

ARTICLE V. SEWER USER CHARGE SYSTEM

Section 39. User Charge System

(a) Charges shall be collected from Users of Federally funded sewer projects in a manner which equally proportions the cost of operation and maintenance to the Users based on their wastewater discharge. The following items summarize various application rules and regulations for reference purposes:

(1) The user charge system shall generate sufficient revenue to pay for all treatment, operating and maintenance costs.

(2) The use charge system shall apply to the entire jurisdiction of the Town.

(3) The user charge system shall be reviewed not less frequently than biennially and revised when necessary to reflect actual operation and maintenance costs.

(4) The requirement for proportionate distribution of operation and maintenance costs to Users prohibits the allowance of quantity discounts to large volume users.

(5) User charges may be based on a multiple of the water use charge only when the water charge is based on a constant cost per unit of consumption.

Section 40. Derivation of User Charge System

(a) The user charge system shall result in each sewer customer being charged his proportionate share of operating and maintaining the treatment system based upon the contribution (both volume and strength) to the system.

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(b) All wastewater discharged into the system is basically equivalent relative to biochemical oxygen demand, suspended solids and other parameters. Other substances shall be removed either by pretreatment or paid for separately if removed at the wastewater facilities. The method for accomplishing an equitable user charge system is to express each customer's contribution* in terms of an Equivalent Dwelling Unit (EDU). Each EDU can be used to express the load production effects on the sewerage system caused by one (1) dwelling place.

can we do this?

(c) Equivalent dwelling units (EDU's) shall be determined as outlined below:

- (1) House or dwelling with one (1) kitchen and one (1) or more baths and bedroom(s) separate from kitchen. (1 EDU).
- (2) Dwelling with one (1) kitchen and one (1) or more baths and bedroom(s) separate from kitchen and attached to other dwellings or structures. (1 EDU).
- (3) Mobile home with one (1) kitchen and one (1) or more baths and bedroom(s) separate from kitchen. (1 EDU).
- (4) Apartment with one (1) kitchen and one (1) or more baths and bedroom(s) separate from kitchen. (1 EDU).
- (5) Efficiency unit with kitchen, bedroom and living space in one (1) room and one (1) bath. (0.5 EDU).
- (6) Motel or hotel room without kitchen and with bath. (0.33 EDU).
- (7) Gas station with one (1) service bay. (2 EDU).
- (8) Each additional gas station service bay in excess of one (1). (1 EDU).
- (9) Retail store 0.10 gallons per day per square foot, ~~300~~²⁰⁰ gallons per day = 1 EDU. (1 EDU minimum).
- (10) Laundromat ~~300~~²⁰⁰ gallons per day per washer, ~~300~~²⁰⁰ gallons per day = 1 EDU. (6 EDU minimum).
- (11) Office units 0.3 gallons per day per square foot, ~~300~~²⁰⁰ gallons per day = 1 EDU. (1 EDU minimum per bldg.).
- (12) School, public or private with toilet facilities, kitchen, gym and showers 20 gallons per day per full-time pupil or staff member, 10 gallons per day per part-time pupil or staff member, ~~300~~²⁰⁰ gallons per day = 1 EDU (10 EDU minimum).
- (13) School, public or private with toilet facilities, no kitchen, gym or showers 10 gallons per day per full-time pupil or staff member, 5 gallons per day per part-time pupil or staff member, ~~300~~²⁰⁰ gallons per day = 1 EDU. (5 EDU minimum).
- (14) School, public or private with toilet facilities, kitchen or gym and showers 15 gallons per day per full-time pupil or staff member, 7 gallons per day part-time pupil or staff member, ~~300~~²⁰⁰ gallons per day = 1 EDU. (7 EDU minimum).
- (15) Metered (water or sewer) commercial establishments, ~~300~~²⁰⁰ gallons per day = 1 EDU. (1 EDU minimum).

- (16) Beauty Shop, not attached to owner's residence, two (2) chairs or less = 1.5. EDU.
- (17) Beauty Shop, not attached to owner's residence, each additional chair over two (2) = 0.5 EDU.
- (18) Beauty Shop, not attached to and part of owner's residence, two (2) chairs or less = 0.5 EDU.
- (19) Beauty Shop, attached to and a part of owner's residence, each additional chair = 0.25 EDU.

(d) A basic dwelling house shall be considered as:

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| (1) One (1) sink | Two (2) fixture units |
| (2) One (1) toilet. | Two (2) fixture units |
| (3) One (1) lavatory | One (1) fixture unit |
| (4) One (1) bath or shower | One (1) fixture unit |

(e) One (1) equivalent dwelling unit shall be equal to six (6) fixture units. for assessment purposes, fixture units shall be assigned as follows:

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| (1) Sink | Two (2) fixture units |
| (2) Washstand or lavatory | One (1) fixture unit |
| (3) Toilet | Two (2) fixture units |
| (4) Bath or shower | One (1) fixture unit |
| (5) Mop or service sink | One (1) fixture unit |
| (6) Flush urinal | One (1) fixture unit |
| (7) Continuous flush urinal | Three (3) fixture units |
| (8) Convenience outlet | One (1) fixture unit |
| (9) Domestic dishwasher | One (1) fixture unit |
| (10) Commercial dishwasher | Three (3) fixture units |
| (11) Drinking Fountain | One (1) fixture unit |
| (12) Garage disposal | One (1) fixture unit |
| (13) Washing machine | One (1) fixture unit |

(f) Establishments following shall be assigned equivalent dwelling units as multiples of a basic dwelling unit having an assignment of one (1) equivalent dwelling unit based upon the foregoing number of fixture units per fixture in the building. A minimum of one (1) equivalent dwelling unit will be assigned.

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| (1) Drive-in food service | 1 EDU + FU/6 EDUs |
| (2) Delicatessen-retail and take-out | 1 EDU + FU/6 EDUs |
| (3) Bars and lounges with no food service | 1 EDU/100 seats + FU/6 EDUs |
| (4) Restaurants and eating places including combination eat-in and take-out eating places with bar(s).
EDUs | 1 EDU/50 seats + FU/6 EDUs |
| (5) Gas station with no service bay | FU/6 EDUs |

(g) Equivalent dwelling units will be assigned to establishments not covered above either on a fixture unit or metered use basis.

(h) If two or more dwellings, apartments, stores, offices or industrial units are connected through a single lateral, or if two or more families use separate cooking or toilet facilities, or both, in a single dwelling, the user charge payable under the foregoing shall be computed as though each such dwelling, apartment, store, office, or industrial unit and each such family were a separate property or user with a separate connection to the sewer.

(i) Wastewater facility charges for schools payable under the foregoing shall be computed on the basis of the annual average number of pupils enrolled during the school terms. Teachers and employees shall be included with pupils for purposes of such computation.

(j) In the event that The Town of Greenwood is not provided, upon request, with accurate information, including supporting documentation, to determine the number of fixtures or pupils or such other data as may be necessary to determine a user classification or rate, The Town of Greenwood's estimate or determination thereof shall be conclusive.

- (k) The Town of Greenwood reserves the right to change Equivalent Dwelling Unit values from time to time, or add or delete property classifications, and in cases of dispute, to determine the proper classification of a given property.
- (l) Each user of the wastewater facilities will be notified annually of effective user charge rates.

Section 4I: Surcharge Provision.

- (a) The following shall establish the surcharge on excessive strength pollutants which exceed the normal levels of domestic sewage as stipulated in this ARTICLE. The surcharge added to the base charge will be levied and computed based on the following model:

$C_s = (B_c(B) + S_c(S) + P_c(P)) V_u$ where:

C_s = A surcharge for wastewater of excessive strength, (\$),

B_c = Operation and maintenance cost for treatment of a unit of biochemical oxygen demand, (\$/pound of BOD),

B = Concentration of BOD from a user above a base level, (pound/MG),

S_c = Operation and maintenance cost for treatment of a unit of suspended solids, (\$/pound of SS),

S = Concentration of SS from a user above a base level, (pound/MG),

P_c = Operation and maintenance cost for treatment of a unit of any pollutant, (\$/pound),

P = Concentration of any pollutant from a user above a base level, (pound/MG),

V_u = Volume contribution from a user per unit of time, (MG/time period),

MG = Million gallons

Current unit costs for B_c , S_c and P_c are contained in the Schedule of Unit Costs for treatment of Biochemical Oxygen Demand, Suspended Solids, and Pollutants, available at the office of The Town of Greenwood, which is reviewed and revised annually.

(b) Laboratory tests shall be conducted on the User's wastewater at the expense of the User to determine the quantitative excess loadings in order to compute the surcharge.

(c) The base levels of BOD and SS are:

BOD 250 mg/l

TSS 250 mg/l

Section 42. *Tap charges; out of Town rate.

(a) The sewer tap charge for both properties located within or without the Town shall be established by Resolution of the Town Council.

(b) The same rate shall be applicable to all detached buildings, although the building or buildings may be located on the same lot or property.

Section 43. Determination of Volume.

(a) In applying the schedule of charges, the Town of Greenwood may use the figures representing the flow discharged into the sewer system by:

(1) the amount of water supplied to the premises as shown upon the water meter, if the premises are metered; or

(2) the volume of wastewater discharged into the sewer as determined by measurements by sewer meters and samples taken at the control manhole installed by the User of the property serviced by the sewer system, or

(3) allowance for employees; or

(4) a figure determined by the Town of Greenwood by any combination of the foregoing or by any other equitable method.

(b) One or more of the above methods for flow determination shall be selected so that the most accurate volume values are used. The method or methods utilized shall be determined by the Town Council.

Section 44. Determination of Constituent Concentration.

My name?
(a) The constituent concentration of any wastewater shall usually be determined from representative samples discharged to the public sewers. The samples shall be taken by persons authorized to act on behalf of The Town of Greenwood at sampling stations as described under Section 30 at any period or time, or of such duration and in such a manner as The Town of Greenwood may elect, or at any place or in such manner as determined by the Town Council. The intent of any sampling procedure is to establish the constituent concentrations in the wastewater discharged during an average or typical working day. These concentrations may be derived, according to the best judgment of the Town of Greenwood by combining repeated sub-sampling during one day, combination of a series of such days, or by combination of a number of multiple series of such days. The analyses of samples taken shall be performed by an approved laboratory as mutually deemed acceptable by the Town of Greenwood and the User, and the charges and/or acceptability of the wastes shall be determined from said analyses.

(b) All surcharges shall be based on the analyses of the wastes from any plant or premises related to total volume of wastes, as determined under Section 31. The concentration of constituents

shall be used in calculating the surcharge until the User shall prove or the Town of Greenwood shall determine that a re-analysis and/or re-sampling is warranted for the determination of new constituent concentration of its wastes discharged into the sewer system. The new constituent concentrations shall then be used in calculating the new user charge and shall become effective as of the date of the re-sampling.

(c) Whenever the wastes discharged from a premises to a public sewer might be expected to show appreciable periodic variation during the year due to manufacturing process or production variation due to seasonal change, the Town of Greenwood may average the results of two or more series of analyses taken to reflect these variations and thereby determine average annual constituent concentrations; and/or where necessary the Town of Greenwood may enter into special agreement with the User for more frequent sampling in order to obtain more representative samples.

Section 45. Constituent Concentration Disputed by a Person, In the event that the constituent concentration of the waste discharged from a premise to the public water system as determined under Section 44 of this Ordinance is disputed by a person, a program of re-sampling and gauging with subsequent chemical determination may be instituted as follows:

- (a) the person must submit a request for resampling and gauging of the wastes to The Town of Greenwood.
- (b) the person or an agent of the person must confer with representatives of The Town of Greenwood in order that an agreement may be reached as to the various factors which must be considered on a new sampling program. The Town of Greenwood may require that the person retain a consultant or person of recognized professional standing to assist in the negotiations.
- (c) the person, the consultant or the agent of recognized professional standing employed by the person shall conduct a resampling and reanalysis program, at the direction of the Town of Greenwood for a period of not less than 72 hours.
- (d) the results of the resampling and reanalysis shall be considered to be the current analysis of the wastes discharged to the sewer system and shall be used for determining the user charge or acceptability of the wastes, or both.

ARTICLE VI ENFORCEMENT AND PENALTIES.

Section 46. Responsibility for Enforcement, All rules and regulations described herein shall be enforced by The Town of Greenwood.

Section 47. Termination of Service. The Town of Greenwood may terminate wastewater service and disconnect a User from the system when it is determined that:

- (a) acids or chemicals damaging to Wastewater Facilities are released by the User to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (b) a governmental agency informs the Town of Greenwood that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the User is delivering wastes to the wastewater system that cannot be sufficiently treated or require treatment that it not normally provided; or
- (c) the User
 - (1) discharges industrial waste or wastewater that is in violation of the permit issued;
 - (2) discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater facility.;
 - (3) fails to pay user charges for public sewer services when due; or
 - (4) repeats a discharge of prohibited wastes to public sewers.

Termination of services may be effective immediately, but in no event more than thirty (30) days after written notification to the User. Recourse to the

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User is established under Section 51 of this Ordinance. If service is disconnected pursuant to this section, the Town of Greenwood shall:

- (a) supply the User with a copy of the governmental agency's report and provide the User with all pertinent information; or
- (b) continue disconnection until such time as the User provides additional pretreatment or other facilities designed to remove the objectionable characteristics from the wastes.

Section 48. Notice. The Town of Greenwood shall serve persons discharging in violation of the Town Ordinance with written notice stating the nature of the violation and establishing a time limit for satisfactory compliance with the provisions of this Ordinance.

Section 49. Penalties.

(a) Any person who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than \$50.00 nor more than \$100.00, or imprisonment for not more than twenty (20) days, or both, and shall pay the cost of prosecution.

(b) In addition to proceeding under authority of Subsection (a) of this Section, The Town of Greenwood may pursue any other criminal or civil remedy, or both, to which it is entitled.

(c) For the purpose of this Ordinance, each day or part of a day that a violation continues shall be deemed to be a separate offense.

Section 50. Failure to Pay. In addition to sanctions provided by this Ordinance, the Town of Greenwood is entitled to exercise sanctions provided in other ordinances for failure to pay the user charges for public sewer service when due and may terminate water service or sewer service, or both.

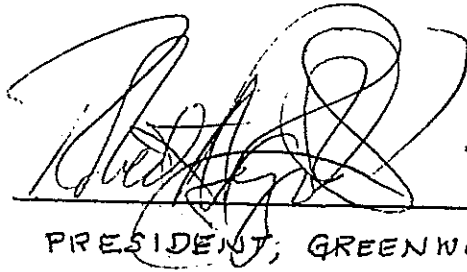
Section 51. Appeals. Any User, permit application, or permit holder affected by any decision, action or determination made by the Town Council or any agents, servants, employees or officers of the Town, interpreting or implementing the provisions of this Ordinance or any permit issued herein, may file with the Town Council a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The written appeal shall be heard by the Town Council at a public hearing within thirty (30) days from the date of filing. The Town Council shall make a final ruling on the appeal within twenty (20) days following the close of the public hearing which decision shall be final. The initial decision, action, or determination shall remain in effect during the period of appeal.

*what about
recruitment costs?*

ARTICLE VII. SEVERABILITY

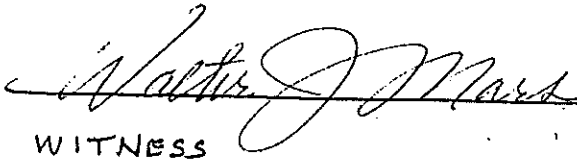
Section 52. If any provision of this Ordinance is held invalid or unconstitutional, the remainder of this Ordinance or the application of such provisions to other persons or other circumstances shall not be affected.

(SIGNED)



PRESIDENT, GREENWOOD COMMISSIONERS

(SIGNED)



WITNESS

7/2/91

DATE