

**TOWN OF COVENTRY  
STATE OF RHODE ISLAND  
ORDINANCE NO. \_\_\_\_ - \_\_\_\_ - \_\_\_\_\_**

AMENDMENTS TO REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF COVENTRY, STATE OF RHODE ISLAND.

The Town Council of the Town of Coventry hereby ordains the following amendments to Chapter 191 of the Coventry Code:

**Town of Coventry, RI / The Code / Part II: General Legislation**  
**Chapter 191 Sewers**

[HISTORY: Adopted by the Town Council of the Town of Coventry 9-10-2015 by Ord. No. 05-15-303.<sup>11</sup> Amendments noted where applicable.]

**GENERAL REFERENCES**

Hazardous wastes — See Ch. **136**.

Industrial waste disposal — See Ch. **142**.

Solid waste — See Ch. **204**.

Stormwater management — See Ch. **206**.

Streets and sidewalks — See Ch. **209**.

Wells — See Ch. **242**.

[1]

*Editor's Note: This ordinance also superseded former Ch. 191, Sewers, adopted 7-6-2009 by Ord. No. 05-09-275, as amended.*

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§ 191-11 Appeals.

§ 191-12 Severability.

§ 191-13 Inconsistent ordinances repealed.

§ 191-14 Assessment.

§ 191-15 Use charge.

§ 191-16 Changes in regulations.

§ 191-17 Construction by licensed drain layer only.

§ 191-18 Low-pressure sewers.

§ 191-19 Privately owned wastewater facilities.

§ 191-20 When effective.

§ 191-21 Waterman/Fiske Sewer Assessment Relief Program.

**§ 191-1 Definitions.**

Unless the context specifically indicates otherwise, the meaning of those terms used in these regulations shall be as follows:

**ACT (or THE ACT)**

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C., § 1251 et seq.

**BEDROOM**

**A.** Any room in a residential dwelling which satisfies the following requirements:

**(1)** Greater than 70 square feet in area, which is susceptible to use as a private sleeping area; and

**(2)** Has at least one interior method of entry and egress allowing the room to be closed off from the remainder of the residence; and

**(3)** Is heated living space that is unrestricted for occupancy; and

**B.** For assessment purposes only, shall be defined as a unit whose wastewater flow is equal to 115 gallons per day. The basis by which projected daily wastewater flows will be determined are based upon current RIDEM-published on-site wastewater treatment systems (OWTS) values per establishment. For wastewater flow volumes not stated in the OWTS regulations, standard engineering values will be used.

**BEST MANAGEMENT PRACTICES (or BMPs)**

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 2(11)(A) and 2(11)(B) of 40 CFR 403.5(a)(2) and 40 CFR 403.5(b). BMPs include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage, alternative means (i.e., management plans) of complying with, or in place of, certain established pretreatment standards and effluent limits.

**BETTERMENT ASSESSMENTS**

Assessments for properties where private parties have constructed the Town's sewage collection infrastructure and for properties that propose a change in use, or an increase in daily flow.

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in milligrams per liter.

**BUILDING DRAIN**

That part of the lowest piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, ending five feet outside the inner face of the building wall.

**BUILDING SEWER**

The service extension from a building to the public sewer or other place of disposal.

**COLLECTION SYSTEM**

The equipment, structures and processes used for the collection, transportation, and pumping of sewage.

**COMMISSION**

The Board of Sewer Commissioners of the Town, if any, appointed pursuant to the Public Laws of Rhode Island, as amended. In the event that there is no such Board of Sewer Commissioners, functions assigned to it hereunder shall be performed by the Town Council. For the avoidance of doubt, the advisory sewer subcommittee of the Town is not the Board of Sewer Commissioners unless the Town Council otherwise expressly provides pursuant to a resolution or by ordinance.

**DEVELOPER**

An individual or group of individuals who are responsible for bringing a project through the development review process and the infrastructure construction to create a new developable lot(s) or area. If the developer is not the owner, he/she must submit evidence that he/she is acting on behalf of the owner.

**DIRECTOR OF PUBLIC WORKS**

The Director of Public Works for the Town of Coventry or his/her duly appointed deputy agent or representative.

**DWELLING**

A house or building consisting of apartments, a group of rooms, or a single room occupied or intended for occupancy as living quarters and consisting of six or less bedrooms and described as residential property with residential use within the Town's property records.

**EASEMENT**

Land described with a specific use intended for the Town.

**FLOATABLE OIL**

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

### **INDUSTRIAL WASTES**

The wastewater from industrial (nonresidential) processes, trades, or business as distinct from residential (sanitary) wastes.

### **INFECTIOUS WASTE**

Waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease. Under this definition, the normal microflora of the body are not classified as infectious. Categories of waste designated as infectious are as follows:

#### **A. HUMAN BLOOD, BODY FLUIDS AND BLOOD PRODUCTS**

All waste human blood, blood products (such as serum, plasma, and other blood components) and body fluids (such as suction fluid and wound drainage) which exist in nonabsorbed liquid form in more than trace quantities.

#### **B. CONTAMINATED SHARPS**

Consists of discarded sharps (e.g., hypodermic needles, syringes, Pasteur pipettes, broken glass and scalpel blades) which may have come into contact with infectious agents during use in patient care or in medical research or have been removed from their original sterile container.

#### **C. CONTAMINATED ANIMAL CARCASSES, BODY PARTS, AND BEDDING**

Refers to carcasses, body parts and bedding of animals that were exposed to pathogens in research and in the production of biologicals or in vivo production of pharmaceuticals.

#### **D. DISCARDED CULTURES AND STOCKS OF INFECTIOUS AGENTS AND ASSOCIATED BIOLOGICAL**

Constitutes infectious wastes because pathogenic organisms are present at high concentration in these materials. Included in this category are pathological laboratories and pharmaceutical companies, wastes from the production of biological and discarded live and attenuated vaccines; also, culture dishes and devices used to transfer, inoculate and mix cultures shall be designated as infectious waste.

#### **E. PATHOLOGICAL WASTE**

Consists of tissues, organs, body parts, removed during surgery and autopsy.

### **INTERFERENCE**

A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the publicly owned treatment works (POTW), its treatment processes or operations or its sludge processes, use or disposal; and, therefore, is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or location regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II

commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**LATERAL SEWER**

A sewer that discharges into a main or other sewer.

**MAY**

Permissive.

**NATURAL OUTLET**

Any outlet, including storm sewers, into a wastewater pond, ditch, lake, or other body of surface water or groundwater.

**NONRESIDENTIAL**

Commercial, industrial, and all other combinations of use, except residential.

**ON-SITE WASTEWATER TREATMENT SYSTEM (or OWTS)**

A system approved by the Rhode Island Department of Environmental Management (RIDEM) which provides sanitary sewerage disposal by means other than discharge into a public sewer.

**ORDINANCE**

The "Sewers Ordinance" herein of the Town of Coventry (Chapter **191**, as amended, of the Town Code of Ordinances).

**OWNER**

Any person who alone, or jointly:

**A.** Has a legal title to any premises; or

**B.** Has control of any premises, such as an agreement to purchase, agent, executor, administrator, trustee, lessee or guardian of the estate of a holder of a legal title.

**pH**

The degree of acidity or alkalinity of a solution often expressed as the negative logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in gram equivalents, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ . pH values of 0 to 7 indicate acidity and from 7 to 14 indicate alkalinity.

**POLLUTANT**

Shall mean but not be limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

**PRETREATMENT**

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**PRETREATMENT COORDINATOR**

The representative of the Town who is responsible for administrating the rules and regulations of the nonresidential users.

**PRETREATMENT STANDARDS**

All applicable federal rules and regulations implementing Section 403 of the Act, as well as any nonconflicting state or local standards. In cases of conflicting standards of regulations, the more stringent thereof shall be applied.

**PRIVATELY OWNED WASTEWATER FACILITY**

Collection system(s) and/or wastewater pretreatment facility(ies) privately-owned by a user and/or association that is connected to a publicly owned wastewater treatment or collection system.

**1.33 PUBLICLY OWNED TREATMENT WORKS (or POTW)**

A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the Town or West Warwick Regional Wastewater Treatment Facility (WWRWTF). This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant (also referred to as a public sewer).

**PUBLIC SANITARY SEWER SYSTEM**

The public system of sanitary sewers installed by the Town of Coventry pursuant to the authority conferred by the Public Laws.

**PUBLIC SEWER**

Any portion of the municipal sanitary sewer system in which all owners of abutting properties have equal rights, and which is controlled by municipal authority.

**RESIDENTIAL**

The use of a dwelling, or building consisting of apartments, a group of rooms, or a single room, occupied or intended for occupancy as living quarters and consisting of six or less bedrooms and described as residential property with residential use within the Town's property records.

**RIDEM**

The Rhode Island Department of Environmental Management.

**RIGHT-OF-WAY (ROW)**

The perpetual right of the Town of Coventry, its assigns, employees, and assignees to pass over and under the land of another for all reasonable purposes involving sewage works to include but not excluding the right to enter upon the land of another at all reasonable times to make repairs, improvements and maintain sewage works upon, over, or under the land of another.

**RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (OR RIPDES)**

The Rhode Island system for using, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits and imposing and enforcing pretreatment requirements pursuant to Title 46, Chapter 12, of the General Laws of Rhode Island and the Clean Water Act.

**SANITARY SEWER**

A conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, and surface waters that are not admitted intentionally.

**SEWAGE**

The used water of a community. Also referred to as "wastewater."

**SEWAGE WORKS**

Any part of the Town's devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant (also referred to as "collection system," "public sanitary sewer system," "publicly-owned treatment works," "public sewer," "sanitary sewer," "sewer," "wastewater facilities," "wastewater treatment works").

**SEWER**

A pipe or conduit that carries wastewater.

**SHALL**

Mandatory.

**SLUG LOAD OR SLUG DISCHARGE**

Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § **191-2** of this chapter. A slug discharge is any discharge of a nonroutine, episodic nature including, but not limited to, an accidental spill or a noncustomary batch discharge which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits or permit conditions.

**SUPERINTENDENT**

The Superintendent of Water Pollution Control for the West Warwick Regional Wastewater Treatment Facility or his/her duly authorized deputy, agent, or representative.

**TOTAL SUSPENDED SOLIDS (or SUSPENDED SOLIDS)**

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

**TOWN**

The Town of Coventry, Rhode Island or any duly authorized officer, agent, or representative of the Town of Coventry.

**TOXIC**

Any substance listed as toxic under Section 307(a)(1) of the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq., listed under the Hazardous Substances Right-to-Know Act, R.I.G.L. § 28-21-1 et seq., and as may otherwise be designated by the Town.

**UNPOLLUTED WATER**

Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.

**USER**

Any person or entity who discharges or causes or permits the discharge of wastewater into the Town's wastewater facilities.

**WASTEWATER**

Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions (whether treated or untreated) which are contributed to the POTW.

**WASTEWATER FACILITIES**

The structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS**

An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with the West Warwick Treatment Facility or "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

**WEST WARWICK REGIONAL WASTEWATER TREATMENT FACILITY (or WWRWTF)**

The wastewater treatment facility, including an arrangement of devices and structures used for treating wastewater, industrial wastes and sludges, located in West Warwick, RI, which was constructed and upgraded to treat wastewater generated in the participating municipalities.

**§ 191-2 Use of public sewers required.**

**A.** It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in an unsanitary manner on public or private property within the Town of Coventry, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

**B.** It shall be unlawful to discharge to any natural outlet within the Town of Coventry, or in any area under the jurisdiction of said Town, any wastewater or other polluted water, except where

suitable treatment has been provided in accordance with subsequent provisions of these regulations.

**C.** Except as hereinafter provided, it shall be unlawful for property owners to construct any privy vault, cesspool, septic tank, OWTS, or other facility intended or used for the disposal of wastewater where a public sewer abuts the property line and where permission to enter such sewer can be obtained from the authority having jurisdiction over it.

**D.** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sewer of the Town, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations, within one year after date of receipt of official notice from the Town. Said connections shall be made without exception, unless for reasons as determined by the Town and unless a waiver is granted by the Town Council. the owners currently have a working septic system (in accordance with RI DEM standards). Once the current septic system fails and cannot be repaired, owners must connect such facilities directly to the proper public sewer in accordance with the provisions of these regulations, unless a waiver is granted by the Town Council.

#### **§ 191-3 On-site wastewater treatment systems (OWTS).**

**A.** When permitted. Where a public sanitary sewer is not accessible and available, the building sewer shall be connected to an OWTS complying with the requirements of the Town and the RIDEM.

**B.** Required approval. Before commencement of construction of an on-site wastewater treatment system, the owner shall first obtain approval from RIDEM. Evidence of such approval shall be filed with the Town.

**C.** Abandoning and filling when public sewer becomes available after the owners' current septic system fails and cannot be repaired. When it is determined by the Commission that a public sewer is accessible and available to property served by private sewage disposal means, a direct connection shall be made to the public sewer in accordance with the provisions of this section, and any underground tanks and cesspools shall be cleaned of sludge and filled with clean sand, gravel, or other approved material immediately after connection is made to the public sewer, unless a waiver is granted by the ~~Director of Public Works~~ Town Council.

**D.** Operation of private disposal systems. The owner shall operate and maintain private sewage disposal facility or OWTS in a sanitary manner at all times, at no expense to the Town.

**E.** Proper removal and disposal. In the maintaining of these OWTS the owner shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town.

#### **§ 191-4 Building sewers and installation.**

**A.** No unauthorized person(s) shall uncover (excavate), make any connections to, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Town. Any person proposing a new discharge into the public sewer, a substantial change in the volume or character of pollutants or any change which may affect the potential for a slug discharge into the public sewer shall notify the Town a minimum of 90 days prior to the proposed change or connection. All nonresidential users proposing to connect to or to contribute to the POTW shall obtain a permit from the Town before connecting to or contributing to the POTW.

**B.** There shall be two classes of building sewer installation permits: a) for residential and nonresidential service whose sewage flow is less than, or equal to, 10,000 gallons per day; and b) for service to establishments producing nonresidential waste flow or any flow greater than, or equal to, 10,000 gallons per day. In either case, the owner(s) or his/her agent are required to apply, on a form furnished by the Town, for a permit from the Town. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Town. A permit application fee which shall include all costs associated with the inspection of the building sewer installation shall be paid to the Town at the time the application is filed. Permit application fee shall be levied as adopted from time to time.

**C.** If a building connection from the public sewer to the property has not been provided, all costs and expenses incidental to the installation of the building sewer and connection to the public sewer shall be borne by the owner(s) including the completion of roadway repairs in accordance with the Code of Ordinances of the Town and as determined by the Town. The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and the connection to the POTW.

**D.** A separate and independent building sewer shall be provided for every building.

**E.** Existing (old) building sewers may be used in connection with new building construction only when they are tested, examined, and approved by the ~~Director of Public Works~~ Town Engineer, to meet all requirements of the Town's regulations. All expenses relating to such testing and examination shall be the responsibility of the owner/applicant.

**F.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the Town and the ~~Director of Public Works~~ Town Engineer. At a minimum, all requirements of the Town's Sewer Use Ordinance must be met. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice shall apply.

**G.** Whenever possible, the building sewer may be installed to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer.

**H.** No person(s) shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer unless such connection is approved by the Town Engineer ~~Director of Public Works~~ and the Superintendent for purposes of disposal of polluted surface drainage.

**I.** The connection of the building sewer to the public sewer shall conform to the requirements of the Town. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town Engineer ~~Director of Public Works~~ before installation.

**J.** The applicant for the building sewer permit shall notify the Town Engineer ~~Director of Public Works~~ when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Town Engineer ~~Director of Public Works~~ or his/her representative. All expenses relating to such testing and inspection shall be the responsibility of the owner/applicant.

**K.** Cleanouts shall be installed where the distance from the building to the main sewer is greater than 75 feet or where bends greater than 22.5 degrees are used in the building sewer. Cleanouts shall be made by installing a “Y” and 1/8 bends of the same diameter as the building sewer. The cleanouts shall ordinarily be installed at the point of connection between the building sewer and the outside part of the house plumbing system, at curves on the building sewer and on the straight part of the house sewer to the main sewer. The cleanout shall be brought up from the building sewer to four inches below ground level and be properly capped. A cleanout installed in a paved area or area susceptible to vehicle traffic shall be installed with a cast-iron collar and cover. Locations of all cleanouts shall be recorded and provided to the ~~Director of Public Works~~ Town Engineer.

**L.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**M.** One backflow valve per building sewer shall be installed prior to connection to the Town’s sewer system for all residential dwellings. The quantity of backflow valves necessary for nonresidential establishments must be submitted and approved by the Town prior to installation.

**N.** Privately owned sewer collection systems that are physically connected to, and so discharge to, a POTW must comply with § **191-19**.

**O.** Low-pressure grinder pumps may be permitted. The unit shall consist of a grinder pump, level controls, siphon breaker, check valve and seventy-gallon tank. The unit shall be equipped with an electrical quick disconnect plug, a discharge line shut-off valve and a quick disconnect assembly. The alarm/disconnect panel shall contain circuit breakers, an audible and visual alarm transfer switch and generator receptacle. A second check valve shall be provided at the curb stop. Any pump proposed for use is required to be approved by the Town.

**§ 191-5 Construction of sewers by private developers.**

**A.** Nonresidential developments, or residential developments consisting of more than a single dwelling, shall not be approved by the Town of Coventry until the developer has executed with the Town a permit agreement as hereinafter provided unless requirement is waived by the Town. Any such permit agreement shall provide for installation of a sewer system as provided in § **191-4** and as further provided below:

**(1)** The developer shall install the lateral sewer in the street and the building sewer from the lateral sewer to the property line. In addition, if the developer is constructing a new dwelling on a parcel, the building sewer shall be extended to connect with the building plumbing. In the case of new street construction, the developer shall make such installation before surfacing of the street is completed.

**(2)** When an owner of any parcel, or his agent, applies for a building permit, the building inspector shall require, as a condition of the issuance of such permit, that said owner or agent show on the plot plan the layout of the future connection from the lateral sewer to the building drain, including the elevation of the building sewer at the street line, elevation of the finished first floor and/or cellar floor, and elevation of the building drain to which the future building sewer would be connected.

**(3)** The developer shall cap all open ends of the sewer and shall, along with completed as-built plans of the sewer, provide exact ties and elevations so that the capped ends can be readily located.

**(4)** The Town shall approve elevations at each point where the sewers are capped, and the developer shall design and build the sewer to these elevations. The Town shall provide design capacities for the sewers.

**(5)** Where topography prevents installation of the sewer within the street, the developer shall install the sewer within rights-of-way that shall be of adequate width as determined by the Town and deeded to the Town of Coventry.

**(6)** The Town, in considering the acceptance of a new development for sewer service into the established system of sewers, as hereinbefore defined, shall employ the following as guidelines in determining an acceptable means and/or particular method by which said service may be achieved.

**(a)** When possible, sewer service shall be achieved by gravity means. All proposals will be reviewed by the Town based on the system's capacity to handle additional sewerage and compliance with this chapter.

**(b)** If gravity sewer service is not feasible or economical, as determined by the Town, sewer service shall be achieved by extending service to an existing pumping facility within the established system, subject to the Town's normal review process as stated above.

(c) If an existing pumping facility is not accessible or feasible under normal engineering standards, as determined by the Town, pressure/force mains with related pumping facilities may be considered by the Town.

[1] For new dwellings and/or developments that are inaccessible for gravity sewer service, the Town may consider the acceptance of a pumping facility into the Town's sewer system on a case-by-case basis. The overall need for such a facility in lieu of other viable options must be proved by the developer to the satisfaction of the Town prior to the Town's preliminary approval. The pumping facility must be designed and installed under the supervision of an individual licensed as a registered professional engineer in the State of Rhode Island. The work shall be in accordance with the Town standards and shall include all appurtenances necessary to establish a functional and acceptable facility as determined by the Town. Upon preliminary acceptance of a facility, the Town and developer shall negotiate a permitting agreement whereby the developer shall pay to the sewer commission, prior to the new system being accepted, a sufficient sum to defray all estimated operational and maintenance costs of the facility for a period of 10 years after acceptance. The amount of this payment shall be based on estimates at the time of the proposal as determined and approved by the Town. Said payment shall be in the form of a certified check payable to the Town of Coventry.

[2] Proposed pumping facilities servicing new or proposed nonresidential developments may be considered for acceptance by the Town. If such pumping facilities are not considered acceptable by the Town, the developer may install a pumping facility, such that the ultimate ownership and operational and maintenance responsibilities of such a facility remain the responsibility of the developer/property owner.

(d) If a pumping facility is deemed necessary by the developer and approved by the Town to serve a new development, the Town shall require either that the developer install said pumping facility and appurtenant equipment or that the developer pay to the Town of Coventry a sum sufficient to defray the cost of engineering (design, review and inspection), constructing, equipping, and installing said pumping facility. The amount of this payment shall be based on estimates developed by a certified professional engineer registered in the State of Rhode Island and approved by the Town. The payment may be in the form of a certified check payable to the Town of Coventry and such funds shall be used only for the engineering (design, review and inspection), construction, equipping and installation of the pumping facility. This amount is in addition to that designated in Subsection A(6)(c)[1] above.

(e) Upon installation and acceptance by the Town of the pumping facility and appurtenant equipment, the developer shall deed the site, the facility and equipment

to the Town and assign its rights in all warranties and guarantees to the Town. The deed and assignment shall be in a form approved by legal counsel to the Town.

**(7)** If the developer retains ownership of the pump station and/or collection system, the developer must comply with § **191-19**.

**(8)** The developer shall be required to include as a part of the capped sewer construction any pipes, pumping stations or other appurtenances which would be required for or would serve areas outside of the development in question, without remediation from the Town.

**B.** A new development for which a permit agreement is required, as described under Subsection **A** hereof, shall not be approved by the Town until the developer has submitted a design of the sewers serving said development or has waived the requirement therefore pursuant to Subsection **C** below. Said design shall be prepared by the developer at his expense, shall conform to accepted engineering practices and existing installation requirements, and shall provide for an economical and effective future installation of the sewers. Any rights-of-way called for by such design as approved by the Commission shall be deeded to the Town of Coventry.

**C.** The Town may grant relief from any of the requirements imposed by Subsection **A** above if it determines that the need for the construction or design of sewers is impractical or remote taking into consideration: 1) the date upon which the sewers might be connected to the Town wastewater collection system; 2) the estimated cost of construction; and 3) the anticipated need for sewers within the development. Such need shall be determined after consideration of all available information, including any report or evidence submitted by the developer of such proposed development.

**D.** For any development or a portion thereof, with a common sanitary sewer system that is privately owned by an ownership, community or condominium type association or entity and discharges to the Town's POTW, the association or entity of record shall be fully responsible and accountable for the ownership, operation and maintenance of said sanitary sewer system in its entirety, including all regulatory compliance issues related thereto and must comply with § **191-19**.

**E.** If a developer subdivides lots fronting on an existing Town road, the Commission may waive the requirement installation of capped sewers serving such lots if it finds such installation to be impracticable, provided that any easements necessary for future sewer installations are dedicated to the Town of Coventry. The Town may by agreement with the developer provide for immediate or future construction of the capped sewers by the developer as provided herein at his/her expense. The Town Council is authorized to enter into agreements on behalf of the Town of Coventry with developers or other owners of land for the engineering (design, review and inspection) and construction of sewers by and at the expense of such developers or owners which sewers may become part of the public sewer system under the conditions hereinafter stipulated. The Town Council is empowered to make, from time to time, any necessary regulations stipulating the terms and conditions of said agreement consistent with the provisions of this chapter. The conditions under which a permit agreement may be executed are as follows:

**(1)** The president of the Town Council is authorized to sign on behalf of the Town of Coventry all such agreements when the same have been authorized by said Town Council.

**(2)** The terms and text of an agreement for any particular project under § **191-5** of this chapter shall be as approved by the Town's legal counsel.

**(3)** The Town shall specify in the terms of such agreements, or on plans which are made a part thereof, the limits, sizes and grades of the sewers to be built and the nature of and limitations on the waste or liquids to be conveyed. All the terms of and all subsequent amendments to this chapter shall be applicable to work done under such agreements.

**(4)** Such agreements shall provide that the full cost of engineering (design, review and inspection), and construction of the sewer and all expenses incidental thereto shall be borne by the developer or owner who shall, before commencing any work, deposit with the Finance Director of the Town of Coventry a sum deemed by the Town or such engineers as the Town may employ, to be sufficient to defray the cost of preliminary surveys, of the preparation of designs and plans, of other expenses of preliminary engineering, of inspection, supervisory engineering, grade staking, measuring, testing and all other expenses of the Town of Coventry incurred prior to or during construction, or during any maintenance period stipulated, including allowances for pension, insurance and similar costs related to payroll. Such agreements shall also provide that, in case said deposit proves to be insufficient at any time during the progress of the work, further deposit shall be made upon notification by the Finance Director of said Town and that, upon acceptance of the sewer, any unspent portion of said deposit shall be returned to the developer or owner.

**(5)** All such agreements shall provide that the developer or owner shall assume all risks and hold the Town of Coventry or their agencies harmless from any and all claims for damage arising from the work or its conduct. To secure such risks, adequate liability, property damage and compensation insurance in amounts fixed by the Town shall be required of the developer or owner who shall furnish proper and acceptable certificates of insurance before starting work.

**(6)** The Town, whenever in its opinion there is possibility of loss by the Town of Coventry by reason of failure of the owner or developer to complete the work contemplated in the agreement, or any part thereof, or to comply with any maintenance requirements, may require as a part of said agreement that adequate bond or other surety acceptable to the Town of Coventry be submitted to insure completion and maintenance of the work.

**(7)** Such agreements shall require, whenever the work is not in a duly accepted public road, that adequate easements or rights-of-way be conveyed to the Town of Coventry prior to the acceptance of the sewer, the terms of conveyance being subject to the approval of the Town's legal counsel.

**(8)** After certification by the Town or such engineers as the Town may employ, that any sewer constructed under the terms of this section has been completed in accordance with the plans, specifications, and standards of the Town of Coventry and that the maintenance period fixed in the agreement has expired, and that all roadways, curbs, walks and other surfaces and appurtenances disturbed by the work have been properly restored, or that adequate security by bond or otherwise

has been furnished to assure such restoration, the Town may, by resolution, incorporate said sewer into the Town's wastewater collection system, to become effective as specified in such resolution.

**§ 191-6 Use of public sewers.**

**A.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, or noncontact cooling water to any sewer. Stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer only with the permission of the Town.

**B.** Stormwater other than that exempted under this section, and all other unpolluted drainage, shall be discharged to such sewers that are specifically designated as storm sewers or to a natural outlet approved by the Town and other regulatory agencies. Unpolluted cooling water or process waters may be discharged, on approval of the Town, to a storm sewer, or natural outlet.

**C.** No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

**(1)** Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21, including any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

**(2)** Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interface with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

**(3)** Any water or wastes having a pH lower than 6.0 s.u., or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.

**(4)** Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**(5)** Well water from residential or nonresidential properties. Properties, buildings, or dwellings served by private well will not be permitted to discharge to the sewer collection system, unless a waiver is granted by the Town and a meter, approved by the Town, is installed.

**D.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the

receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

**(1)** Wastewater having a temperature greater than 150° F. (65° C.), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case, wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).

**(2)** Fats, oils or grease of animal or vegetable origin in concentrations greater than 100 mg/l.

**(3)** Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with motor of  $3\frac{3}{4}$  horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town. No nonresidential user shall operate a garbage grinder unless specifically approved by the Town and may only be used in conjunction with an in-ground grease interceptor specifically designed to accept such waste.

**(4)** Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by WWRWTF for such materials.

**(5)** Any waters or wastes containing phenol or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the WWRWTF as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

**(6)** Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.

**(7)** Any waters or wastes having a pH in excess of 10.

**(8)** Materials which exert or cause:

**(a)** Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

**(b)** Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating West Warwick's RIPDES permit.

**(c)** Unusual BOD, total suspended solids, total nitrogen or total phosphorus in such quantities as to constitute a significant load on the sewage treatment works. Industrial surcharge requirements will be assessed by the West Warwick Sewer Commission for BOD and total suspended solids greater than 250 mg/l for each parameter. Total nitrogen in excess of 40 mg/l and total phosphorus in excess of seven mg/l will also be subject to industrial surcharges. Industries exceeding these limitations shall be considered "significant" and shall require permitting by the West Warwick Sewer Commission. Flow reflects each industry's average daily discharge. In the event that loadings to the WWRWTF approach capacity, the West Warwick Sewer Commission reserves the right to place more stringent limitations on these parameters.

**(d)** Miscellaneous pollutants limitations:

**[1]** All permitted industrial facilities shall discharge miscellaneous pollutants only in accordance with the limitations stated in their permits.

**[2]** Facilities subject to these regulations to which permits have not yet been issued shall have, in these permits, permit limitations for miscellaneous pollutants. Permits issued may set limitations that shall not exceed those established in the West Warwick Sewer Use Ordinance.

**(e)** Unusual volume of flow or concentration of wastes constituting a "slug load" as defined herein.

**(9)** Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment works effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**(10)** Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

**(11)** Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

**(12)** Pollutants which result in the presence of toxic gases, vapors or fumes within the WWRWTF in a quantity that may cause acute worker health and safety problems.

**(13)** Trucked or hauled pollutants, except at discharge points designated by the Town.

**(14)** Medical wastes.

**(15)** Detergents, surface-active agents, or other substances that might cause excessive foaming in the WWRWTF.

**E.** All residential and nonresidential users must receive approval from the Town before sewers can be connected to the public sewers.

**F.** Discharges having deleterious effect.

**(1)** If any water or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

**(a)** Reject the wastes;

**(b)** Require pretreatment to an acceptable condition for discharge to the public sewers;

**(c)** Require control over the quantities and rates of discharge; and/or

**(2)** If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, regulations, and laws.

**G.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing amounts of grease and oil, or sand; except that such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of the disposal which are subject to review and approval by the Town. Any removal and handling of the collected materials not performed by owner(s)' personnel must be performed by properly licensed waste disposal firms.

**H.** Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.

**I.** When required by the Town, the owner of any property serviced by a building sewer carrying nonresidential wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times. The monitoring equipment shall be located and maintained on the user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Town may allow such facility to be constructed in the public street or sidewalk area, with the

approval of the Town, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles. When more than one user can discharge into a common sewer, the Town may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Town may require that separate monitoring facilities be installed for each separate discharge. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Town's requirements and all applicable construction standards and specifications.

**J.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with 40 CFR Part 136. The user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. The number of grab samples required will be determined by the Town. The samples shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole to which the public sewer is connected.

**§ 191-7 Protection from damage.**

No person(s) shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of malicious damage as set forth in the Rhode Island General Laws 1956, as amended.

**§ 191-8 Powers and authority of inspectors.**

**A.** The Town and its duly authorized representative(s), bearing proper credentials and identification, shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations. Subsequent to providing a certified letter to the owner of any property ~~Upon reasonable notice,~~ the Town and its duly authorized representative(s), bearing proper credentials and identification, shall be permitted to enter all nonresidential properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations. Subsequent to providing a certified letter to the owner of any property, ~~Upon~~

~~reasonable notice~~ for cause shown, the Town and its duly authorized representative(s), bearing proper credentials and identification, shall be permitted to enter all residential properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations.

**B.** The Town and its duly authorized representative(s) is authorized to obtain information concerning nonresidential processes which have a direct bearing on the kind and source of discharge to the wastewater facilities. The information and data on a user obtained from reports, surveys, permit applications, and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests (and is able to demonstrate to the satisfaction of the Town) that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the RIPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be made available to the public without restriction.

**C.** The Town and its duly authorized representative(s), bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property. The Town and its duly authorized representative(s), bearing proper credentials and identification, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Town and its duly authorized representative(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

**(1)** Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town and its duly authorized representative(s) shall be permitted to enter without delay for the purposes of performing specific responsibilities.

**(2)** The Town and its duly authorized representative(s) shall have the right to set up on the user's property (or require installation of such devices) as are necessary to conduct sampling and/or metering of the user's operations.

**(3)** The Town and its duly authorized representative(s) may require the user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

**(4)** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town, and shall not be replaced. The costs of clearing such access shall be borne by the user.

**(5)** Unreasonable delays in allowing the Town and its duly authorized representative(s) access to the user's premises shall be a violation of this chapter. If the Town and its duly authorized representative(s) have been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Town may seek issuance of a search warrant.

#### **§ 191-9 Violations and penalties.**

**A.** When the Town finds that user has violated, or continues to violate, any provision of this chapter, a permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may serve upon that user a written notice of violation sent to the user via certified letter. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Town Engineer. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Town to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

**B.** Consent orders. The Town may enter into consent orders, assurances of compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific actions to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative and shall be judicially enforceable.

**C.** Show-cause hearing. The Town may order a user which has violated, or continues to violate, any provision of this chapter, permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Town and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five days prior to the hearing. Such notice may be served on any authorized representative of the user.

A show-cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**D.** Compliance orders. When the Town finds that a user has violated, or continues to violate, any provision of this chapter, permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the user.

**E.** Cease and desist orders. When the Town finds that a user has violated, or continues to violate, any provision of this chapter, permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist all such violations and directing the user to:

**(1)** Immediately comply with all requirements; and

**(2)** Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the user.

**F.** Administrative fees.

**(1)** When the Town finds that a user has violated, or continues to violate, any provision of this chapter, permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may fine such user an amount not to exceed ~~\$25,000~~ \$7,500. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

**(2)** A lien against the user's property shall be sought for unpaid charges, fines and penalties.

**(3)** Users desiring to dispute such fines must file a written request for the Town Council to reconsider the fine along with full payment of the fine amount within ~~15~~ 30 days of being notified of the fine. Where a request has merit, the Town may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

**(4)** Issuance of any administrative fine shall not be a bar against, or prerequisite for, taking any other action against the user.

**G.** Emergency suspensions. The Town may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause, an imminent or substantial endangerment to the health or welfare of persons. The Town may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

**(1)** Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Town may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings of this chapter are initiated against the user.

**(2)** A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Town prior to the date of any show-cause or termination hearing. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

**H.** Termination of discharge.

**(1)** Any user who violates this chapter, or the following conditions, is subject to discharge termination:

**(a)** Violation of permit conditions;

**(b)** Failure to accurately report the wastewater constituents and characteristics of its discharge;

**(c)** Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

**(d)** Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

**(e)** Violation of the pretreatment standards.

**(2)** Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § **191-91** of this chapter why the proposed action should not

be taken. Exercise of this option by the Town shall not be a bar against, or prerequisite for, taking any other action against the user.

**I.** If the violation is not corrected by timely compliance, the Town may order any person who causes or allows an unauthorized discharge to show cause before the Town why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Town Council regarding the violation and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by ~~registered or~~ certified mail (return receipt requested) at least ~~10~~ 30 days before the hearing. Notice may be made on any agent or officer of a corporation.

**J.** The Town may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Town to:

**(1)** Issue in the name of the Town Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.

**(2)** Take the evidence.

**(3)** Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town for action thereon.

**K.** At any public hearing, testimony taken before the hearing authority or any person designated by it must be under oath and recorded stenographically. The transcript or any part of the hearing, so recorded, will be made available to any member of the public upon payment of the usual charges.

**L.** After the Town has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

**M.** Any discharge in violation of the substantive provisions of this chapter or an order of the Town shall be considered a public nuisance. If any person discharges sewage, nonresidential waste or other wastes into the public sewer contrary to the substantive provisions of this chapter or any order of the Town, the Town Solicitor may commence an action for appropriate legal and/or equitable relief in the appropriate court.

**N.** The Town will publish an annual list of violators.

**O.** Any person who is found to have violated an order of the Town who willfully or negligently failed to comply with any provisions of this chapter, and the orders, rules, and regulations issued hereunder, shall be fined not less than \$100 nor more than ~~\$25,000~~ \$7,500 for each offense. Each

day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees, administrative fees, and other expenses of litigation by appropriate suit of law against the person found to have violated this chapter or the orders, rules and regulations issued hereunder.

### **§ 191-10 Enforcement procedures.**

**A.** General. Any owner, person, or user, found in violation of any part of this chapter, discharge permit, compliance schedule or order, or any order of the Town shall be subject to enforcement procedures. Such procedures shall include but are not limited to: revocation of permit, suspension of discharge, show-cause hearing, Commission order, legal action and/or penalty costs.

**B.** Compliance schedule. When the Town finds that a user has violated or continues to violate the Ordinance, permit, or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances have been installed and are properly operated. orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including installation of pretreatment technology, additional self-monitoring and management practices.

**C.** Permit revocation.

**(1)** Enforcement costs. The permittee agrees to reimburse the Town and/or the West Warwick Sewer Commission for the cost of enforcing the permit, including reasonable attorney's fees, if violation of the permit is found by a hearing officer during the course of a show-cause hearing or if such decision is appealed, then in court of competent jurisdiction.

**(2)** Damage to facilities. The permittee agrees to indemnify and hold harmless the Town from and against any liability, loss, cost, expense or actual damage (including reasonable attorney's and accountants' fees incurred in defending or prosecuting any claim for any such liability, loss, cost, expense or damage) suffered by the Town and/or the West Warwick Sewer Commission and caused by discharges from the permittee, either singly or by interaction with other wastes.

**(3)** Violation of any of the following conditions may result in the revocation of a wastewater discharge permit.

**(a)** Failure to accurately and fully report the wastewater volume, constituents, and characteristics of its discharge;

**(b)** Failure to report significant changes in wastewater volume, constituents, or characteristics;

**(c)** Failure to allow Town personnel statutorily authorized access for the purpose of inspection or monitoring;

(d) Failure to pay any and all costs;

(e) Violation of any condition of a permit or the chapter;

(f) Failure to correct violations that have already resulted in the suspension of the permit;

(g) Failure to adhere to compliance schedule or order.

**D.** Suspension of discharge. For nonresidential users the Town or the West Warwick Sewer Commission may suspend the wastewater service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Town or such Commission, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment or causes interference or pass-through to the collection system or wastewater treatment system.

(1) Any person notified of a suspension of the wastewater treatment service and/or permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The Town shall reinstate the wastewater treatment service and/or permit upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the Town within ~~15~~ 30 days of the date of occurrence.

**E.** Show-cause hearing.

(1) If a violation is not corrected within the time frame mandated by the Town, the Town may order any person who causes or allows an unauthorized discharge to show cause before the Town why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Town regarding the violation and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served ~~personally or by registered or certified mail (return receipt requested)~~ at least ~~10~~ 30 days before the hearing. Service may be made on any agent or officer of a corporation.

(2) At any public hearing, testimony taken before the hearing authority, or any person designated by it, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any part of the hearing upon payment of the usual charges.

(3) After the Town has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have

been installed or existing treatment facilities, devices, or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

**F.** Legal action. Any discharge in violation of the substantive provisions of this chapter or an order of the Commission shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the Town collection system contrary to the substantive provision of this chapter or any order of the Commission, the Town Solicitor shall commence an action for appropriate legal and/or equitable relief in the Superior Court of this county.

**G.** Penalty costs. Any person who is found to have violated an order of the Town, who has failed to comply with any provision of this chapter, permit, or order issued by the Town, shall be fined in accordance with this chapter. In addition, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees, administrative fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter, permit, or order issued by the Town.

#### **§ 191-11 Appeals.**

**A.** Board of Sewer Appeals. In order that the provisions of this chapter may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this chapter, the Town Council shall establish a Board of Sewer Appeals. The Board of Sewer Appeals shall consider appeals from decisions of the Board of Sewer Commissioners and shall determine in particular cases whether any deviation from the strict enforcement of this chapter will violate its intent or jeopardize the public health and safety. The Town Council must vote to approve or reject any decisions by the Board of Appeals.

**B.** Procedure. Any person aggrieved by any decision of the Town Council shall, in addition to any other remedy provided by law, have the right to appeal to the Board of Sewer Appeals within 30 days of the decision appealed from. The Town Council ~~Board of Sewer Appeals~~ shall consider the appeal and give the aggrieved person a reasonable opportunity to be heard. The final disposition of the appeal shall be in the form of a resolution reversing, modifying or affirming the decision appealed from.

#### **§ 191-12 Severability.**

If any provision, paragraph, word, section or article of this chapter is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

#### **§ 191-13 Inconsistent ordinances repealed.**

All ordinances and parts of ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

#### **§ 191-14 Assessment.**

The following procedures have been established in order to recover the cost of sewage works, including but not limited to treatment facilities, planning, design, constructing, managing,

operating, and maintaining the wastewater treatment and collection systems. These costs shall be recovered by the collection of assessments. Assessments are subject to change as the associated costs change.

A. Setting Sewer Assessment charge.

(1) The Town Council shall, by ordinance amendment, adopt ~~an assessment charge~~ a sewer assessment for real property (improved and unimproved) from time to time. ~~The sewer assessment charges~~ shall be used for the purpose of recovering capital cost of the Town's sewage works, including but not limited to all or such portion of the Town's share of the capital cost of the WWRWTF against residential and nonresidential properties. The sewer assessment rates shall be established by the Town Council and shall be available to the public prior to the commencement of any sewer project. Sewer assessments may be paid in up to thirty (30) annual installments, pursuant to R.I. Gen. Laws § 44-14-9.

~~(a) Residential rates.~~

~~[1] Residential dwelling rate for Contract No. 8 is (\$)62.08/ per gallon per day (GPD).~~

~~[2] Residential dwelling rate for Hazard Street Contract is (\$)77.18 per gallon per day (GPD).~~

(a) Residential Sewer Assessment. The sewer assessment charges will be a fixed \$15,000 per residential property. ~~and will be based upon a unit rate per gallon of daily design flow for nonresidential as follows:~~  
[Amended 10-13-2020 by Ord. No. 09-20-336]

~~(b) Nonresidential rates.~~

(b) Nonresidential Sewer Assessment Per Project.

(i) Nonresidential ~~rate~~ sewer assessment for Contract No. 8 is (\$)81.60 per gallon per day (GPD).

~~(3) The unit rates shall be established by the Town Council and shall be available to the public prior to the commencement of any sewer project.~~

B. Notwithstanding the foregoing, all owners of properties in the Town will shall have their sewer assessments ~~discretion to deferred sewer assessment against parcels of land~~ if the owner of such parcel, within 10 years of the date of the sewer assessment, has installed a new septic system, provided that such parcel shall remain subject to assessment and shall begin paying such assessment when their septic system fails (per RI DEM guidelines) and cannot be repaired. ~~within ten (10) years from the date of OWTS conformance certified by RIDEM.~~

C. Parcels of real property (improved and unimproved) which are not included in a specific sewer district not yet connected to the POTW, but which, in the future, may connect into the POTW will be charged a sewer assessment, upon connection to said POTW, as outlined in this section.

**D. Residential and nonresidential sewer assessments.**

**(1)** The sewer assessments are as follows:

**(a)** Residential assessments: \$15,000.

~~[1] Minimum assessment:  $2 \text{ (BR)} \times 115 \text{ GPD/BR} \times \text{Residential Rate/GPD}.$~~

~~[2] Residential dwellings:  $\# \text{Bedrooms (BR)} \times 115 \text{ GPD/BR} \times \text{Residential Rate/GPD}.$~~

~~[3] Mobile homes:  $\# \text{Bedrooms (BR)} \times 115 \text{ GPD/BR} \times \text{Residential Rate/GPD}.$~~

~~[4] Residential assessments are limited to properties described as "residential" property with residential use within the Town's property records. All other properties are subject to nonresidential assessments, including multiunit residential properties with seven or more bedrooms.~~

**(b)** Nonresidential assessments:

**[1]** Minimum assessment:  $200 \text{ GPD} \times \text{nonresidential rate/GPD}.$

**[2]** All nonresidential properties with design flows between 0 to 6,000 GPD:  
 $\text{daily design flow (GPD)} \times \text{nonresidential rate/GPD}.$

**[3]** All other nonresidential properties with design flows greater than 6,000 GPD:  
 $6,000 \text{ (GPD)} \times \text{nonresidential rate/GPD} + (\text{each gallon over } 6,000 \text{ GPD} \times 0.70 \times \text{nonresidential rate/GPD}).$

**(2)** The residential assessment shall be based upon a unit rate (\$)/daily design flow (GPD), where the daily design flow (GPD) values are established by RIDEM regulations. Each residential assessment will be a minimum assessment per bedroom of 115 GPD, with a minimum two-bedroom (230 GPD) assessment per property.

**(3)** The nonresidential assessment shall be based upon a unit rate (\$)/daily design flow (GPD) for flows below 6,000 GPD. Where the daily design flow (GPD) exceeds 6,000 GPD, a reduced rate (\$)/GPD will apply to each additional gallon of daily design flow over 6,000 GPD. All daily design flows are established by RIDEM regulations. All assessments will be in accordance with § **191-14**.

**(4)** For example, using a residential rate of ~~\$43.48/GPD~~ and a nonresidential rate of \$80.00/GPD:

~~**(a)** A three-bedroom residential dwelling using 115 GPD/bedroom will translate to:  $3 \times 115 \text{ GPD} \times \$43.48/\text{GPD} = \$15,000.60.$~~

**(a)** A nonresidential facility using 6,000 GPD will translate to:  $6,000 \text{ GPD} \times \$80.00/\text{GPD} = \$480,000.00.$

~~**(b)**~~ **(e)(b)** A nonresidential facility using 7,000 GPD will translate to:  $6,000 \text{ GPD} \times \$80.00/\text{GPD} + (1,000 \text{ GPD} \times 0.70 \times \$80.00/\text{GPD}) = \$536,000.00.$

~~(d)~~(c) Vacant land shall be assessed and subject to the minimum assessments indicated in this section. The Town Council may defer assessment charges for vacant land that is restricted and considered undevelopable if supporting documentation is submitted proving such restriction, and that assessment charges be paid when such property is available for development, and provided a municipal lien be placed upon the property at the time of initial assessment for the initial assessment amount.

**E.** Assessments for real property located outside of the Town's boundaries requesting connection to the POTW shall be subject to assessments indicated in Subsections **D** and **G**. The parcel owner applying to connect to the POTW shall furnish a bond, at the owner's expense, with surety to the Town of Coventry, on the form furnished by said Town, with the application to connect to Town's sewer system. Assessment charges shall be paid in full prior to connecting to the POTW.

**F.** Assessments for privately built sewers on private property. Notwithstanding any other provisions of this chapter, it is hereby determined that sanitary sewer lines built on private property by, and at the expense of, a private party shall be subject to assessments indicated in Subsection **D**.

**G.** Betterment assessments shall apply to assessments for properties serviced by public sewers, which are privately built, on public property and to all properties that propose a change in use, or an increase in daily flow (GPD), after the initial assessment date. Properties that propose a change in use, or an increase in daily flow (GPD) after the initial assessment date, are subject to both initial assessment and betterment assessments.

**(1)** Assessments for privately built sewers on public property. Notwithstanding any other provisions of this chapter, it is hereby determined that a public sanitary sewer line built by and at the expense of a private party within an existing or proposed public highway or public right-of-way, in which sanitary sewer is to become the property of the Town, and connected to the POTW, the following betterment assessments shall apply.

**(a)** Residential betterment assessments: 50% of the cost of the betterment will be assessed in the following manner for residential properties:

**[1]** Minimum assessment:  $2 \text{ (BR)} \times 115 \text{ GPD/BR} \times 0.25 \text{ Residential Rate/GPD}$ .

**[2]** Residential dwellings:  $\# \text{Bedrooms (BR)} \times 115 \text{ GPD/BR} \times 0.25 \text{ Residential Rate/GPD}$ .

**[3]** Mobile homes:  $\# \text{Bedrooms (BR)} \times 115 \text{ GPD/BR} \times 0.25 \text{ Residential Rate/GPD}$ .

**(b)** Nonresidential betterment assessments: 75% of the cost of the betterment will be assessed in the following manner for nonresidential properties:

[1] Minimum assessment: 200 GPD x 0.25 nonresidential rate/GPD.

[2] All nonresidential properties with design flows between 0 to 6,000 GPD (gallons per day): daily design flow (GPD) x 0.25 nonresidential rate/GPD.

[3] All other nonresidential properties with design flows greater than 6,000 GPD (gallons per day): 6,000 (GPD) x 0.25 nonresidential rate/GPD + (each gallon over 6,000 GPD x 0.175 x nonresidential rate/GPD).

(2) All properties that propose a change in use, or an increase in daily flow, after the initial assessment date shall be subject to a betterment assessment as specified in Subsection G.

(3) Betterment assessments for all properties that propose a change in use, or an increase in daily flow, after the initial assessment date will be billed as a secondary assessment, in addition to the initial assessment, and shall be based upon the increased flow volume (GPD) only.

H. Assessments outlined in Subsection G shall be payable by the parcel owner annually over not more than ~~20~~ 30 years, commencing the year following sewer installation, unless otherwise specified, interest on the unpaid balance shall be 0.5% greater than the rate at which the Town obtained the funds for each specific sewer project weighted, rolling, average annual interest rate paid by the Town, to be computed by the Town Finance Director Manager, for the project which brought the sewer line to the parcel, such same rate to apply to all outstanding payments until the assessment is paid in full, except that this amendment shall not apply to any payments in arrears as of the date of passage (July 8, 2019) of this amendment. Any assessment may be paid in full at any time; provided, however, that upon division of any parcel subject to an initial twenty-year sewer assessment, whether by subdivision, condominium, or any other division of the parcel subject to the twenty-year assessment, creates a new lot or unit which would otherwise be subject to a sewer assessment as provided in this chapter, or whenever a betterment assessment shall become due on any portion of or interest in such parcel, the entire outstanding balance of the twenty-year assessment shall become due immediately upon the transfer of any portion of or interest in such parcel. Unpaid assessments shall be liened and foreclosed upon in accordance with the general statutes governing the collection of taxes. Assessments for parcels outside of the Town's boundaries shall be paid in full by the parcel owner prior to connecting to the POTW. [Amended 8-26-2019 by Ord. No. 02-19-326]

I. Sewer pumps. If it is necessary for the property owner to install a grinder pump for an existing property, that is located along the Town's low pressure sewer (LPS), the Town will credit the residential property assessment charge in the amount of \$5,000, and the nonresidential property assessment charge in the amount of \$9,000. If it is necessary to install a grinder pump for an existing residential dwelling that is located in a low lying area along the Town's gravity sewer system, the Town will credit the residential assessment charge for that property by the amount of \$5,000. The property owner or agent shall submit a plan proving to the Town that the property is too low to connect to the Town's gravity system by conventional gravity means. The plan shall identify, at a minimum, the future connection from the lateral sewer to the building, including the elevation of the building sewer at the street line, elevation of the finished first floor, elevation of the top of foundation, elevation of the basement floor, and elevation of the building drain to which

the building sewer would be connected. The owner of any parcel requiring a pump will be responsible for the cost of furnishing, installing, operating, maintaining, and servicing any pump that may be required. Any pump proposed for use is required to be approved by the Town. The Town will not provide a pump for any parcel of property.

**J.** Future sewer users shall be notified by certified mail two years in advance ~~public posting, advertisement, or mail~~ that the users' property will have access to the public sewer use and that such property will be subject to assessment. Future sewer users shall also be notified by certified mail 6 months in advance of ~~public posting, advertisement, or mail~~ when project construction is scheduled to begin and when the public sewer is available to the user for connection. ~~But nothing herein shall be construed to diminish the Town's right to collect or the user's obligation to pay any sewer assessment.~~

**K.** Assessments collected in excess of the bond indebtedness shall be retained in the Town's Sewer Fund to be used for capital improvements projects. The funds within the Sewer Fund shall be retained in an account for renewal and replacement of capital equipment and/or the reduction of existing and future debt repayment. All assessed funds shall be held in a special revenue account (Town of Coventry Sewer Fund) under the custody of the Finance Director, Town of Coventry. This fund shall be designated for use by the Town of Coventry for sewer related purposes.

**§ 191-15 Use charge.**

The following annual charges for use of the sewerage system of the Town of Coventry are hereby established, to be paid by every person, firm or corporation whose particular sewer enters into said system.

**A.** The cost of operation and maintenance of the complete sewer system shall be financed solely from sewer customer charges.

**B.** A sewer charge shall be levied to each user upon connection to the public sewage system. The service charge shall be based upon the quantity of water used at the premises of the user as measured by the water meter in use thereat, except as otherwise hereinafter provided.

**C.** For residential and nonresidential users, the rates and charges for each billing period shall be determined by each user's annual water use, or design flow (GPD), for that period. The usage rates, charges and fees shall be established from time to time by Town Council resolution. Assessments shall be established by ordinance only, per § **191-14**. The Council may establish a minimum amount per billing period which all users must pay for which a maximum contribution of wastewater is allowed. The minimum amount per billing period shall be equal to 50% of the design flow (GPD) for that period multiplied by the current rate charges when meter readings from Kent County Water Authority are not available. When meter readings become available, the usage bill for the following period will be adjusted in accordance with Subsection **D**.

**D.** Property supplied with water service from the Kent County Water Authority shall be subject to wastewater usage charges based upon 80% of the water meter reading as determined by the Kent County Water Authority. Property without service from Kent County Water Authority shall be subject to usage charges of 100% of the design flow (GPD) unless a Town-approved meter is

installed and readings are provided to, and verified by, the Town. Meter verification is subject to a minimum charge established by the Town and the Town Engineer ~~Director of Public Works~~.

**E.** Nonresidential users exceeding the limits set forth herein for BOD and total suspended solids, total nitrogen and total phosphorus concentrations shall be surcharged with rates established by the West Warwick Sewer Commission.

**F.** In the event a lot, parcel of land, building or premises discharging sanitary sewage or other liquids into the Town sewage system either directly or indirectly, is not a user of water in the whole supplied by public or private water utility, then, in each such case the consumption shall be set at 100% of the design flow unless a Town-approved meter is installed and readings are provided to, and verified by, the Town. Meter verification is subject to a minimum charge established by the Town and the Town Engineer ~~Director of Public Works~~. The Town must be notified if and when a property has water service from a well.

**G.** In the event two or more lots, parcels of real estate residences, dwelling units or buildings discharging sanitary sewage water or other liquids into the sanitary sewage system of the Town are users of water and the quantity of water is measured by a single water meter, then, in each case for billing purposes, the minimum charge for the sewer rates and charges shall be multiplied by the number of lots, parcels or real estate, residences, dwelling units, or buildings served through the single water meter.

**H.** Charges for the sewage disposal service shall be billed and collected by the Town.

**I.** Outside meters. In the event water is used for purposes which do not enter the Town sewage system, including but not limited to water used in pools and sprinkler systems, the owner of such premises may, at his own expense, install such meter as shall be approved by the Town and the Town Engineer ~~Director of Public Works~~ for the measurement of water so used in order that a proper allowance may be made, and the sewage service charge reduced accordingly. The Town and the Town Engineer ~~Director of Public Works~~ may set policies and procedures for documentation of outside water usage.

**J.** The rates and charges may be billed to the tenant or tenants occupying the property serviced, but such billing shall in no way relieve the owner or owners from liability in the event payment is not made as herein required. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office in which the records are kept and during the regular business hours of such office.

**K.** Each charge or service fee levied pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by the connection to the sanitary sewage system of the Town. Failure to pay said charge or service fee within the prescribed period of time, such charge or fee shall then be collected as other Town taxes are collected. The official record of the Town shall constitute notice of penalty and of said lien as herein provided.

**L.** All money collected under the provisions of the chapter shall be deposited in a sewage enterprise fund and expenditures from which are to be made only for maintenance, operation, administration, debt service and other related sewage system expenses.

**M.** The Town, in addition to the other remedies provided by this chapter, may institute legal proceedings to collect overdue sewer service charges. Penalties may be added to the original sewer bill for late payment which penalties shall be set by Town Council resolution.

**§ 191-16 Changes in regulations.**

These regulations may be rescinded or modified or added to by the Town Council at any time when, in its opinion, such action is for the best interests of the Town of Coventry.

**§ 191-17 Construction by licensed drain layer only.**

Construction of all sewer connections within the Town shall be performed only by drain layers who are licensed in the Town of Coventry and who shall furnish a bond with surety to the Town of Coventry on the form furnished by said Town.

**§ 191-18 Low-pressure sewers.**

In areas where the Town determines that the expansion of the sewer system through use of gravity sewer lines is impracticable, the Town may authorize the construction of sewer lines which can be used only by means of pressure pumps on the property of individual users. Such lines shall be called low-pressure sewers (LPS). Any property along a LPS shall be subject to assessment charges in accordance with § **191-14**.

**A.** Any person who applies for connection to a LPS shall be required to obtain approval from the Town for any pump(s) to be used by that person necessary for connection to the LPS prior to installation. Any pump proposed for use is required to be approved by the Town.

**§ 191-19 Privately owned wastewater facilities.**

**A.** Owners of privately owned wastewater facilities shall maintain the system in good working order and operate as efficiently as possible. Proper operation and maintenance shall include, but not be limited to, effective performance based on facility design, adequate operator staffing and training and adequate laboratory and process controls, including quality assurance procedures as determined to be appropriate by the Town and backup or auxiliary facilities or similar systems to assure compliance or effective performance. Proper operation and maintenance must include emergency procedures and reporting requirements in case of power outages, natural disaster, labor shortage (whether the result of intentional work stoppages or epidemic), equipment failure, acts of terrorism/vandalism or sanitary sewer overflow. Reporting requirements shall include verbal notification to the ~~Town Engineer~~ ~~Director of Public Works~~ and the RIDEM as soon as possible, but not exceeding 24 hours of discovery of the event; a written report must be submitted to the ~~Town Engineer~~ ~~Director of Public Works~~ and RIDEM not more than five business days of the event's ending.

**B.** The owner shall submit (for review and approval by the Town) an operations and maintenance plan describing standards, procedures, and emergency procedures by which the wastewater

treatment facility will be staffed, operated and maintained during normal and emergency conditions. Should development of the plan include the practice of engineering, the plan must then be prepared and certified by a registered professional engineer registered in the State of Rhode Island.

**C.** The owner of a new wastewater treatment facility shall submit an operations and maintenance plan to the Town for review and approval prior to commencement of the construction of the new wastewater treatment facility.

**D.** The owner of an existing wastewater treatment facility, without an approved plan, must submit to the Town a plan and specifications, for approval by the Town, to comply with the requirements herein within six months of the promulgation of this chapter. The contents of the plan shall include, at a minimum, the following:

**(1)** Description and schematics of the entire wastewater treatment facility. This description and schematic must include:

**(a)** Sewer line maps of the collection system, which will include, but not be limited to, the overall service area, pipe, diameter, distances between centers of manholes, slope or direction of flow, and the locations of the system's components (i.e., pump station).

**(b)** A summary of all design criteria, including capacity calculations for the wastewater treatment facility.

**(c)** A site plan depicting the location of the buildings, utilities and property line. The plan shall be formatted in geodetic coordinates (NAVD 1983, NAD 1988). The as-built plans shall be submitted electronically in AutoCAD format 2000 or later and in paper format with an original stamp. The plan shall include the entire collection system to the municipal system. Such systems may include a private system not owned by the owner of the connection collection system. All easements must also be indicated on the plan.

**(2)** Descriptions of, and detailed operating procedures for, pump station and/or treatment processes and major and essential equipment, including sampling and monitoring equipment (if required).

**(3)** A preventative maintenance plan for the pump station, collection system or treatment facility.

**(4)** A list of supplies and essential spare parts necessary to be kept on site for normal and emergency use throughout the wastewater treatment facility.

**(5)** A staffing plan, whether the positions are full- or part-time, and required grade of licensure, as stated by any rules and regulations promulgated by the Rhode Island Board of Certification of Operators of Wastewater Treatment Facilities.

**(6)** A security system.

**(7)** Emergency procedures and reporting requirements in case of power outages, natural disaster, labor shortage, equipment failure, acts of terrorism/vandalism or sanitary sewer overflow. Reporting requirements shall include verbal notification to the Rhode Island Department of Environmental Management, and the Town, if applicable, as soon as possible but not exceeding 24 hours of discovery of the event; a written report must be submitted not more than five business days of the event's ending.

**(8)** Emergency contact information shall be posted on or near the pump station so as to be visible from a public access area. A contact list must also be provided to the Town Engineer ~~Director of Public Works~~ and the Superintendent which shall include: owner's contact information, facilities' contact person information, monitoring service contact information, contract services contact information and preferred vendor's information and any other contact which may be required to mitigate or control a sewer overflow.

**(9)** A monitoring plan for force main systems which includes, at a minimum, redundant level control and failure notification. An hour meter is required for each pump.

**§ 191-20 When effective.**

These regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

**§ 191-21 Waterman/Fiske Sewer Assessment Relief Program.**

[Added 10-28-2019 by Ord. No. 03-19-327; amended 10-13-2020 by Ord. No. 08-20-335]

**A.** Purpose of Program.

**(1)** The purpose of the Waterman/Fiske Assessment Program (the "Program") shall be established by the Coventry Department of Human Services (the "Department") to provide assistance to the poor and needy of Coventry. The Program is designed to alleviate undue burden to Coventry citizens caused by a sewer assessment. Acceptance into the program may be based on Asset Guidelines or Income Guidelines. Assistance shall be limited to Coventry residents and available only for new sewer assessments made after January 1, 2020. An applicant may receive an award only once and only under one set of guidelines. Asset or Income.

**(2)** The Program is available for single-family residential property owners, having Tax Classification Codes 01 or 02 only, and in no case available to commercial property. An applicant must be current in all real estate and excise taxes in order to qualify for assistance. An applicant may apply to the Asset Approach, Income Approach, or both within the first year; however, application to the program is limited to one year from the date of the assessment letter.

**B.** Asset guidelines.

**(1)** Any person seeking assistance from the Program must:

- (a)** Provide proof of residency satisfactory to the Department;
- (b)** Make application through the Department;
- (c)** Apply to the Program within one year of the assessment letter date;
- (d)** Provide proof of assets as required by the Department.

**(2)** The Department shall make a complete assessment of the property value through the Coventry Assessor's Office. The total assessed value of the property shall be used to determine the proportion of the burden of the added cost of the sewer assessment. If the total sewer assessment is greater than 15% total assessed value of the property, the owner of the property shall qualify to apply to the Program. If the owner believes the value of the property is less than provided by the Town Assessor, the owner may request that the Town Assessor, within six months of the assessment letter date, review the property and validate assessment.

**(3)** The portion of the sewer assessment greater than 15% of the property assessed value, as previously defined, shall be the only portion of the sewer assessment for which relief may be sought through the Waterman/Fiske Funds under the asset guidelines. The funds awarded to the applicant will be applied to the initial payment of the sewer assessment only.

### **C.** Income guidelines.

**(1)** Any person seeking assistance from the Program through an income-based approach must:

- (a)** Provide proof of residency satisfactory to the Department;
- (b)** Make application through the Department;
- (c)** Apply to the Program within one year of the sewer assessment letter date;
- (d)** Provide proof of assets and income as required by the Department.

**(2)** The Department shall verify that the applicant's income falls below the Federal Poverty Level, as established by the State of Rhode Island for its Rite Care or Rite Share Program, as may be amended from time to time. Further, the Department shall make a complete assessment of all assets available to the applicant. Assets include, but are not limited to, investments, retirement accounts, savings CDs, home equity, any real estate other than one's primary residence, valuables, collectibles, etc. Any person seeking assistance from the Program must meet the asset guidelines established by the Rhode Island Medicaid Program, amended from time to time. No applicant may transfer assets to another in order to qualify for a disbursement from the Program, and all applicants are subject to the Look Back provisions established within the Medicaid Program.

**(4)** The total funds available to be applied to sewer assessment payments under the income approach shall be administered under the same parameters provided under the Waterman/Fiske

Assistance Program. Priority to applicants will be based on those qualifying under the Income Guidelines. Upon determination the applicant qualifies for assistance through the Income Guidelines, Waterman/Fiske Sewer Assistance Funds may be applied to the first quarter sewer assessment payment only. After acceptance into the Program, in no instance may an applicant reapply for use of Waterman/Fiske Sewer Assistance Funds in order to be applied to future assessment payments.

#### D. Funds.

(1) The Program shall be funded with the income received by the Waterman and Fiske Trust Funds, by and through the Town Council of the Town of Coventry, in accordance with the Waterman and Fiske Trusts.

(2) Once funds are approved and appropriated to the Program by the Coventry Town Council, such funds shall be disbursed by the Finance Director of the Town of Coventry or the investment firm holding the trust assets, as may be appropriate and necessary, into an account held by the Department.

(3) This account shall, at all times, be segregated from any other funds held by the Department, and in no event shall be commingled with any other account.

#### E. Accounting.

(1) The Department shall keep a record of all approved applications and disbursements.

(2) The Department shall maintain an individual file regarding all applicants to the Program. This record shall include proof of residency, income verification, asset verification, and any other information used by the Department in determining the needs of the applicant.

#### F. Disbursement of funds.

(1) The Department shall be required to disburse funds directly to the vendor or provider of the services or need sought by the applicant, whenever possible. Funds will be disbursed according to first-come-first-served, with priority of payment and processing given to those applying under the income approach.

(2)All funds from the Waterman/Fiske Trust may be appropriated for relief to qualified applicants only, and no funds may be used for any other purpose.

(3)Each check disbursed by the Department shall require two signatures, one being the Director of the Department and the other being the Coventry Finance Director.

#### G. Limitation of annual appropriation from the Waterman/Fiske Fund.

(1)Notwithstanding any other subsection of this section to the contrary, in no event shall the annual appropriation from the Waterman/Fiske Trust to the Department exceed 15% of the

total new sewer project assessments levied by the Town in a calendar year, or \$100,000, whichever shall be less. This limitation shall apply regardless of the number of the approved sewer assessment applications approved by the Department in such year. Nothing in this section shall be construed as requiring the Town Council to appropriate any amount to the Program, as all appropriations are within the sole discretion of the Town Council as duly established by the Waterman/Fiske Trusts themselves.

**(2)** The \$100,000 limitation shall be adjusted for inflation, annually, after the beginning of the Town's fiscal year, according to the Consumer Price Index published for the Northeast region (or equivalent), as certified by the Town Finance Director in writing to the Town Manger.

**H.** Fund balance administration.

**(1)** The Director of the Department, or his/her designee, shall provide the Town Council of Coventry, and its successors and assignees, a detailed accounting of the funds that have been distributed and funds remaining in the Program. Fund transfers shall be at the beginning of each fiscal year and shall primarily be derived from interest income generated from the Waterman/Fiske Investment Fund. In the event interest income is insufficient to fully fund the Program, the Coventry Sewer Enterprise Fund will donate proceeds to ensure opening principal balance.

Proposed by Councilmember: Ann Dickson

Posted by Town Clerk on: August 30, 2022

First Reading at Council Meeting held on: September 12, 2022

Advertised in Kent County Daily Times on: September 23, 2022  
\_\_\_\_\_  
\_\_\_\_\_

Hearing date: \_\_\_\_\_

\_\_\_\_\_  
Joanne Amitrano, Town Clerk

**EFFECTIVE DATE:**

**This Ordinance shall become effective upon passage.**

I hereby certify that the foregoing Ordinance was adopted by the Honorable Town Council of the Town of Coventry at a regular meeting held on the \_\_\_\_\_ day of September, 2022.

ATTEST:

\_\_\_\_\_  
Joanne Amitrano, Town Clerk

\_\_\_\_\_  
Ann M. Dickson, President  
Town Council

Server: Town of Coventry\Sewer Ordinance Re-write\2022 Amendments\Chapter 191 Sewer Ord. Amendments [Rev 08-24-2022]