

Chapter 10

Sewer Use Ordinance

Article I, General Provisions

- Sec. 10.1 Purpose and Policy
- 10.2 Definitions
- 10.3 Abbreviations
- 10.4 Tampering with or Unlawful Connections to System
- 10.5 Permission Required When Crossing Streets, etc., Making Connections
- 10.6 Extension into Undeveloped Areas and Outside Service Area
- 10.7 Separate Taps
- 10.8 Tampering with System
- 10.9 Discharge of Septic Tank Cleaning Service Tankers

Article II, Regulations

- 10.10 Use of Public Sewers
- 10.11 Sanitary Sewer Extensions
- 10.12 Building Sewers and Connections
- 10.13 Cross Connection Control
- 10.14 Unlawful Acts
- 10.15 Authority
- 10.16 Purpose
- 10.17 Definitions
- 10.18 Administration
- 10.19 Requirements
- 10.20 Hazard, High and Low
- 10.21 Testing Requirements
- 10.22 Records
- 10.23 Enforcement Response
- 10.24 Grease, Oil, and Sand Interceptors
- 10.25 Control Manholes
- 10.26 Measurements, Tests and Analyses
- 10.27 Federal Categorical Pretreatment Standards
- 10.28 Specific Pollutants Limitations
- 10.29 Pretreatment of Flow-Control Facilities
- 10.30 Town's Right of Entry
- 10.31 Accidental Discharges
- 10.32 State Requirements
- 10.33 Town's Right of Revision
- 10.34 Excessive Discharge
- 10.35 Twenty-four Hour Notification

Article III, Fees

- 10.36 Purpose
- 10.37 User Charges
- 10.38 Excess Treatment Penalties
- 10.39 Surcharges
- 10.40 Pretreatment Program Administration Charges

Article IV, Industrial Discharges

- 10.41 Wastewater Dischargers
- 10.42 Reporting Requirements
- 10.43 Monitoring Equipment
- 10.44 Basis for Compliance Determination, Analysis and Sampling
- 10.45 Wastewater Discharge Permits
- 10.46 Inspection and Sampling
- 10.47 Pretreatment
- 10.48 Confidential Information

Article V, Enforcement

- 10.49 Notification of Violation
- 10.50 Consent Orders
- 10.51 Compliance Order
- 10.52 Cease and Desist Orders
- 10.53 Administrative Fines
- 10.54 Emergency Suspensions
- 10.55 Show Cause Hearing
- 10.56 Legal Action
- 10.57 Emergency Suspensions
- 10.58 Termination of Permit

Article VI, Publication

Article VII, Penalty; Costs

- 10.59 Civil Penalties
- 10.60 Falsifying Information
- 10.61 Other Remedies
- 10.62 Upset Provision

Article VIII, Severability

Article IV, Conflict

Article X, Effective Date

Article XI, LCJMWSC Pretreatment Requirements

Article I General Provisions

Sec. 10.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town and enables the Town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To provide for equitable distribution of the cost of the municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that the existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This ordinance shall apply to the Town and to persons inside the Town who are, by contract or agreement with the Town, users of the Town system. This ordinance shall replace the present Sewer Use Ordinance. Except as otherwise provided herein, the superintendent of the Town system shall administer, implement, and enforce the provisions of this ordinance.

Sec. 10.2. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meaning hereinafter designated:

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.

Approval Authority. The Commissioner of the South Carolina Department of Health and Environmental Control.

Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight (pounds) and concentration (milligrams per liter (mg/l)).

Building Drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building Sewer. A sewer conveying wastewater from the premises of a user to the system.

Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.

Composite Sample. The following are four types of composite samples: (1) An influent or effluent portion collected continuously over a specified period of time at a rate proportional to the flow. (2) A combination of not less than eight influent or effluent grab samples collected at regular (equal) intervals over a specified period of time, properly preserved and composited by increasing the volume of each sample in proportion to flow. If continuous flow measurement is not used to composite in proportion to flow, the following method will be used: Take an instantaneous flow measurement each time a grab sample is collected. At the end of the sampling period, sum the instantaneous flow measurements to obtain a total flow to determine the partial amount (percentage) of each grab sample to be combined to obtain the composite sample. (3) A combination of not less than eight influent or effluent grab samples of equal volume but at variable time intervals that are inversely proportional to the volume of the flow. That is, the time interval between samples is reduced as the volume of flow increases. (4) A combination of not less than eight influent or effluent grab samples of constant (equal) volume collected at regular (equal) time intervals over a specified period of time, while being properly preserved. Continuous flow or the sum of instantaneous flows measured and averaged for the specified composting time period shall be used with composite sample results to calculate quantity.

Control Authority. The terms control authority shall refer to the approval authority defined hereinabove, or the superintendent if the county has an approved pretreatment program under the provisions of 40 CFR 403.11.

Cooling Water. The water discharged for many use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of South Carolina.

Director of Utilities. Same as superintendent.

Domestic Waste. Household waters principally from dwellings, business building, institutions, etc. Also includes similar wastes from industries when separated from industrial waste.

Environmental Protection Agency, or EPA . The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of

said agency.

Garbage. The solid wastes from the preparation, cooking, and disposing of food, and from the handling, storage and sale of produce.

Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under section 307 (b) or (c) of the act, (33 U.D.C. 1317), into the system including holding tank waste discharged into the system.

Industrial User. A source of indirect discharge which does not constitute a discharge of pollutant under regulations issued pursuant to section 402, of the act. (33 U.S.C. 1342).

Industrial Waste. Liquid wastes from industrial processes as distinct from sanitary sewage.

Interference. The inhibition or disruption of the treatment processes or operations which contributes to a violation of any requirement of the Town's NPDES Permit. The term includes prevention of sewage sludge use or disposal, but the term includes prevention of sewage sludge use or disposal by the system in accordance with section 405 of the act, (33, U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the system).

Lexington County Joint Municipal Water and Sewer Commission The wholesale provider of water treatment and sewer treatment within southern and central Lexington County (LCJMWSC).

Municipal Wastewater Treatment System (System). A treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned or utilized under contract by the Town. This definition includes any sewers that convey wastewater to a treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, *system* shall also include any sewers that convey wastewater to the system from persons outside the Town, and users of the Town's system.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the act and 40 CFR Section 403.5.

Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 207 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the "Federal Register". Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which commences after the date promulgation of the standard.

Part per million (PPM). A weight to weight ratio: The part per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the female, the singular shall include the plural where indicated by the context.

Ph. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant. Any dredged soil, 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 discharge into water.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or Treatment. The reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater to the less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a system. The reduction of alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403.6 (d).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Private Sewer. A sewer owned by a private company which is under contract with the county.

Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

Publicly Owned Treatment Works (POTW) or Public Sewer. A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Sanitary Sewer. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sewage. A term which can be interchanged with wastewater. See wastewater.

Sewer. A pipe or conduit for carrying sewage.

Sewerage Works. All facilities for collecting, pumping, treatment and disposing of sewage.

Shall/May. Shall is mandatory. May is permission.

Significant Industrial User. (i) All industrial users of the Town's wastewater disposal system subject to Categorical Pretreatment Standards under 49 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (ii) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non contact cooling and boiler blowdown wastewater); contributes a process waste stream, which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plan; or is designated as such by the Town, SCDHEC, or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Significant Noncompliance. Shall mean a violation of discharge limitations that meet one or more of the following criteria or a violation of compliance schedule milestone as follows:

a. Chronic violations in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

b. Technical Review Criteria (TRC) violations in which 33 percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease; and TRC = 1.2 for all other pollutants except p^H);

c. Any other violation of a pretreatment effluent limit (daily maximum or monthly average) that SCDHEC determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the treatment system personnel or the general public);

d. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the Town's use of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation or group of violations which the Town determines will adversely affect the operation or implementation of the local pretreatment program.

Significant Violator. Any Industrial user found to be in significant noncompliance shall be termed a significant violator and shall be subject to enforcement action.

Sludge. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than fifteen (15) minutes more than five (5) times its average daily concentration or flow.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

State. State of South Carolina.

Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

Superintendent. The person designated by the Town (town administrator) to supervise the operation of the Town's treatment system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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

Town. Town of Swansea or the Town Council of the Town of Swansea.

Town Council. The duly elected Town Council of the Town of Swansea or its authorized representative.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administration of the Environmental Protection Agency under the provisions of CWA 307 (a) or other acts.

Treatment Plant. That portion of the system designed to provide treatment to wastewater.

User. Any person who contributes, causes or permits the contribution of wastewater into the Town's

system.

Wastewater. The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated. See Sewage.

Wastewater Discharge Permit. As set forth in section 10.43 of this ordinance.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Sec. 10.3. Abbreviations

The following abbreviations shall have the designated meanings:

BOD Biochemical oxygen demand.

CFR Code of federal regulations.

COD Chemical oxygen demand.

DHEC Department of Health and Environmental Control.

EPA Environmental Protection Agency.

l Liter

mg/l Milligrams per liter.

NPDES National Pollutant Discharge Elimination System.

POTW Publicly owned treatment works.

SIC Standard industrial classification.

SWDA Solid Waste Disposal Act, 42, U.S.C. 6901, et. seq.

USC United States Code.

TSS total suspended solids.

Sec. 10.4 Tampering with or Unlawful Connections to System

It shall be unlawful and a violation of this ordinance for any person to tamper with or change any water meter or to make any connection to the water or sewer system without the written approval of the Town, or to reconnect service when it has been disconnected for nonpayment of a bill for service, until such bill has been paid in full, including the reconnection fee.

Sec. 10.5. Permission Required When Crossing Streets, etc. in Making Connections

The customer or developer shall secure written permission to cross properties, highways, streets, etc., in making taps to the water or sewer system of the Town.

Sec. 10.6 Extension into Undeveloped Areas and Areas Outside Town Service Area Limits

(a) For extension of water and sewer lines into an undeveloped street, the developer or property owner will pay the full amount for lines. Such lines will be to the Town's specifications.

(b) For any developments after July 1, 2000, connecting to the Town system, if the developer wants to buy water and sewer from the Town, he must install water and sewer lines and the lines deeded to the Town.

(c) For any request to extend water and/or sewer service into any area outside the Town service area and whether the area is contiguous or not contiguous to the Town service area limits, town council retains discretionary authority as to granting such request and, if the request is granted, the Town has the right to make such requirement(s) as is in the best interest of the Town.

Sec. 10.7 Separate Taps

All new businesses or dwellings after July 1, 2000 must have separate water and separate sewer taps for each place. All existing taps with more than two units served by a single tap shall be billed based on one minimum per unit. The allowed flow per unit will be subtracted from the total and the balance billed at a cost per thousand basis.

Sec. 10.8 Tampering with System

Any person convicted of tampering with a water meter or the Town water or sewer system will be subject to punishment as provided in Section 10.4 of this Code.

Sec. 10.9 Discharge of Septic Tank Cleaning Service Tankers into the Town System

Discharge of septic tank cleaning service tankers is prohibited in the Town. All septic tank cleaning services must be licensed by SCDHEC and approved by the superintendent. Any person or septic tank cleaning service found to be violating any provision of this section will be subject to a fine as defined in Section 14.1 of this Code.

Article II, Regulations

Sec. 10.10 Use of Public Sewers

10.10.1. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the system. These general prohibitions apply to all users of the system whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to the system:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the state or EPA has notified the user is a fire hazard of a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (½") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rages, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a p^H less than 5.0 or more that 9.0, unless the system is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollution, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the system, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the system's effluent or any other product of the system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the

reclamation process. In no case, shall a substance discharged to the POTW cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria; guidelines, or regulations affecting sludge or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the system to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the system treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the system which exceeds 40 C (104 F) unless the system treatment plant is designed to accommodate such temperatures.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the system. In no case shall a sludge load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit using the test methods specified in 40 CRF 261.21.

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

(o) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or passed through.

(p) Any trucked or hauled pollutants, accept at discharge points designated by the POTW.

When the superintendent determines that a user(s) is contributing to the system, any of the above enumerated substances in such amounts which may cause or contribute to interference of the system's operation, the superintendent shall: 1) advise the user(s) of the potential impact of the

contribution on the system; and 2) develop effluent limitation(s) for such user to protect the system from interference.

- 10.10.2. It shall be unlawful to discharge to any natural outlet (to include storm sewers) within the Town or in any area under the jurisdiction of the Town any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this resolution.
- 10.10.3. No unauthorized person shall maliciously, willfully or negligently break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or malicious mischief.
- 10.10.4. The town council and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurements, sampling and testing, in accordance with the provisions of this article.
- 10.10.5. Any person found to be violating any provision of this article may be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 10.11 Sanitary Sewer Extensions

- 10.11.1 Construction of sewage works in any new development shall be the responsibility of any person performing such development.
- 10.11.2 New sanitary sewer systems, or extensions to existing systems shall be conveyed to the Town in accordance with the provisions of this section where such sewers are to be located in public streets. New sanitary sewers located on private property may be conveyed to the Town provided required approvals have been obtained pursuant to this section and suitable permanent sewer easements conveyed to the Town for each such private sewer located on private property.
- 10.11.3. Approval of new sewage works to be constructed by a developer shall be accomplished in accordance with the following procedure.
 - a. Submit two preliminary sets of construction plans prepared by a registered professional engineer of the State of South Carolina to the Town in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage works if applicable.
 - b. Receive preliminary approval from the Town and other jurisdictional agencies.
 - c. Prepare construction drawings and documents for the Town's approval.

d. Secure all other agency approvals of construction drawings and contract documents, and obtain all required permits.

e. Upon receipt of all approval, notify and Town for final approval to proceed with construction, and furnish the Town with a construction schedule.

f. Provide the Town and its authorized representatives with permission for on-site inspection during construction.

g. Any connection to any existing sewer line, manhole or pump station must be requested in writing to the Town. Failure to do so may result in a fine of \$2,000.00 for unauthorized use, plus cost to repairs if necessary.

h. Upon completion of construction, the engineer employed by the developer shall inspect and furnish to the Town at no cost, his certificate of completion indicating that the subject sewage works has been constructed in accordance with the approved plans and specifications, and shall provide four (4) prints and one (1) reproducible sepia of "As Construction or Record Drawings". Also the developer shall provide the Town with a certified letter stating that all future cost incurred by the Town for the installation of additional service laterals not shown on plans will be paid by developer within 30 days after receipt of invoice. In addition, the drawings will be provided to the Town in DXF file format.

10.11.4. Sewage works to be conveyed to the Town shall be accomplished by the owner preparing and submitting to the Town an instrument of conveyance, conveying the constructed system to the Town free and clear of all liens, at no cost to the Town and the system shall thereafter be owned, operated and maintained by the Town as provided for in this resolution. A one-year maintenance bond shall also be required for any sewage works conveyed to the Town. Bond to be delivered with the instrument of conveyance to the Town, and the amount of bond is to be ten percent (10%) of total construction cost as determined after construction. Date of bond and date of instrument of conveyance to be the same.

Sec. 10.12 Building Sewers and Connections

10.12.1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof.

10.12.2. There shall be two (2) classes of building sewer permits: (1) For residential and commercial service, and (2) For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Council.

10.12.3. Sewer Connection Fees: Connection fees must be paid to the Town before making connection to public sewer.

a. Connection fees as established by the Town are based upon the following conditions related to the construction of sewer service lines:

i. Construction shall be limited to open trench excavation across two lanes of paved roadway surface having a maximum width of twenty-six (26) feet excluding curb, gutter and sidewalks. Construction shall be limited to one (1) sewer service per lot.

ii. Construction shall not require the relocation of existing underground or overhead utilities, i.e., water mains, gas mains, sewers, telephone and electrical power cables and wires or the relocations of existing structures located within public rights-of-way.

iii. Construction shall not require the relocation or reconstruction of existing storm sewers or drainage structures due to grade conflicts which may exist between existing storm sewers and proposed sewer service line.

b. Construction of sewer service lines involving work in excess of that as set forth in Note (a) must be paid by the applicant upon presentation of an estimate by the Town before construction can begin. The permit applicant may contract to have such work done at his expense and subject to Town inspection and approval. The sewer connection fee as set forth in Section 2.3.3. shall be paid by the permit applicant if connection is made at his expense.

c. The fees, rates, and charges for the use of the Town's sewage disposal system shall at all times be subject to change by act of the Town in order to meet the cost of operation, maintenance of the sewage disposal system and treatment facilities.

d. The Town reserves the right to fix and determine by contract charges for services to be rendered to any person, firm, or governmental entity situated inside the Town, and utilizing the system of the Town for the disposal and treatment of sewage or other water.

10.12.4. All costs and expenses incident to the installation and connection of the building sewer to the property line shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

10.12.5. A separate and independent building sewer shall be provided for every building. Where one building stands to the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the Town may grant permission for the sewer from the whole considered as one building sewer, upon a showing by the applicant that it is not feasible that the two buildings so connected will ultimately be on separate building lots.

10.12.6. Old building sewers can only be used in connection with new buildings when they are found by the Town to meet all of the requirement of this resolution. The actual cost of a new sewer connection or an additional connection will be paid for by the applicant.

10.12.7. 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 back-filling the trench shall all conform to the requirements of applicable ASTM Specifications and/or the WPCF Manual of Practice No. 9. All installations to be subject to the expressed written approval of the town plumbing inspector. In no case shall the size of pipe installed be less than 6 inch nominal diameter, except that 4 inch nominal diameter pipe may be used to serve a building or buildings containing no more than 180 fixture units. A fixture unit is as defined in "WPCF Manual of Practice No. 9" and/or the "Southern Standard Building Code, Plumbing Edition" (Latest Revision). The minimum slope of building sewer shall be such as to produce a velocity of at least two feet per second. The following materials may be used in the construction of the building sewer: PVC solid wall, plastic, cast iron or ductile iron pipe as specified by ASTM specifications cited in Table 505 of the latest revision to the Southern Plumbing Code.

10.12.8. Sewers will be installed in accordance with the latest ASTM for the type of pipe material being used.

10.12.9. Whenever possible the building sewer shall be brought to the building at an elevation below first floor. No building sewer shall be made parallel to or within three feet of any load bearing wall which thereby might be weakened. The depth shall be sufficient to afford protection from live loads (automobiles, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. The building sewer shall be constructed to such a point as directed by the Town. When the lowest floor of a building is at an elevation lower than one foot above the top of the next upstream manhole in the sewer system, the building sewer must include backflow preventers or check valves and relief over flows. Prior to connection to the Town's sewer system the property owner shall be required to execute a Hold Harmless Agreement with the Town. The Town will not be held responsible for any damage occurring from connection to the sanitary sewer system. Such agreement shall be made on a form prepared by the attorney for the Town and provided to the property owner by the Town. Said Hold Harmless Agreement shall be recorded in the Register of Mesne Conveyance Office.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

10.12.10. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the town council. Pipe laying and backfill shall be performed in accordance with the ASTM Specification C12; except that no backfill shall be placed until the work has been inspected.

10.12.11. All joints and connections shall be made gastight and watertight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQL-156, not less than one inch deep. Lead shall be run in one pouring caulked tight. No paint, varnish or other coatings shall be permitted on the joint material until after the joint has been tested and approved. Rubber joint cast iron pipe may be used as an alternate. All joints in vitrified clay or concrete pipe or between such pipe and metals shall be made with approved hot pouring jointing material, as specified below or by using rubber gaskets or performed factory-applied couplings

having resilient properties in accordance with ASTM Specification C443-59T for concrete pipe an ASTM Specification C425-64 for vitrified clay pipe, or the latest revisions thereof. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160) degrees Fahrenheit, not be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp or similar approved material. Other jointing materials and methods may be used only by approval of the town council.

- 10.12.12 The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the Town shall install a "Y" branch in the public sewer at the location specified by the town council. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the town council.
- 10.12.13. No person shall maintain or make a connection of roof downspouts, exterior 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 a public sanitary sewer.
- 10.12.14. Before any underground portions thereof are covered, the applicant for the building sewer permit shall notify the plumbing inspector of the Town when the building sewer is ready for inspection and connection to the public sewer. The connection thereof shall be made to the public sewer by property owner and only after inspection. The inspection thereof shall be made within two (2) working days of the receipt of notice by the plumbing inspector of the Town. The plumbing inspector shall check the building sewer for excessive inflow. Any pipe having excessive inflow will be that inflow above 100 gallons per inch diameter per mile per day.
- 10.12.15. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in the manner satisfactory to the department of public works of the Town.
- 10.12.16. The applicant for the building sewer permit shall notify the Town Council when the building sewer is ready for inspection as required by the sewer permits.

Sec. 10.13 Cross Connection Control

- a. To protect and maintain the Town's water supply system so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of its consumers.
- b. To facilitate the elimination or control of any existing, unprotected cross-connections between the potable water supply system and any other water system(s), sewers or waste lines, or any piping systems or containers containing polluting substances.
- c. To provide for the establishment and maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of the potable water supply system by cross-connection.

10.13.1 Adoption of Cross-Connection Control and Backflow Prevention Regulations.

- a. For the protection of the public water supply system against possible contamination arising from problems involving cross connections, the Town's water supply system is authorized to adopt regulations establishing and maintaining a cross-connection control program. Such program shall include, but not be limited to, the survey, inspection, and approval of all existing facilities, the evaluation, inspection, and approval of new facilities, requirements for periodic testing of all backflow prevention devices, and the assessment and collection of fees in an amount sufficient to cover the cost of the program, inspection to be paid for by owner..
- b. The cross connection control program shall be in accordance with the regulations promulgated by the South Carolina Department of Health and Environmental Control, which regulations are adopted by reference and made applicable to the town's water supply system and all connections thereto.
- c. The director of the Town's water supply system is hereby given the primary responsibility for enforcement of the provisions of this ordinance and for maintaining all records pertaining thereto.
- d. The regulations and provisions of this ordinance apply to the entire water system of the Town, to all water customers of the Town, and to all connections with the water supply system of the Town, whether located inside or outside of the Town limits.

Sec. 10.14 Unlawful Acts

- a. It shall be unlawful for any person to make any connection to the Town's water supply system without the approval of the director of the town water supply system. Each day that such unauthorized connection exists prior to obtaining this approval shall constitute a separate offense and be punishable by a fine of up to \$1,000.00 per day.
- b. Any person found to be in violation of any provision of this ordinance or of the regulations establishing a cross-connection control program pursuant to this ordinance shall be served with written notice

stating the nature of the violation and shall be given a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Failure to correct the violation within the time limit specified shall constitute an unlawful act subject to the penalties set forth in paragraph (a) of this section.

Sec. 10.15 Authority

a. The State Safe Drinking Water Act (1976 Code of Laws of South Carolina, Section 44-55-10 et seq.), and the South Carolina Primary Drinking Water Regulations promulgated by the South Carolina Department of Health and Environmental Control (Regulation 61-58).

b. Nothing herein shall be construed to conflict with any applicable federal and state laws and regulations or with any other existing ordinances, codes or any amendments thereto.

Sec. 10.16 Purpose

a. To protect and maintain the Town water supply system so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of its consumers.

b. To facilitate the elimination or control of any existing unprotected cross-connections between the potable water supply system and any other water system(s), sewers or waste lines, or any piping systems or containers containing polluting substances.

c. To establish and maintain a program of cross-connection control which will effectively prevent the contamination or pollution of the potable water system by cross-connection.

Sec. 10.17 Definitions

The following special definitions apply to the Town's industrial pretreatment program contained herein.

Air Gap means a physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system, vessel, vat, tank, etc. This physical separation must be a minimum of twice the diameter of the supply side pipe diameter, but never less than one (1) inch. This method or device is approved for use on high hazard category cross connections.

Approved means accepted by the director of the town water supply system or his authorized representative as meeting the required standards or specifications, or as suitable for the proposed use.

Atmospheric Vacuum Breaker means a device which prevents back-siphonage by creating an atmospheric vent in the line when the supply line pressure falls to atmospheric (zero) or below, thereby creating a vacuum or negative pressure. This device is approved for use on low and intermediate hazards where only back-siphonage is being addressed.

Backflow means the undesirable reversal of the flow of water or other liquids, mixtures, gases, or other substances into or towards the distribution piping of a potable supply of water from any source or sources.

Backflow Preventer means any device or means approved by DHEC for use in preventing backflow under its prescribed limited conditions and design for use. These devices consist of: air gap, reduced pressure backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double (or dual) check with intermediate atmospheric vent.

Certified Tester means any person holding an up-to-date backflow prevention device tester certification card issued by DHEC.

Containment means a method of backflow prevention which requires a backflow preventer at the water service connection entrance (usually immediately down stream of the water meter).

Contaminant means any physical, chemical, biological, or radiological substance or matter in water impairing the quality of the water.

Cross Connection means any actual or potential connection or structural arrangement between a public water supply and any other source or system through which it is possible to introduce into any part of the potable system any use water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

DHEC means the South Carolina Department of Health and Environmental Control, including personnel authorized to act on behalf of the Department.

Director means the director of the Town water supply system, including personnel authorized to act on the behalf of the director.

Double Check Valve Assembly means an assembly of two (2) independently operating spring or weight load check valves with tightly closing shut off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. This device is approved for use on low hazard category cross-connections.

Double (or dual) Check Valve with Intermediate Atmospheric Vent means a device having two (2) spring loaded check valves which are separated by an atmospheric vent. This device is only available in small sizes through (3/4"). It has no test cocks or gate valves, and is usually used for internal protection. This device is approved for low to intermediate hazard category cross-connections.

High Hazard means an actual or potential threat to the public water supply of a physical or toxic nature to such a degree of intensity that there would be a danger to public health.

Hose Bib Vacuum Breaker means a device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker. It is normally approved for low hazard category cross-connections, back-siphonage only.

Low Hazard means that degree of hazard which would not constitute a threat of health, but which may cause an actual or potential threat to the physical properties of the water sufficient to cause a nuisance or be aesthetically objectionable.

Owner means any person who has legal title to, or license to operate or reside in a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present or suspected of being present.

Person means an individual, partnership, co-partnership, cooperative, firm, company, public or private corporation, political subdivision, agency of the state, trust, estate, joint structure, company, or any other legal entity or their legal representative, agent or assigns.

Pressure Vacuum Breaker means a device which is identical to the atmospheric vacuum breaker except that it is equipped with two tightly closing shut-off valves and an internal spring which allows it to be installed under continuous pressure. This device is approved only for use against back-siphonage backflow where low to intermediate category hazards exist.

Reduced Pressure Backflow Preventer means an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the check valves. Tightly closing shut-off valves are located on each end of the check valves, and properly located test cocks are positioned for the testing of the check valves and the relief valve. This device is approved for high hazard category cross connections, and may never be installed in a location or manner which will subject the device to possible flooding or allow the relief valve to become submerged under water.

Residential Dual Check means a device with two (2) independently operating check valves. This *device* is not equipped with shut-off valves or test cocks, and is approved for low hazard category cross connections. Residential dual checks are normally employed as a containment device installed at or in the service connection meter box.

Sec. 10.18 Administration

a. The Town water System is authorized to operate a cross-connection control program in accordance with applicable DHEC laws and regulations.

b. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Town water system's cross-connection control program and DHEC regulations.

c. The director has the primary responsibility of enforcing the cross-connection control program and to maintain all records pertaining thereto.

d. If the director requires the public water supply to be protected by the containment approach then the owner shall be responsible for water quality beyond the outlet end of the containment device and shall implement a program of internal protection which will address each offending fixture within his facility for the purpose of protecting the health of his employees as well as the safety/potability of his product.

Sec. 10.19 Requirements

a. New Construction

i. The director shall conduct on-site evaluations, inspections, interviews, and review of plans in order to determine the degree of hazard in question and shall prescribe backflow prevention measures (devices) which are commensurate with the degree of hazard in question. In cases where increased hazards do not dictate the need for stronger protection, a minimum of a residential dual check shall be required.

ii. Any newly installed double check valve assembly or reduced pressure backflow preventer shall be tested by a certified tester prior to any final approval of occupancy being issued by the director.

b. Existing Premises (Facilities)

i. Utilizing water customer billing records, telephone calls, personal interviews and inspections, the director shall conduct a survey of all existing non-residential customers in order to determine which facilities will be required to install protective devices, the type of protective device(s) to be required and the length of time allowed for installation of the required device(s).

ii. Any newly installed reduced pressure backflow preventer or double check valve assembly required on any existing facility shall be tested by a certified tester upon installation and once annually thereafter. A firm but reasonable time period is to be established by the director for the completion of the required installation and testing for prescribed device(s).

iii. The director shall not allow any existing cross-connection to remain unless it is protected by an approved backflow preventer which is commensurate with the degree of hazard in question. The director has the authority to decide whether the backflow prevention device must be installed at the service connection meter (containment approach), or whether the cross-connection in question may be adequately eliminated or protected within the facility at or near its point of origin (internal protection approach).

iv. Reasonable but firm time schedules shall be implemented by the director for compliance with testing and installation requirements.

v. The owner shall be responsible for meeting all compliance schedules, as well as for all fees and required device testing.

Sec. 10.20 Hazard, High, and Low

a. The town water system recognizes the threat to the public water system arising from cross-connections. All threats shall be classified by the water system as high or low hazard, and shall require the installation of the appropriate approved backflow prevention device(s) which are consistent with DHEC regulations, and the cross connection control program.

b. To determine the nature of existing or potential hazards, the town water system shall initially focus on the high hazard facilities. This includes facilities which offer the potential threat of contamination of a toxic nature (i.e., chemical bacteriological, or industrial).

c. The owner shall be responsible for notifying the director of any existing, proposed, or modified cross-connection of which the owner has knowledge but which has not been found by the director.

d. If the director determines at any time that a serious threat to the public health exists from an actual or potential cross-connection, the water service may be terminated and remain terminated until the director determines that a serious threat to the public health no longer exists.

Sec. 10.21. Testing Requirements

a. As part of the cross-connection control program, the director shall require annual testing by a certified tester of all backflow prevention devices. The director may require more frequent testing as he deems necessary based upon the age and condition of the device, where there is a history of test failures, or due to the degree of hazard involved, such additional tests are warranted. All testing will be performed at the customer's expense.

b. The certified tester performing the test shall furnish the owner with a written report of the inspection and testing results. The certified tester shall submit a copy of the test report to the director, and the Town water system shall be responsible for maintaining those reports for a period of five (5) years.

c. Each newly installed device shall be tested by a certified tester after installation, but before use by the owner. Each device shall be tested annually thereafter unless the director determines that more frequent testing is warranted.

d. Any backflow prevention device which fails during a test must be repaired or replaced at the owner's expense. Upon completion of repairs, the device shall be re-tested at the owner's expense. High hazard cross-connections shall not be allowed to continue unprotected due to a malfunctioning backflow prevention device. A compliance date of not more than thirty (30) days after the test date shall be established for successful repair, replacement and testing of the device(s) in question.

Sec. 10.22 Records

- a. The director shall initiate and maintain the following records:
 - i. Master files on cross connection surveys and inspections, including the owner's name, address, phone number, and location of the device(s) if present.
 - ii. Copies of cross-connection device testing reports furnished by the certified tester.
 - iii. The most current list of DHEC approved backflow prevention devices.
 - iv. A current list of certified testers.
- b. Records shall be open for inspection by the public during normal business hours.

Sec. 10.23 Enforcement Response

When the superintendent determines that a user(s) is contributing to the system, any of the above enumerated substances in such amounts as to interfere with the operation of the system, the superintendent shall take any action necessary to:

- a. Advise the user(s) of the impact of the contribution on the system; and
- b. Develop effluent limitations for such user to correct the interference with the system; and
- c. Consult the enforcement response guide to determine appropriate enforcement actions as necessary.

If wastewaters containing any substance described in Section 10.3 of this ordinance are discharged or proposed to be discharged into the sewer system of the Town, the town council may take any action necessary to:

- a. Prohibit the discharge of such waste water.
- b. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this article.
- c. Require pretreatment, including storage facilities, of flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- d. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the Town for handling and treating excess loads imposed on the treatment system providing that all prohibited discharge standards and national pretreatment requirements are met.
- e. Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this article.

Sec. 10.24 Grease, Oil, and Sand Interceptors

- a. When required, grease, oil and sand interceptors shall be provided by the customer at their expense when, in the opinion of the town utility manager, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
- b. Type, capacity, location and construction. All interceptors shall be of a type and capacity approved by the town utility manager and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed on impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial constructions, watertight and equipped with easily removable covers which when bolted in place shall be watertight also.
- c. Maintenance. When installed, all grease, oil, and sand interceptors shall be maintained by the owner at their sole expense in continuously efficient operation at all times. At a minimum frequency these interceptors are to be cleaned and waste properly disposed of once per year. Records of this cleaning must be maintained and provided to the utility department during inspections on request. Failure to properly maintain these systems is punishable by a fine as prescribed in Section 14.5 of this Code. Each day after citation by the town until corrective action has been taken shall be considered additional separate violations. Continued violations will be ground for termination of sewer and water service.(R3-8-10)

10.24.1 Surcharge

- a. At the discretion of the town utility manager a grease/oil surcharge may be allowed in place of the installation of an interceptor. If the customer chooses this option then a \$25.00 surcharge will be added to their bill monthly.
- b. If discharge of oil or grease become excessive in the opinion of the town utility manager this option may be revoked and the installation of an interceptor required.

Sec. 10.25 Control Manholes

When required by the town council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the town council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 10.26 Measurements, Tests and Analyses

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in Section 10.3 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" at the control manhole provided in Section 10.24, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sec. 10.27 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance, will be implemented. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Sec. 10.28 Specific Pollutants Limitations

No discharge shall contain pollutant concentrations exceeding prohibitive limits. These limitations shall be the maximum permissible for any single day and shall be based on composite samples. Specific pollutant limitations are addressed in the pretreatment program itself through the headworks analysis and loading allocations.

a. Normal domestic waste characteristic for the purpose of determining excess treatment penalties: 250 mg/l biochemical oxygen demand; 100 mg/l oil and grease; 250 mg/l total suspended solids; 15 mg/l ammonia nitrogen.

Sec. 10.29 Pretreatment of Flow-Control Facilities

(a) Submission of plans and specifications for review and approval. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the council for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the council.

(b) Maintenance. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

Sec. 10.30 Town's Right to Entry

Whenever it shall be necessary for the purpose of these rules and regulations, the utility department,

upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of; (1) copying any records required to be kept under the provisions of this article; (2) inspecting any wastewater equipment; and (3) sampling any discharge of waste water to the treatment works; and (4) Perform maintenance or repairs to the collections system as needed. The utility department may enter upon the property at any hour under emergency circumstances. (R3-8-10)

Sec. 10.31 Accidental Discharges

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. All existing users shall complete such a plan within 180 days of adoption of this ordinance. No user who commences contribution to the system after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to notify immediately the treatment plant and SCDHEC of the incident. The notifications shall include location of the discharge, type of waste, concentration and volume, and corrective actions.

Written Notice: Within five (5) days following an accidental discharge; the user shall submit to SCDHEC and to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of the damage to the system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Sec. 10.32 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance.

Sec. 10.33 Town's Right of Revision

The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharge to the wastewater system if deemed necessary to comply with the objectives presented in Section 10.1 of this ordinance.

Sec. 10.34 Excessive Discharge

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or state.

Sec. 10.35 Twenty-Four Hour Notification

If sampling performed by an industrial user indicates a violation, the user shall notify the control authority (Town) within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days.

a. Notice to Employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of accidental or dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Article III, Fees

Sec. 10.36 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the Town's wastewater treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Town's schedule of charges and fees.

Sec. 10.37 User Charges

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the system.

- a. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the system.
- b. Each user shall pay its proportionate cost based on volume of flow.
- c. The Town shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the system and will make recommendations to the town council for adjustments in the schedule of charges and fees as necessary.
- d. Charges for flow to the system not directly attributable to the users shall be distributed among all users of the system based upon the volume of flow of the users.

Sec. 10.38 Excess Treatment Penalties

For the purpose of this ordinance, domestic wastewater characteristics are as follows: biochemical oxygen demand, 250 mg/l; total suspended solids, 250 mg/l; oil and grease, 100 mg/l; ammonia nitrogen, 5 mg/l. Penalties shall be assessed for industrial discharges exceeding these concentrations, and mass (lbs/day) will be calculated at the industry's reported 24 hours composite flow rate multiplied by the number of days discharging in the quarterly period.

Sec. 10.39 Surcharges

All industrial users of the system are subject to industrial waste surcharges on discharges which exceed levels to be developed based on industrial and SCDHEC requirements. The amount of surcharge will be based upon SCDHEC data to be developed.

- a. The volume of flow used in determining the total discharge for wastewater for payment of user charges and surcharges shall be based on the following.
 1. Metered water consumption as shown in the records of meter readings maintained by the Town; or
 2. If required by the Town or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and

safely located, and the measuring system shall be installed in accordance with plans approved by the Town. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the Town.

3. Where any user procures all or part of his water supply from sources other than the Town, the user shall install and maintain at his/her own expense a flow measuring device of a type approved by the Town.

b. The character and concentration of wastewater used in determining surcharges shall be determined by samples collected analyzed by the Town's. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CRF Part 136.

c. The determination of the character and concentration of wastewater discharge by the system director or his duly appointed representatives shall be binding as a basis for charges.

Sec. 10.40 Pretreatment Program Administration Charges

The schedule of charges and fees adopted by the Town may include charges and fees for: 1) reimbursement of costs of setting up and operating the pretreatment program; 2) monitoring, inspections and surveillance procedures; 3) reviewing accidental discharge procedures and construction plans and specifications; 4) permitting; 5) other fees as the Town may deem necessary to carry out requirements of the pretreatment program.

Article IV, Industrial Discharges

Sec. 10.41 Wastewater Dischargers

It shall be unlawful to discharge without a Town permit to any natural outlet within the Town, or in any area under the jurisdiction of said Town, and/or to the system any wastewater except as authorized by the superintendent in accordance with the provisions of this ordinance.

Sec. 10.42 Reporting Requirements

10.42.1 Baseline Monitoring Report: Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a professional engineer registered in the State of South Carolina.

10.42.2. Periodic Compliance Reports:

a. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, in the case of a new source, after commencement of the discharge into the system, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards.

At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycle, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

b. The superintendent will impose mass limitations. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedure established by the administrator pursuant to section 304 (g) of the Act and contained in 40 CRF, Part 136 and amendments thereto or with any other test procedures approved by the administrator. The results of all testing done in excess of that required by the permit must be reported to the Town. Sampling shall be performed in accordance with the techniques approved by the administrator.

Comments: Where 40 CRF, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedure for Screening of

Industrial Effluents for Priority Pollutants, April, 1977", and amendments thereto, of with any other sampling and analytical procedures approved by the administrator.

10.42.3 Records

All industrial users who discharge or propose to discharge waste waters to the waste water treatment system shall maintain such records of production and related favors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this article and any applicable state or federal pretreatment standards or requirements.

Such records shall be made available upon request by the town council. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency and South Carolina Department of Health and Environmental Control upon demand. A summary of such data indicating the industrial user's compliance with this article shall be prepared and submitted to the town council.

Sec. 10.43 Monitoring Equipment

The owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost or expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the town council may allow such facility to be constructed in the public street or sidewalk area, with approval of the public agency having jurisdiction over such street or sidewalk, 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 council may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents characteristics produced by different operations of a single user, the town council 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 council's requirements and all applicable construction standards and specifications.

Sec. 10.44 Basis for Compliance Determination, Analysis and Sampling

Compliance determinations with respect to prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four-hour period, or over a longer or shorter time span, as determined necessary by the town council to meet the needs of specific circumstances.

Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods", "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society of Testing and Materials. Analysis of those performed in accordance with

procedures established by the South Carolina Department of Health and Environmental Control.

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations will be done at such intervals as the town council may designate. However, it is the intention of the town council to conduct compliance sampling or to cause such sampling to be conducted for all major contributing industries at least once in every one-year period.

Sec. 10.45 Wastewater Discharge Permits

10.45.1. All significant industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first obtain a discharge permit. All existing significant industrial users connected to or discharging any part of the system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this article.

The town council reserves the right and authority, if deemed necessary for the protection of the citizens of the Town and the users of the wastewater system, to review and adjust limits of previously issued discharge permits.

The town council reserves the right and authority to withdraw a discharge permit previously issued which might have the effect of closing down an industry or user temporarily, but this right and authority shall be exercised only in the event an emergency is declared by the town council.

10.45.2 Significant Industrial User Permit Application:

Users required to obtain a wastewater discharge permit shall complete and file with the Town, a non-domestic waste survey questionnaire, and accompanied by a fee of \$75.00. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location, (if different from the address);
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. wastewater constituents and characteristics as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedure established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CRF, part 136, as amended;
- d. time and duration of discharge;
- e. average daily and peak wastewater flow rates; including daily, monthly and seasonal variations if any;
- f. site plans, floor plans, mechanical and plumbing plans and details to show all sewers,

sewer connections, and appurtenances by the size, location and elevation;

g. description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

h. where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards;

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in paragraph (1) shall exceed 9 months.

3. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum whether or not it complied with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent.

j. Each product produced by type, amount, process or processes and rate of production;

k. type and amount of raw materials processed average and maximum per day;

l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

m. Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

The Town will evaluate the data furnished by the user and may require additional

information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.

10.45.3. Permit Modifications

Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by 10.43, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an application federal categorical pretreatment standard the information required by paragraph (h) and (I) of Section 10.43.

10.45.4. Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance, all other applicable regulations, user charges, and fees established by the Town. Permits may contain the following:

- a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the Town sewer;
- b. concentration and mass limits on the average and maximum wastewater constituents and characteristics;
- c. limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- d. requirements for installation and maintenance of inspection and sampling facilities;
- e. specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f. compliance schedules;
- g. requirements for submission of technical reports or discharge reports (see 10.40.2);
- h. requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording Town access thereto;
- i. requirements for notification to the Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

j. requirements for notification of sludge discharges as per Section 10.29;

k. other conditions as deemed appropriate by the Town to ensure compliance with this ordinance.

10.45.5. Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in Section 10.43 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

10.45.6. Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new use, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Sec. 10.46 Inspection and Sampling

The Town shall on an annual basis inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and duplication or in the performance of any of their duties. The Town, DHEC and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, DHEC and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 10.47 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated, and maintained at the user's expense. Detailed plans shall be submitted to the Town and SCDHEC for review. These plans must be approved by SCDHEC and the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the

responsibility of modifying the facility necessary to produce an effluent acceptable to the Town under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initiation of the changes.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or DHEC and the general public upon request.

Sec. 10.48 Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically request 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 of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten day notification is given to the user.

Article V, Enforcement

Sec. 10.49 Notification of Violation

Whenever the superintendent finds that any industrial user has violated or is violating this ordinance, or a wastewater permit or order issued hereunder, the superintendent or his agent may serve upon said user written notice of violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

Sec. 10.50 Consent Orders

The superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to Section 5.3 below.

Sec. 10.51 Compliance Order

When the superintendent finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge, directing that following a specified time period, sewer service shall be discontinued unless adequate treatment 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 the installation of pretreatment technology, additional self-monitoring, and management practices.

Sec. 10.52 Cease and Desist Orders

When the superintendent finds that an industrial user has violated or continues to violate this ordinance or any permit or order issued hereunder, the superintendent may issue an order to cease or desist all such violations and direct those persons in noncompliance to: a) comply forthwith; b) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Sec. 10.53 Administrative Fines

Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be fined in an amount as defined in Sec. 14.5 of this Code. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request that the superintendent reconsider the fine within ten (10) days of

being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

Sec. 10.54 Emergency Suspensions

The Town requires the industry to notify both the Town and SCDHEC immediately if such a situation is present or imminent. The Town may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Town, 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, causes interference to the system or causes the Town to violate any condition of its NPDES Permit.

Any person notified of suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. 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 individual. The Town shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, and upon payment of any costs associated with re-connection of the service.

A detailed written statement submitted by the user describing the causes of the harmful contribution and measures taken to prevent any future occurrence shall be submitted to the Town and to SCDHEC within one day of the date of occurrence.

Sec. 10.55 Show Cause Hearing

- 10.55.1. The Town may order any user who causes or allows an unauthorized discharge to enter the system to show cause before the town council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- 10.55.2 The town council may itself conduct the hearing and take the evidence, or may designate any of it or any officer or employee to:
- a. issue in the name of the town council notices of hearings requesting the attendance and of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - b. take the evidence;
 - c. transmit a report of the evidence and hearing, including transcripts and other evidence with recommendations to the town council for action thereon.

10.55.3. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

10.55.4. After the town council has reviewed the evidence, it may issue an order to the user 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 have been installed on existing treatment facilities, and the devices or other related appurtenance are being properly operated. Further orders and directives as are necessary and appropriate may be issued.

Sec. 10.56 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the Town, the town attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of the district.

Sec. 10.57 Emergency Suspensions

The system director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary 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 of the environment, interferes with the system or causes the system to violate any condition of its NPDES permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the system director 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 POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the system director prior to the date of the above described hearing.

Sec. 10.58 Termination of Permit

Significant industrial users proposing to discharge into the POTW, must first obtain a waste water discharge permit from the control authority. Any user who violates the following conditions of this ordinance or a wastewater discharge permit or order, or any applicable state and/or federal law, is subject to permit 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 constituents and characteristics;
d) refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;

e) any user who violates the following conditions of this ordinance, or applicable state and/or federal regulations, is subject to having its permit terminated:

- 1) failure to report the wastewater constituents and characteristics of his discharge;
- 2) failure to report significant changes in operations, or wastewater constituents and characteristics;
- 3) refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
or,
- 4) violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under Section 10.54 of this ordinance why the proposed action should not be taken.

Article VI, Publication

The Town shall publish annually in a local newspaper a list of the users which were in significant non-compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

Article VII, Penalty: Costs

Sec. 10.59 Civil Penalties

Any user who is found to have violated an order of the town council or who willfully or negligently failed to comply with any regulations and permits issued hereunder, shall be fined not less than \$100 or more than \$1,000 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 attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance of the orders, rules, regulations, and permits issued hereunder.

Sec. 10.60 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by as fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

Sec. 10.61 Other Remedies

(a) Annual Publication of Reportable Noncompliance: At least annually, the system director will publish in the largest daily newspaper circulated in the service area a list of those industrial users which are found to be in significant violation, as defined by this ordinance or any order or permit issued hereunder, during the 12 months period since the previous publication.

(b) Water Supply Severance: Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will recommence only at the user's expense after the owner has satisfactory demonstrated consistent compliance.

(c) Public Nuisances: Any violation of the prohibitions or effluent limitations of this ordinance or contained in a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the system director. Any person(s) creating a public nuisance shall be subject to the provisions of the Town governing such nuisances, including reimbursing the system for any costs incurred in removing, abating or remedying said nuisance.

Sec. 10.62 Upset Provision

Any discharge which experiences an upset in operations which places the dischargers in a temporary state of noncompliance with this chapter shall inform the system director thereof immediately following first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger within five (5) days. The report shall specify:

(a) description of the upset, the cause thereof and the upset's expected impact on the discharger's compliance status;

(b) duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur;

(c) all steps taken or to be taken to reduce, eliminate and prevent recurrence of such as upset or other conditions of noncompliance.

A documented and verified operating upset, demonstrated as required by 40 CRF 403.16 c shall constitute an affirmative defense to any enforcement action brought by the system director against the discharger for any noncompliance with this ordinance, or an order or permit issued hereunder, which arises out of violations alleged to have occurred during the period of the upset.

Article VIII, Severability

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

Article IX, Conflict

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

Article X, Effective Date

This ordinance shall be in full force and effect from and after its passage on second reading.

Article XI, Adoption of Lexington County Joint Municipal Water and Sewer Commission Pretreatment Requirements.

The Town hereby adopts the pretreatment requirements of the Lexington County Joint Municipal Water and Sewer Authority as a supplement to the requirements contained in this Chapter. The full text of the Lexington County Joint Municipal Water and Sewer Authority pretreatment requirements are attached as Exhibit A to this Chapter. Should a conflict between the two occur, the most stringent requirement shall apply.

Exhibit A

**Lexington County
Joint Municipal Water and Sewer Commission
Pretreatment Requirements**

**Exhibit to Chapter 10
Code of Ordinances
Town of Swansea**

*The Nomenclature of the
Pretreatment Ordinance
Has Been Retained*

TABLE OF CONTENTS (Continued)

5.9	Regulation of Waste Received from Other Jurisdictions.....	25
5.10	Management of Commission's Wastewater by Other Municipalities.....	27
SECTION 6 - REPORTING REQUIREMENTS		27
6.1	Baseline Monitoring Reports.....	27
6.2	Compliance Schedule Progress Reports.....	29
6.3	Reports on Compliance with Categorical Pretreatment Standard Deadline.....	29
6.4	Periodic Compliance Reports	30
6.5	Reports of Changed Conditions.....	30
6.6	Reports of Potential Problems.....	30
6.7	Reports from Unpermitted Users.....	31
6.8	Notice of Violation/Repeat Sampling and Reporting.....	31
6.9	Notification of the Discharge of Hazardous Waste	31
6.10	Analytical Requirements.....	32
6.11	Sample Collection	33
6.12	Timing	33
6.13	Record Keeping	33
SECTION 7 - COMPLIANCE MONITORING		34
7.1	Right of Entry: Inspection and Sampling	34
7.2	Search Warrants.....	34
SECTION 8 - CONFIDENTIAL INFORMATION.....		35
SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.....		35
SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES		36
10.1	Notification of Violation	36
10.2	Consent Orders.....	37
10.3	Show Cause Hearing.....	37
10.4	Compliance Orders	37
10.5	Cease and Desist Orders.....	38
10.6	Emergency Suspensions	38
10.7	Termination of Discharge.....	39
SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES.....		40
11.1	Injunctive Relief.....	40
11.2	Civil Penalties	40
11.3	Remedies Nonexclusive.....	40
SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION.....		41
12.1	Performance Bonds.....	41
12.2	Liability Insurance.....	41

TABLE OF CONTENTS (Continued)

12.3	Water Supply Severance	41
12.4	Public Property Damage.....	41
12.5	Informant Rewards	42
12.6	Contractor Listing.....	42
SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.....		42
13.1	Upset	42
13.2	Prohibited Discharge Standards.....	43
13.3	Bypass	44
SECTION 14 - WASTEWATER TREATMENT RATES.....		45
SECTION 15 - MISCELLANEOUS PROVISIONS		47
15.1	Pretreatment Charges and Fees	47
15.2	Severability	48
SECTION 16 - EFFECTIVE DATE		48

LEXINGTON COUNTY JOINT MUNICIPAL WATER AND SEWER COMMISSION SEWER USE ORDINANCE

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Lexington County Joint Municipal Water and Sewer Commission (Commission) and enables the Commission to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- A. To promote and protect the health and safety of the citizens residing within the Commission's service;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- C. To prevent the introduction of pollutants into the Commission Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- D. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- E. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- G. To enable the Commission to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance applies to all users of the Commission Publicly Owned Treatment Works, whether directly or indirectly contributing. The ordinance authorizes enforcement of general requirements for users and issuance of wastewater discharge permits; provides for monitoring,

compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Operations Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Operations Manager may be delegated by the Operations Manager to other Commission personnel.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/L - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SCDHEC - South Carolina Department of Health and Environmental Control
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. 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.*
- B. Approval Authority. The State of South Carolina.
- C. Authorized Representative of the User.
- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Commission.
- D. Average Daily Flow. The average amount of wastewater discharged during a twenty-four (24) hour period based upon weekly or monthly data, as applicable. For example, weekly average daily flow is the *total amount of flow* discharged during a seven (7) day period divided by seven (7).

- E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/L).
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. Categorical User. Any user whose discharge is covered under the categorical pretreatment standard.
- H. Commission. The Lexington County Joint Municipal Water and Sewer Commission.
- I. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of South Carolina.
- J. Domestic Waste. Any liquid from bathrooms, shower rooms, toilet rooms, kitchens, laundry facilities located in residences, apartments, hotels, motels, restaurants, cafeterias, office buildings, schools, and commercial establishments. It also includes similar wastes from industries when separated from industrial waste.
- K. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- L. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- M. Excessive Foaming. Foaming that cannot be contained within the POTW or adversely affects the operation of it.
- N. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- O. Headworks Analysis. Determines the maximum amounts of various pollutants that could be discharged at the headworks of the POTW without violating the receiving stream limits. This analysis is based on the minimum flow of the receiving stream, discharges from other POTW's to the receiving stream, and contributions from all users to the Commission POTW. The Head Works Analysis is updated from time to time.

In case the Commission discharges it's wastewater into another municipal POTW

through a legal agreement, the Headworks Analysis may be performed based on the total number of pretreatment users in systems contributing to the participating municipal POTW, and characteristics and discharges to the new receiving stream.

- P. Indirect Discharge or Discharge. The discharge of treated or untreated wastewater into the POTW from any domestic or non-domestic source.
- Q. Industrial User. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Federal Water Pollution Control Act (33 U.S.C. 1342).
- R. Industrial Waste. Liquid waste from industrial processes.
- S. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- T. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Commission's NPDES permit (or any other municipality's NPDES permit which has entered into an agreement to treat Commission's wastewater) 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 local 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.
- U. May. Is permissive.
- V. Maximum Daily Flow. It is the maximum flow discharged over a twenty four (24)-hour period based upon weekly, monthly or yearly data as applicable. For example, yearly maximum daily flow is the maximum daily flow experienced over a one (1) year period.
- W. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- X. Net Adjustment. Adjustment made to the user's Pretreatment Standard(s), based on the concentration of pollutant(s) in the user's intake water pursuant to Part 403.15 of

40 CFR.

Y. New Source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous on-site construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or

equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- Z. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- AA. Operations Manager. The person designated by the Commission to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- AB. Participating Municipality. Any neighboring municipality that maintains an approved pretreatment program and which entered into a legal agreement with Commission to treat and dispose of the Commission's wastewater.
- AC. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit, including an increase in the magnitude or duration of a violation.
- AD. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- AE. pH. Logarithm of the reciprocal of the weight of hydrogen ions in moles (gram moles) per liter of solution.
- AF. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- AG. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- AH. 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.

- AI. Pretreatment Program. A set of procedures designed to help achieve the Commission the objectives listed in Section 1.1 of this document.
- AJ. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- AK. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- AL. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.2 of this ordinance.
- AM. 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 Commission. The definition may also apply to treatment works owned by any other municipality to which the Commission's wastewater is conveyed for treatment and disposal. 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.
- AN. Receiving Stream. Is that body of water, stream, or watercourse receiving the discharge from a waste treatment plant, or that body of water, stream, or watercourse formed by the effluent from a waste treatment plant.
- AO. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- AP. Sewage. Human excrement and gray water (household showers, dishwashing operations, Etc.).
- AQ. Shall. Is mandatory.
- AR. Significant Industrial User.
- (1) A user subject to categorical pretreatment standards; or
 - (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

- (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (c) Is designated as such by the Commission on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Commission may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- AS. Significant Noncompliance. Criteria used to identify important violations and/or patterns of noncompliance with the discharge limits or other provisions of the Commission's Sewer Use Ordinance as defined in Section 9 of this ordinance.
- AT. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.2 of this ordinance.
- AU. Southern Building Code. An ordinance prepared by the Southern Building Code Congress International, Inc. which is used to regulate the fabrication, erection, construction, enlargement, alteration and repair of structures.
- AV. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- AW. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- AX. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- AY. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA(a) or other Clean Water Acts.
- AZ. Toxicity Test. A procedure approved by SCDHEC, in which the responses of aquatic organisms are used to measure or detect the presence or effects of one or more substances, wastes, or environmental factors, alone or in combination.
- BA. User. A source of Indirect Discharge.

- BB. Utility Rate Schedule. A document updated from time to time which establishes the exact amounts of all categories of fees based upon various criterion such as meter sizes, flow, or other suitable criteria for the fee identified.
- BC. Waste Load Allocation. Is the establishment of flows, and pollutant limits and loads for the proposed non-domestic discharges based on the POTW Head Works Analysis which is updated from time to time.
- BD. 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.
- BE. Wastewater Collection System. That portion of the POTW which collects and conveys wastewater to the wastewater treatment plant, which consists of gravity or force mains, pumps, and other appurtenances.
- BF. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 General Standards

- A. Within the area serviced by Commission's sewer, if sewer service is available within a distance of two hundred and fifty (250) feet from the property boundary, the property owner shall be encouraged to tie-on to the Commission sewer line. In the event that a sewer connection has been made to the Commission sewer system, the Commission may charge for sewer service as if the service is being used, even though the sewer service is not being used. Septic tanks on any property that is serviced by Commission sewer shall be cleaned out and properly abandoned. All active septic tanks must be maintained in good working order. No spillage or overflow from septic tank waste shall be allowed. All repairs to the septic tank system shall be handled by experienced and qualified professionals only. Sewer service using privies, cesspools, and/or outhouses is prohibited.
- B. Any person desiring to connect with the Commission's sanitary sewer system shall obtain a permit for such connection upon paying applicable fees and according to the procedure outlined in Section 4.4 of this ordinance.
- C. Every building having plumbing fixtures installed intended for human habitation, occupancy, or use on premises abutting on a street, alley, or easement in which there is a public sewer shall have a separate connection with the Commission sewer, except by special permits in accordance with Section 701.2 of Southern Building Code. Reuse of building sewers is not permitted, unless approved by the Operations Manager.
- D. Building sewer line work shall not be commenced until the plans and specifications have been approved by all applicable governmental entities. Such work shall be performed to the satisfaction of the Commission and all building sewer line materials, grades, and sizes shall be according to the Southern Building Code Section 7 - Sanitary Drainage. Sewer line construction or maintenance work shall follow the Occupational Safety and Health Administration Safety Standards as outlined in 29 CFR 1910.
- E. If a user located within another municipal jurisdiction contributes wastewater to the Commission POTW, the user's building sewer work shall be performed according to Section 2.1D of this ordinance. Failure to comply with this provision will result in refusal of sewer service by the Commission.
- F. Septic tank services or other maintenance services shall not contract for the removal of septic tank sludge or any maintenance of septic tank on any property serviced by Commission sewer, unless authorized by the Operations Manager. Any company or firm which violates this provision shall be subjected to the same fines and other enforcement actions that are applicable to the user or septic tank owner.

2.2 Prohibited Discharge Standards

- A. General Prohibitions. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- (1) No person shall discharge septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating waterbearing formations, if cesspools and septic tanks are allowed in areas where no sewer service is available.
 - (2) No user shall introduce or cause to be introduced into the POTW:
 - (a) Any pollutant or wastewater which causes pass through or interference;
 - (b) Any pollutant or wastewater to which water is added for the purpose of diluting wastes that would otherwise exceed applicable maximum concentration limitations for any wastewater constituent; or
 - (c) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 10.0;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch (1/2") or 1.25 centimeter (1.25 cm) in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) 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);

- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Operations Manager in accordance with Section 3.4 of this ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process at the POTW, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and other unpolluted discharges, unless specifically authorized by the Operations Manager;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Operations Manager in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L measured as oil and grease;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;

(19) Discharge of sanitary wastewater into the storm sewer system without exception.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.3 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Operations Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Operations Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.4 State Pretreatment Standards

Any applicable pretreatment standards as adopted by the State of South Carolina are hereby incorporated as if fully listed herein.

2.5 Local Pretreatment Limits

Pollutant limits are established to protect against pass through and interference, and to comply with State and Federal Regulations. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limit as identified in the most current Headworks Analysis, contained within the pretreatment program which is updated from time to time, unless additional limits are imposed pursuant to Sections 2.3 and 2.4.

These limits apply at the point where the wastewater is discharged to the POTW. All

concentrations for metallic substances are for "total" metal unless indicated otherwise. The Operations Manager may impose mass limitations for a few or all pollutants, in addition to, or in place of, the concentration-based limitations listed in the Headworks Analysis in accordance with the pretreatment program.

2.6 Discrepancy between Limits

In the event that a discrepancy occurs between one or more of the discharge limits as required by the National Categorical Pretreatment Standards, State Pretreatment Standards, or Local Pretreatment Limits then the most stringent of the standards will govern.

2.7 Commission's Right of Revision

The Commission reserves the right to establish, by ordinance, more stringent standards or requirements on discharges to the POTW. The Commission shall also have the right to establish, in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW:

- (A) To meet NPDES limits;
- (B) If the Operations Manager feels that such discharges adversely affect the operation of the POTW;
- (C) Based on the capacity of the POTW either hydraulically or pollutant loads as determined by the most recent Headworks Analysis; or
- (D) To provide an equitable share to all users or for future anticipated discharges to the POTW.

2.8 Dilution

No user shall increase the use of process water, or in any other way dilute or attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Operations Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 2.2 through 2.4 of this ordinance within the time limitations specified by the State or the Operations Manager, whichever is more stringent. All facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Operations Manager for review, and shall be approved by the Operations Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge in compliance with the provisions of this ordinance or obtaining permits to construct or operate from other agencies or South Carolina Department of Health and Environmental Control (SCDHEC).

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary for protection or preservation of public health and safety and the POTW, the Operations Manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Operations Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Operations Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Operations Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Operations Manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Operations Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Operations Manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Operations Manager of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

Septic tank waste and industrial waste shall not be introduced into the POTW unless authorized by the Operations Manager.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Operations Manager, a user must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Operations Manager is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure by a user to submit the required information may result in fines or termination of service as determined by the Operations Manager.

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Operations Manager, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Operations Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subject the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater without a permit into the Commission POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Operations Manager for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after forty five (45) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Operations Manager.

4.4 Wastewater Discharge Permitting: New Connections

Anyone who proposes to begin discharging into the POTW must obtain permission prior to

the beginning or recommencing of such discharge. The application process must be initiated at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The user shall fill out a form identifying the type of discharge, domestic or non-domestic. The user identifying the proposed discharge as domestic, shall certify as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The user identifying the proposed discharge as domestic, shall be allowed to connect to the Commission's sewer system upon payment of the applicable fees defined in Section 14 of this Ordinance and in the most recent edition of Commission-Utility Rate schedule. These fees shall include, but not limited to Tap Fee and the Impact Fee (Capacity Charge).

The user identifying the proposed discharge as non-domestic, shall fill out a waste survey questionnaire and an application form in accordance with Section 4.5 of this ordinance. Non-domestic users must obtain a discharge permit prior to commencement of discharge. All applications for wastewater discharges, whether domestic or non-domestic, must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

4.5 Wastewater Discharge Permit Application Contents

All users identifying the proposed discharge as non-domestic must fill out a waste survey questionnaire and submit a permit application. The Operations Manager may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of this ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;

- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Operations Manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Operations Manager may revoke or modify a wastewater discharge permit according to Sections 5.4 through 5.7 of this ordinance.

4.6 Application Signatories and Certification

All non-domestic wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4.7 Wastewater Discharge Permit Decisions

Within forty five (45) days of receipt of a waste survey questionnaire furnished by the non-domestic user, the Operations Manager will evaluate the data and determine whether or not to issue a wastewater discharge permit. The Operations Manager may deny any application for a wastewater discharge permit for the following reasons:

- (A) Failure to furnish complete information as required in Sections 4.5 and 5.1 of this ordinance;
- (B) Inadequate or inappropriate pretreatment proposed;

- (C) Potential for discharge of toxic chemical(s);
- (D) Failure to pay the appropriate fees;
- (E) For falsifying or misrepresentation of proposed discharges or other information; and
- (F) For any other reason(s) the Operations Manager determines that the proposed discharges will adversely affect the operation of the POTW or the implementation of the local pretreatment program.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Waste Load Allocation

The Operations Manager will evaluate the waste survey questionnaire data furnished by the non-domestic user and may require additional information. Within forty five (45) days of receipt of waste survey questionnaire and other information, the Operations Manager will establish the waste load allocation limits for the proposed discharge. Upon payment of a non-refundable waste load allocation fee the Operations Manager will issue a Waste Load Allocation, setting the discharge capacity and limits in the POTW for the proposed discharges by the non-domestic user. The Waste Load Allocation will be issued for a period of one (1) year; or, until such time as the non-domestic user submits the final plans or sufficient documentation to the Commission and a permit is issued by the Commission, whichever comes first. The Waste Load Allocation is not transferable to any other user or for any other discharge other than the subject discharge. Payment of the waste allocation fee will secure the non-domestic user's capacity and limits in the POTW as set forth in the Waste Load Allocation for a period of one (1) year, provided that suitable pretreatment facilities are proposed or sufficient documents are provided by the non-domestic user that are acceptable to the Operations Manager and that will demonstrate to a reasonable certainty that the limits can be met. Approval of plans or documentation by the Operations Manager does not relieve the non-domestic user from the liability of the design of the pretreatment facilities or full compliance with any permits issued. Within one (1) year from the date of establishment of waste load allocation limits, the non-domestic user shall submit to the Commission, a completed application form, final plans and other information as discussed under Section 4.5 of this ordinance. Failure to submit this information will result in the expiration of the Waste Load Allocation without further remedy unless a prior written request by the non-domestic user for an extension of the Waste Load Allocation has been received by the Operations Manager prior to the Waste Load Allocation expiration date. An extension of the Waste Load Allocation

will be for a period of up to an additional one (1) year and upon payment of an additional non-refundable waste load allocation fee, as well as other applicable fees that would be due based upon the allocated discharge limits as if the non-domestic user were discharging those limits even though the non-domestic user may not discharge until the operation permits are issued by SCDHEC pursuant to this ordinance. Within thirty (30) days from the date of receipt of complete information, the Operations Manager will determine whether or not to issue a wastewater discharge permit. The user may obtain the permit upon payment of the appropriate fees according to Sections 14 and 15 of this ordinance and the Commission-Utility Rate Schedule.

5.2 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Operations Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.3 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Operations Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Commission in accordance with Sections 5.5 and 5.6 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Operations Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.4 Wastewater Discharge Permit Appeals

The Operations Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Operations Manager to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Operations Manager fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions.

5.5 Wastewater Discharge Permit Modification

The Operations Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To comply with the requirements of an intermunicipal agreement entered with other neighboring municipalities for the purpose of managing wastewater.
- C. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- D. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- E. Information indicating that the permitted discharge poses a threat to the POTW, Commission personnel, or the receiving waters;
- F. Violation of any terms or conditions of the wastewater discharge permit;
- G. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- H. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

- I. To correct typographical or other errors in the wastewater discharge permit; or
- J. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Operations Manager and the Operations Manager approves the wastewater discharge permit transfer. The notice to the Operations Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.7 Wastewater Discharge Permit Revocation

The Operations Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Operations Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Operations Manager of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Operations Manager timely access to the facility premises and records;

- G. Refusing access to facility premises and records to personnel from other municipalities who have been authorized by the commission through an intermunicipal agreement;
- H. Failure to meet effluent limitations;
- I. Failure to pay fines;
- J. Failure to pay sewer charges;
- K. Failure to comply with the Administrative Order or compliance schedules;
- L. Failure to complete a wastewater survey or the wastewater discharge permit application;
- M. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- N. Unauthorized dilution of wastewater in lieu of treatment; or
- O. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.8 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of six months (180 days) prior to the expiration of the user's existing wastewater discharge permit.

5.9 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Operations Manager shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Operations Manager shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW

by the contributing municipality;

- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Operations Manager may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.5 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Commission's ordinance or local limits;
 - (2) A requirement for the contributing municipality to submit a revised user inventory at least on an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Operations Manager; and which of these activities will be conducted jointly by the contributing municipality and the Operations Manager;
 - (4) A requirement for the contributing municipality to provide the Operations Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality's discharge;
 - (7) A provision ensuring the Operations Manager access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Operations Manager;
 - (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement;

5.10 Management of Commission's Wastewater by Other Municipalities

For the purpose of consolidating its wastewater operations, the Commission may enter into agreements with other neighboring municipalities for the treatment and disposal of its wastewater. When such intermunicipal agreements are executed, industrial users discharging to the Commission POTW may be subjected to the participating municipality's pretreatment standards. In such a case, the industrial user in Commission's POTW may be subjected to the following: modification of discharge permit limits, modification of reporting deadline, and change in the personnel handling compliance and enforcement issues. For the purpose of establishing discharge limits and enforcement, based upon the provisions in the intermunicipal agreement and the State requirements, the industrial users in the Commission POTW may be considered as direct users of the participating municipality's POTW. Additionally, the Commission may, through the intermunicipal agreement delegate pretreatment monitoring and enforcement authority, either fully or limited in nature, to the participating municipality. In such a case, the representatives of the participating municipality shall, at a minimum, have access to the following information to the user discharging to the Commission POTW:

- A. Access to past and existing records and reports, and
- B. Access to pretreatment facilities for the purpose of inspection, monitoring, sampling, and enforcement.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Operations Manager a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Operations Manager a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Categorical users shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Operations Manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set

out in Section 6.10 of this ordinance.

- (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Operations Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Operations Manager.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Operations Manager a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Operations Manager but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance. The Operations Manager may furnish a preprinted discharge monitoring report form to the user for the purpose of reporting. Submittal of a discharge reporting form shall not relieve the user from furnishing detailed information on the nature and concentration of pollutants and flow data.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Operations Manager, using the procedures prescribed in Sections 6.10 and 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Operations Manager of any planned significant changes to the

user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Operations Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Operations Manager may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.5 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty five percent (25%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately notify the Operations Manager of the incident by telephone or facsimile. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Operations Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Sampling Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Operations Manager as the Operations Manager may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Operations Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Operations Manager as soon as possible and no later than thirty (30) days after becoming aware of the violation. The user is not required to resample if the Operations Manager monitors at the user's facility at least once a month, or if the Operations Manager samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any user who commences the discharge of hazardous waste shall notify the Operations Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional

characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Operations Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by SCDHEC. The user shall report, to the Commission all sample analyses conducted according to 40 CFR Part 136 or SCDHEC approved procedures, including those that are not designed for periodic compliance reporting under Section 6.4 of this ordinance.

6.11 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Operations Manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal

Service, the date of receipt of the report shall govern.

6.13 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Commission, or where the user has been specifically notified of a longer retention period by the Operations Manager.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Operations Manager or an authorized representative of a municipality participating in an intermunicipal agreement shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Operations Manager 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.

- A. 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 Operations Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Operations Manager 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.
- C. The Operations Manager 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 flow measuring devices shall be calibrated at least once every six months. To insure accuracy, all water quality analysis shall be justified using blanks.
- D. 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 Operations Manager and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Operations Manager access to the user's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Operations Manager or an authorized representative of the participating municipality has 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 ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the

Commission designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Operations Manager may seek issuance of a search warrant.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Operations Manager'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 Operations Manager, 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 NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Operations Manager shall publish annually, in a daily newspaper of general circulation in Lexington County, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6)-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD,

TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- C. Any other discharge violation that the Operations Manager believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Operations Manager's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Operations Manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Operations Manager may serve upon that user a written Notice of Violation. Unless otherwise specified in the Notice of Violation, within ten (10) days of the receipt of this 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 Operations Manager. Submission of this 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 Operations Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Operations Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action 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 orders issued pursuant to Sections 10.4 through 10.6 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Operations Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Operations Manager 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 seven (7) 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.

10.4 Compliance Orders

When the Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Operations Manager 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 a 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 a prerequisite for, taking any other action against the user.

10.5 Cease and Desist Orders

When the Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Operations Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. 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 a prerequisite for, taking any other action against the user.

10.6 Emergency Suspensions

The Operations Manager 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 Operations Manager 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.

- A. 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 Operations Manager 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 Operations Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Operations Manager that the period of endangerment has passed, unless the termination proceedings in Section 10.7 of this ordinance are initiated against the user.
- B. 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 Operations Manager prior to the date of any show cause or termination hearing under Sections 10.3 or 10.7 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.7 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge 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;
- E. Violation of the pretreatment standards in Section 2 of this ordinance;
- F. Falsifying reports;
- G. Failure to install monitoring equipment (intentional)

- H. Improper sampling scheme;
- I. Violation of compliance schedule; or
- J. Wastewater dilution, in lieu of treatment.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Operations Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Operations Manager may petition Lexington County Court of Common Pleas through the Commission Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Operations Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

- A. In the event a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Commission may seek a civil penalty in an amount not to exceed two thousand dollars (\$2,000.00) pursuant to South Carolina Code Section 6-11-285 for each day during the period of the violation. The Commission shall issue a rule to show cause and conduct a hearing in accordance with South Carolina Code Section 6-11-285.
- B. The Operations Manager may seek to recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including medical treatment of injured Commission employees, sampling and monitoring expenses, and the cost of any actual damages incurred by the Commission.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Operations Manager

may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Commission's enforcement response plan. However, the Operations Manager may take other action against any user when the circumstances warrant. Further, the Operations Manager is empowered to take more than one enforcement action against any noncompliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Operations Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Commission, in a sum not to exceed a value determined by the Operations Manager to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The Operations Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.4 Public Property Damage

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a damage to public property and shall be corrected or abated as directed by the Operations Manager.

12.5 Informant Rewards

The Operations Manager may pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative fine levied against the user, the Operations Manager may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However,

a single reward payment may not exceed three thousand dollars (\$3,000).

12.6 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Commission. Existing contracts for the sale of goods or services to the Commission held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Operations Manager.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Operations Manager within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.2(A) of this ordinance or the specific prohibitions in Sections 2.2(B)(3) through 2.2(B)(6) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Commission was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this section,
- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Operations Manager, at least ten (10) days before the date of the bypass, if

possible.

- (2) A user shall submit oral notice to the Operations Manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Operations Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. (1) Bypass is prohibited, and the Operations Manager may take an enforcement action against a user for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The Operations Manager may approve an anticipated bypass, after considering its adverse effects, if the Operations Manager determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 14 - WASTEWATER TREATMENT RATES

To provide facilities for conveying and treating the wastewater, to recover the annual operating costs, and to provide sludge management costs, the Commission adopts the following Categories of fees. The amount of each of the fees established herein is detailed in the most recent Commission - Utility Rate Schedule which is updated from time to time. All users shall pay the appropriate fee as determined by the Operations Manager based upon the rates in the Utility Rate Schedule and the type of service being provided.

A. Fees.

- (1). Application Fee. A user shall pay a fee at the time of initial application for service.
- (2). Survey Questionnaire Fee. Fee for the analysis of waste survey information for the proposed wastewater discharge to determine if the user must have a wastewater discharge permit.
- (3). Capacity Reservation Fee. Fees for providing a reservation of capacity in the Commission POTW for a specific period of time.
- (4). Tap Fee. Fees for providing the connection to the Commission's sewer system.
- (5). Impact Fee (Capacity Charge). Fees for the impact of wastewater discharges on the POTW. The impact on the Commission POTW will be assessed using the Guidelines for Unit Contributory Loadings as published by SCDHEC (latest edition).
- (6). Sewer Availability Fees. Commission may charge for sewer when sewer service is available adjacent to any property in use, or otherwise occupied, even if a property is not discharging wastewater into the Commission's sewer system.
- (7). Monthly Usage Fees. All users are subjected to a monthly fee based on the rate system adopted by the Commission which is updated from time to time.
- (8). Surcharge Fees. All industrial users shall be subjected to the following types of surcharges. The exact amount is based on the current rates adopted by the Commission.
 - (a) BOD exceeding 250 mg/L
 - (b) TSS exceeding 250 mg/L
 - (c) Other pollutants, if available, in amounts exceeding the "pro-rata" share based upon the flow using the allowable remaining balance as determined by

the Headworks Analysis and making an equitable distribution of the unused balance of pollutants to all users requesting additional capacity and subject to the approval of the Operations Manager.

- (9). Late Fee. Fees for not paying any one or more of the aforementioned fees.
- (10). Connection Reestablishment Fee. Fees for reestablishment of a previously severed sewer service (or water supply) caused by a violation of the discharge permits or failure to pay the aforementioned fees within the specified deadlines.

B. Measurement.

(1) Monthly Usage Measurement.

- (a) The Commission may install a separate meter for sewer service to the user for measurement of the monthly sewer flow.
- (b) If the user is also a Commission water user, and the Commission feels that it is impractical to install separate flow measurement equipment for the sewer line serving the user, it is permissible to use the water meter serving the user as the basis for the monthly sewer fee.
- (c) In the event that the user is not a water customer or has no water meter, the Commission may at its discretion make a determination of a flat rate monthly fee based upon similar types of users and their discharges or may monitor flows temporarily to obtain an average flow as a basis for the monthly charge, install a meter in well water supply line at owners expense, or use any other equitable method of determining an average usage.
- (d) If the Commission determines that it is impractical to install a separate meter for measurement of sewer flow and uses any alternate method for determination of monthly sewer fees, the user has the right to pay the Commission for all costs to install a separate meter for sewer. In addition to the costs for the installation of the meter there will be a separate monthly fee for maintenance and reading of the separate meter.

(2) Surcharge Measurement.

- (a) Surcharges shall be billed on a monthly basis to all permitted users who have additional capacity of any pollutant beyond the pro-rata share based on flows as determined by the latest headworks analysis as updated from time to time. The monthly Surcharge Fee shall be based on the permitted amount of each pollutant or on the actual discharge of any pollutant, whichever is greater. However, if the amount of pollutant discharged is in excess of the permitted amount there may be fines and penalties in accordance with Section 10 of this Ordinance.

SECTION 15 - MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

To provide for reimbursement of the development cost of the Commission's Pretreatment Program, for recovery of the annual operating costs, and for maintenance of the pretreatment program, the Commission herein adopts the following categories of fees. The amount of each of the fees established herein is detailed in the most recent Commission-Utility Rate Schedule which is updated from time to time. All users shall pay the appropriate fees as determined by the Operations Manager based upon the rates in the Utility Rate Schedule and the types of service being provided.

- A. Pretreatment Application Fees. Fees for wastewater discharge permit applications including the cost of processing such applications in the following two part process:
 - (1) Waste Load Allocation Fee. A non-refundable fee paid by the non-domestic user prior to the issuance of the Waste Load Allocation. The Waste Load Allocation insures the non-domestic user of the capacity and loading limits in the POTW for a period of one (1) year, within which time final plans or sufficient documentation must be submitted to the Commission and a Wastewater Discharge Permit must be issued.
 - (2) Wastewater Discharge Permit Fee. Fee for review of final plans or other documentation, processing, and issuance of pretreatment permits.
- B. Annual Fee. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users. This fee is billed at the beginning of each fiscal year or at the discretion of the Operations Manager may be billed monthly for twelve (12) months. Failure to pay the required dues by the due date will result in fines and/or surcharges.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the Commission may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Commission.

15.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 16 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. This ordinance shall supersede the previous sewer use ordinance and amendments thereof.