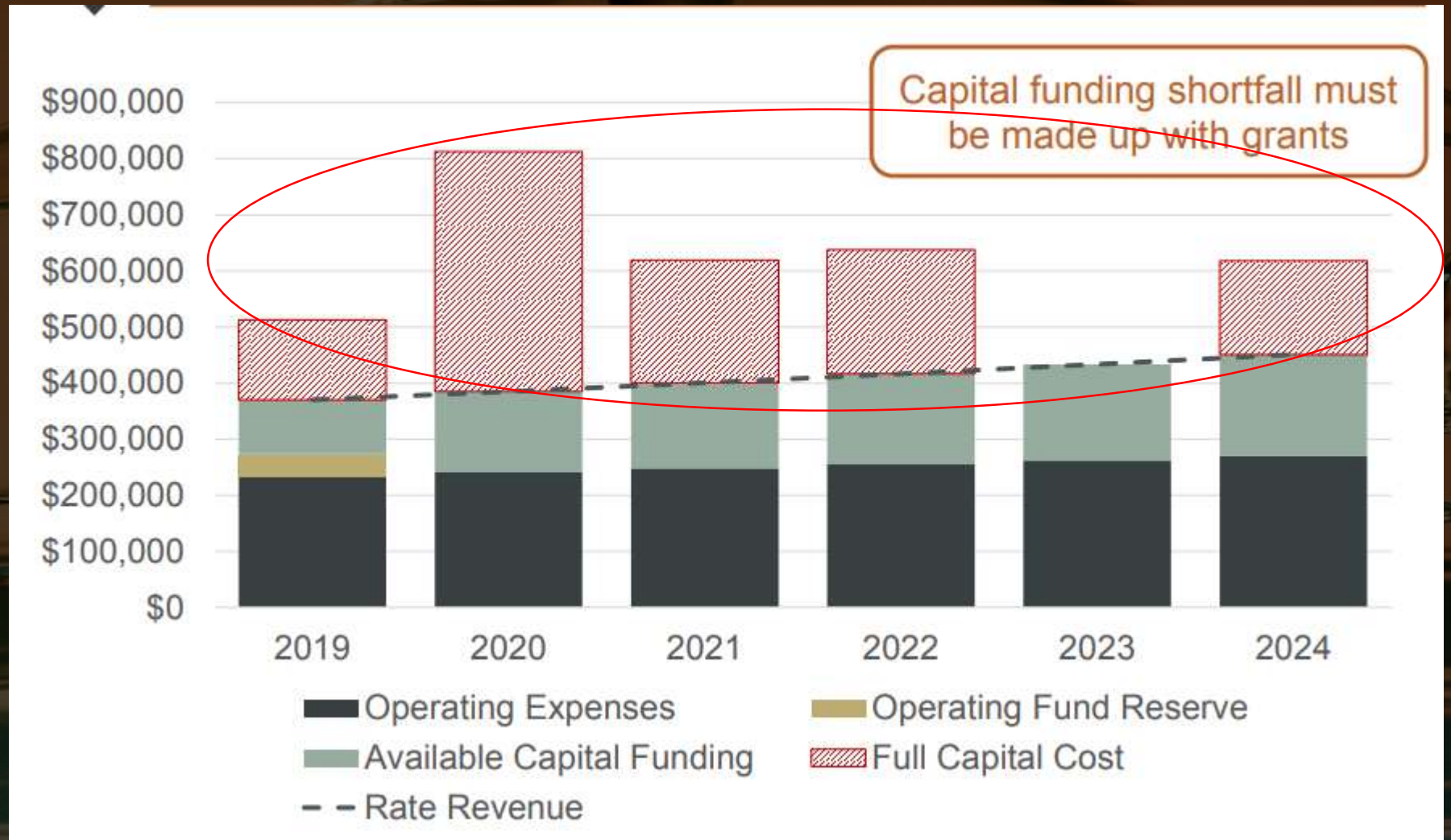
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Ordinance & Rate Resolution Highlights

Charges:

- Standard \$9.19 monthly residential lot charge (Equivalent Service Unit =3500 sf).
- \$2.63 credit per ESU for lots with on-site facilities.
- Non-residential charged per equivalent ESU's
- Incremental increases through 2021.
- Effective January 2019.

Ordinance & Rate Resolution Highlights



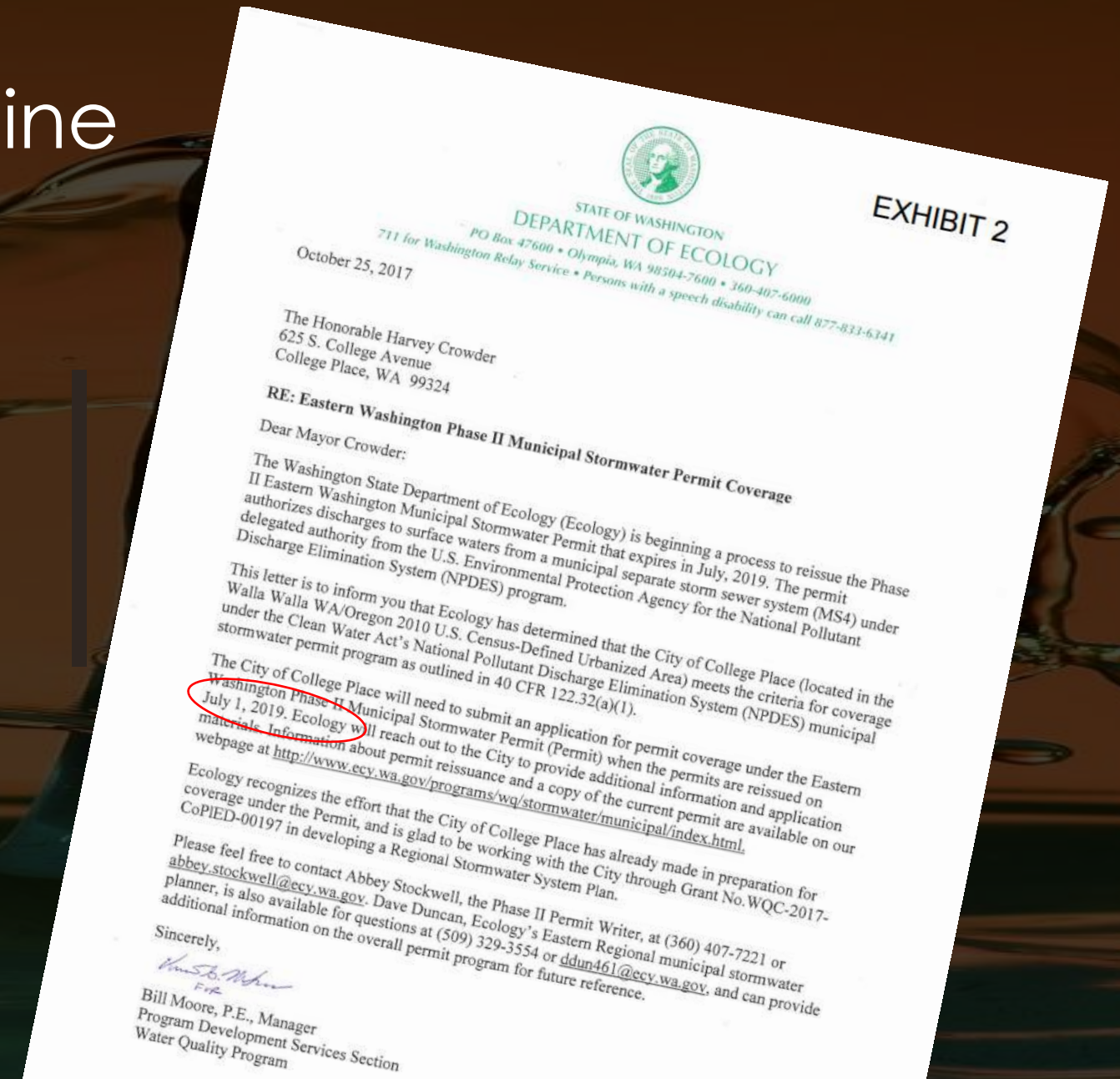
Ordinance & Rate Resolution Highlights

Features/exemptions:

- 20% Discount for low-income senior or low income disabled citizens.
- 10% reduction for new or remodeled commercial building utilizing rainwater harvesting (RCW 35.67.020(3)).
- City roads, easements and properties exempt.

Compliance Deadline

July 1, 2019



A high-speed photograph of a water splash against a dark background. The splash is centered, with a vertical column of water rising from the impact point. The water surface is distorted with ripples and smaller droplets. The word "Questions?" is written in white, sans-serif font across the upper part of the splash. Two vertical purple lines are positioned on either side of the central water column, extending from the top of the splash down to the base of the water.

Questions?