



July 22, 2024

Private Acts of 1971 Chapter 167

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Private Acts of 1971 Chapter 167	3
---	----------

Private Acts of 1971 Chapter 167

SECTION 1. That the Memphis and Shelby County Health Department is hereby authorized to enforce the provisions of this Act pertaining to Water Quality Control within Shelby County excluding incorporated municipalities.

SECTION 2. That the following definitions shall be applicable to all provisions of this Act:

Abandoned Well- An "abandoned well" is any well that has been voluntarily abandoned or further use.

Auxiliary Intake - An "auxiliary intake" is any piping connection or device whereby water may be secured from a source other than that normally used.

Condemned Well- A "condemned well" is any well which pollutes or contaminates or tends to pollute the water stratum.

Cross-connection- A "cross-connection" is any physical connection whereby a potable water system, whether public or quasi-public, is connected with another supply either inside or outside of any building in such manner that a flow into the potable supply is possible, either because of ineffective or defective check valves or back pressure valves, or for any other cause.

Shallow well- is a well that is constructed to a depth shallower than the stratum of blue clay which is found just above the water bearing sands known as the Claiborne group. This stratum of blue clay in an adjacent to Memphis is usually intercepted at a depth of approximately 100 feet and extends to a depth of from 200 to 300 feet.

Deep well- is a well that is constructed to depth that penetrates the blue clay known as the Claiborne group or the 500 foot water bearing formation, also the Wilcox group known as the 1400 foot water bearing formation.

Health Department- The Memphis and Shelby County Health Department.

Health Officer- The Director of the Memphis and Shelby County Health Department, or his designated representative.

Potable Water Supply- The term "potable water supply" means any water supply of a quality approved by the Department of Health as being safe for human consumption.

Private Water Supply- A "private or individual water supply" system is one that is confined to or intended only for the person or persons immediately concerned such as individual dwellings, farms, etc.

Public Water Supply- A "public water supply" is any water supply whereby the users of said supply are required to pay a fee for services rendered.

Quasi-Public Water Supply- A "quasi-public water supply" is any supply used or made available by a person, firm or corporation, to their employees, tenants, members or guests for drinking, or in connection with any commercial or industrial use such as for cooling purposes, manufacturing processes, food preparation and handling or any other uses.

The source of a quasi-public water supply may be from a quasi-public or a public supply only.

SECTION 3. That any individual, firm, corporation, or owner of a quasi-public, or private water supply must make an application for the installation of any and all types of wells in Shelby County. An application may be obtained at the Department of Health. If an application is approved, such application shall be in force and in effect for 90 days from the date of its issuance. If work has not commenced within 90 days of issuance, said application shall be revoked.

All water wells in Shelby County shall be required to have a negative bacteriological sample obtained prior to putting the well into service.

SECTION 4. That no person, firm, or corporation shall operate or maintain a quasipublic, or a private water supply until a permit therefore has been issued by the Department of Health, which permit shall not be valid for longer than one year and may be renewed at the expiration thereof upon payment of the fees hereinafter set out. All permits shall be in writing. Such permit may be revoked by the Department of Health upon the violation by the holder of any of the terms of this article, or in any emergency when, in the judgment of the Department of Health, the continued operation of the quasi-public or private water supply will be a public health menace. The holder of such permit, after such revocation, shall have the right of appeals.

The yearly permit to operate or maintain a quasi-public water supply shall not be issued until an inspection fee is paid each year to the Health Department. A fee of twenty dollars (\$20.00) for a quasi-public water well in the shallow water bearing formation shall be paid by the owner, and a fee of ten dollars (\$10.00) shall be paid for each additional quasi-public well. A fee of one hundred dollars (\$100.00) for a quasi-public water well in the deep water bearing formation shall be paid by the owner, and a fee of twenty-five dollars (\$25.00) shall be paid for each additional quasi-public water well. The owner shall be

liable for the fee whether the water well is shallow or deep. Said fee shall be due on January 1, of each calendar year and shall be paid by January 31, of each calendar year. Private well owners will be held liable for a fee only if public water is available. Private well owners shall not be liable for this fee for any wells used for irrigation and/or live stock and not for human consumption even though public water is available.

SECTION 5. That before work is commenced on the construction of any new well, or any additions, alterations, or changes, including cross connections, treatment, settling and storage tanks, aerators, wells, suction lines and any other part of such quasi-public or private water supply listed in any regulations adopted by the Department of Health, complete plans and specifications, accompanied by such pertinent data as may be required shall be submitted, by the owner or his agent to the Department of Health, and no part of the work shall be commenced until the Department of Health has given its written approval.

SECTION 6. That before any work is commenced on the construction of any sewers, sewage treatment plants or any part of the sewerage system constructed underground, or any additions, alterations or major changes to an existing sewerage system on private property on which there is a water supply; complete plans and specifications shall be submitted by the owner or his agent to the Department of Health, and no part of the work shall be commenced until the Department of Health has given its written approval; provided, that this does not include repairs to plumbing in buildings and above the ground which is controlled by the Plumbing Inspectors.

SECTION 7. That all quasi-public and private water supplies shall be open for inspection at all times by an authorized representative of the Department of Health.

SECTION 8. That all water wells shall be located, constructed and operated in accordance with the rules and regulations adopted by the Department of Health, and the water shall be of a safe, sanitary quality. No water well shall be located close enough to any existing or proposed well in Shelby County that would materially affect the static head of water from the underground strata of any such well or proposed well.

SECTION 9. That new or repaired potable water systems shall be disinfected prior to use. The new or repaired system shall be flushed with potable water until it is free of turbidity. The system or part thereof shall be filled with a chlorine solution containing at least fifty (50) parts per million of chlorine and the system or part thereof shall be valved off and given twenty-four hours retention time, or The system or part thereof shall be filled with a chlorine solution containing at least 200 parts per million of chlorine and given three hours retention time. Following the retention time the system shall be flushed with potable water until the chlorine residual does not exceed two parts per million in the systems. This procedure shall be repeated if it is shown by a bacteriological examination that contamination is still present in the system.

SECTION 10. That the Department of Health may order the owner or responsible person to fill up any abandoned or condemned well within (90) days after the receipt of notice from the Department of Health to abandon, dismantle, and fill such well at his own expense. The filling of said well shall be done according to the Health Department's requirements.

SECTION 11. That no auxiliary intake for a potable water supply shall be made or permitted unless the source and use of the auxiliary supply, and the location and arrangement of the intake shall be approved by the Department of Health.

SECTION 12. That it shall be unlawful for any engineer, plumber or other tradesman or workman, or any other person, to make any cross-connection between a public water supply and any quasi-public water supply unless written approval by the Department of Health has been obtained in advance. Whenever a cross-connection between a public water supply and a quasi-public water supply has been made, the premises shall at all times be open for inspection by any authorized representative of the Department of Health, and if on inspection, it is found that the public water supply might become contaminated through such cross-connection because of some potential danger of contamination by the other water supply, then the public supplier shall have the right to discontinue the water service upon such premises upon written recommendation by the Department of Health that such discontinuance should be put into effect.

SECTION 13. That whenever a cross-connection may be made or now exists between a public water supply and any quasi-public water supply such quasi-public water supply shall be equipped with gate valves, check valves and bleeder or test valves for the purpose of preventing the commingling of water, and to insure the means of immediate and complete separation during any possible emergency. Such valve or valves must be installed by the owner of said quasipublic water supply in such a manner as to meet the approval of the Department of Health.

SECTION 14. That whenever a public or quasi-public water supply is used for drinking and a nonpotable

water supply is used for fire protection, industrial or other purposes, such nonpotable water supply shall be distributed through an independent piping system having no cross connections with the public or quasi-public water supply and shall not be rendered available for drinking or other personal or domestic uses.

SECTION 15. That whenever the potential danger of contamination of a quasi-public water supply is sufficient to be considered an emergency by an authorized Health Department representative, he shall have the right to post signs at all faucets, fountains or other places where people might drink, or prohibit the use of this water for drinking or in connection with the preparation of any ice, food or drink, until such time as the necessary protection changes are made and approved by the Health Department.

SECTION 16. That the use of all water pumped by quasi-public water supplies for industrial and drinking purposes shall be limited to reasonable use. The term "reasonable use" shall be defined as that use of water which is ordinarily required by industries, firms and individuals in the usual operation of their business. It shall also include such water as may be reasonable necessary for cooling, refrigeration and air conditioning, subject however, to the limitations and conditions herein mentioned. The amount of water reasonably necessary for the purposes mentioned herein may be determined by the effect the use of the same, when combined with similar uses by others, may have on the available water supply and on the sewerage system available for the carrying off of wastewater. In all cases where it will be feasible for quasi-public water supplies to reuse water for cooling through the use of cooling towers, evaporative condensers or some other such device, the Health Department may require the use of some such device in order to conserve the amount of water taken from the water bearing strata from which the public drinking water supply is obtained and to limit, so far as practicable, the amount of wastewater which must be handled by the public sewer system. In any and all cases that might arise due to the drilling of new wells in which the existing public sanitary or storm sewer available is too small to handle the additional load, then such wastewater must be handled in some other manner satisfactory to the Department of Health.

SECTION 17. That the Health Department may make such rules and regulations, not inconsistent with this article or with the Constitution or laws of the State, as may from time to time be necessary to carry out the purpose of this article.

SECTION 18. That any person, firm or corporation who is in violation with any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction be fined not less than \$25.00 or more than \$100.00 and each day such violation of this Act shall continue shall constitute a separate offense.

SECTION 19. That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

SECTION 20. That all laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

SECTION 21. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 22. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 21 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

Source URL: <https://www.ctas.tennessee.edu/private-acts/private-acts-1971-chapter-167>