

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
TOWN OF LYMAN, SC)

ORDINANCE NO 09132021 A
AN ORDINANCE TO AMEND SECTION 10-10, AND ADD SECTIONS 10-46
AND 10-47 IN CHAPTER 10 ("SEWER SYSTEM") OF THE TOWN CODE

WHEREAS, the Town Council desires to amend Section 10-10, and add Sections 10-46 and 10-47 in Chapter 10 ("Sewer System") of the Town Code, which is commonly referred to as the Sewer Use Ordinance,

NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LYMAN IN COUNCIL ASSEMBLED, as follows:

- 1) Section 10-10 ("Installation of New Sewer Lines") of Chapter 10 ("Sewer System") of the Town Code is hereby amended to substitute a new first sentence for the current first sentence of the section which new first sentence shall read: "A person desiring to connect any subdivision or development to the sanitary sewer system shall install all sewer facilities at his own expense, except as may be provided by a cooperation agreement approved by the Town as part of an incentive program established by ordinance for industrial or commercial development."
- 2) **Chapter 10 ("Sewer System") of the Town Code is further amended to add new Sections to read as follows:**

Section 10-46: Capacity Charges and Unused Capacity Charges

Capacity Charges

The Town allocates sewer capacity based on need. Each commercial or industrial customer looking to tie into the Town's sewer system or any sewer system that connects to the Town, must pay a capacity fee prior to discharging. The capacity fee is \$3.00 per gallon of sewer that will be discharged in Town Limits and \$6.00 per gallon of sewer that will be discharged outside of Town limits. The capacity fee is set with the annual budget for each fiscal year. Once the sewer capacity is purchased, it cannot be sold or transferred to another customer unless approved by the Town. The average monthly sewer flow for the facility or the average daily incoming water meter consumption cannot exceed the purchased capacity, then the sewer customer must contact the Town to purchase new capacity within thirty (30) days. Failure to purchase new capacity from the Town can subject the user to the enforcement actions set forth in this ordinance.

Unused Capacity Charges

Once sewer customer has purchased capacity, the customer is responsible for using that capacity. Failure to use that capacity will result in an unused capacity charge from the Town.

When the sewer capacity is purchased and not used, then the Town may be forced to upgrade the wastewater treatment plant because some of the sewer capacity is tied up on paper and not used. The sewer capacity tied up on paper could result in higher sewer charges for the upgrade of the Waste Water Treatment Plant when all of the sewer capacity is not being utilized.

Any customer who utilizes 90% or higher of the purchased capacity will not be subject to an unused capacity charge.


Any customer who does not utilize the purchased capacity at least 90% will be charged an unused capacity charge for each month. The customer will be charged the unused capacity charge of \$1.56 per 1000 gallons. The average flow for the month will be compared to the purchased capacity in order to determine if unused capacity charges are necessary. The charge will be based on the total purchased capacity minus the total gallons of sewer discharged for the month. The unused capacity charge is calculated by evaluating the capital improvements contribution and the costs for the typical upgrade of a Waste Water Treatment Plant. The unused capacity charge will be established each fiscal year with the annual budget.

Section 10-47: Subdivision Development Charges

The Town of Lyman reviews the plans for subdivision development to ensure that everything complies with this Ordinance, the State regulations and the federal regulations. The Town will charge for the sewer plan review at the following rates. The individual rates will be set with the annual budget each year:

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|------------|-----------------|--|
| • 1 – 50 | Homes | \$250.00 |
| • 51 – 150 | Homes | \$500.00 |
| • 151+ | Homes | \$750.00 with an additional \$10.00 per home |
| | above 150 homes | |

This Ordinance shall take effect upon second reading approval by the Town Council.


Larry Chappell, Mayor

ATTEST:
Reading:


R. Noel Price Blackwell, Town Clerk

First Reading: August 9, 2021

Second Reading: September 13, 2021

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CHAPTER 10

SEWER SYSTEM

Article I: General

SECTION 10-1: PURPOSE AND POLICY.

This Ordinance sets forth uniform requirements for users of the sewer system of the Town of Lyman (Town) and enables the Town to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), The Pollution Control Act (S.C. Code Ann. §§48-1-10 *et seq.*), and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- E. To establish fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- F. To enable the Town 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 POTW is subject.

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 and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to all users of the municipal wastewater system. The Town shall designate an administrator of the POTW and pretreatment program hereafter referred

to as the Public Works Director. Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or imposed upon the Public Works Director may be delegated by the Public Works Director to other Town personnel.

By discharging wastewater into the Town wastewater system, industrial users located within or outside the Town limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder. This includes all industrial users discharging wastewater into a wastewater collection system owned by a Satellite Sewer System under contract with the Town for treatment and disposal of all wastewaters generated within their service areas.

SECTION 10-2: DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the following terms in this Ordinance shall be as follows:

- 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 South Carolina Department of Health and Environmental Control.
- C. **Authorized or Duly Authorized Representative of Industrial User** – An authorized representative of an industrial user may be:

(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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where the 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 a Duly 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 the environmental matters for the company, and the written authorization is submitted to the Town.
- D. **Best Management Practices or BMPs** – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 403.5(a)(1) and (b) of SCDHEC Regulation R61-9, Water Pollution Control Permits. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
 - E. **BOD (Biochemical Oxygen Demand)** – The quantity of oxygen utilized in the biochemical oxidation of the organic matter under standard laboratory procedures in five days at 20 degrees C, expressed in terms of concentration as milligrams per liter (mg/l).
 - F. **Building Sewer** – A sewer conveying wastewater from the premises of a user to the POTW.
 - G. **Bypass** – The intentional diversion of waste streams from any portion of a user's treatment facility.
 - H. **Categorical Standard** – National Categorical Pretreatment Standards or Pretreatment Standards promulgated by EPA in accordance with the Act.
 - I. **Categorical Industrial User** – Any Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard as defined in Section 403.6 of the Clean Water Act.
 - J. **COD (Chemical Oxygen Demand)** – A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water expressed in terms of weight as parts per million (ppm) or in terms of concentration as milligrams per liter (mg/l).

- K. **Control Authority** – The Town Council of Lyman.
- L. **Daily Maximum** – The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- M. **Daily Maximum Limit** – The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- N. **DHEC** – The South Carolina Department of Health and Environmental Control.
- O. **Domestic Wastewater** – The liquid and solids from bathrooms, shower rooms, toilet rooms, sinks, kitchens, canteens, 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 process wastewater.
- P. **EPA** – The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- Q. **Existing Source** – Any source of discharge that is not a “New Source”.
- R. **Garbage** – Animal and vegetable wastes and residue from the preparation, cooking and dispensing of food, and from the handling, processing, storage and sale of food products and produce.
- S. **Grab Sample** – A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.
- T. **Grease Control Best Management Practices Plan** – A plan developed and provided to each tenant/ occupant of a multifamily dwelling unit designed to reduce the amount of grease and food wastes discharged to the Town's wastewater collection system.
- U. **Holding Tank Waste** – Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

- V. **Indirect Discharge or Discharge** – The introduction of pollutants into the POTW from any nondomestic source.
- W. **Instantaneous 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.
- X. **Industrial Discharge Permit** – A permit issued to Significant Industrial Users allowing discharge to the POTW as set forth in Section 10-30 of this Ordinance.
- Y. **Industrial User** – A source of the introduction of wastewater into the sewer system of the Town from any non-domestic source regulated under § 307(b), (c) or (d) of the Act.
- Z. **Interference** – A discharge which alone or in conjunction with a discharge or discharges from any other sources inhibits or disrupts the POTW, its collection system, treatment processes or operations, or its sludge processes, use or disposal, which causes or contributes to a violation of the Town's NPDES permit or the prevention of sewage sludge use or disposal in compliance with any state or federal statute, regulation, or permits.
- AA. **Local Limit** – Specific discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- BB. **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.
- CC. **Monitoring Facility** – A manhole or other device giving access to a building sewer at some point before the building sewer connects with the sewer system of the Town which can be used to conduct wastewater sampling and measurement.
- DD. **Monthly Average** – The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- EE. **Monthly Average Limit** – The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

- FF. **National Categorical Pretreatment Standard or Categorical Standard** – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 403.3(l) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and in accordance with conditions established in SC Regulation R.61-9.403.
- GG. **National Prohibitive Discharge Standard or Prohibitive Discharge Standard** – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10-20 of this Ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.
- HH. **New Source** – As defined in 40 CFR 403.3(m) and SC Regulation R.61-9.403(i)(1)-(3), including any subsequent amendments and additions.
- II. **NPDES** – National Pollution Discharge Elimination System, which is the source of the permits issued to any direct discharger of water into surface waters of the United States pursuant to § 402 of the Act.
- JJ. **Noncontact Cooling Water** – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- KK. **pH** – A measure of the acidity or alkalinity of a substance represented as the logarithm of the reciprocal of the concentration of the hydrogen ions expressed in gram moles per liter of solution expressed in standard units.
- LL. **Pass Through** – Any discharge which exits the POTW into the receiving stream 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 Town's NPDES permit (including an increase in the magnitude or duration of a violation).
- MM. **Person** – Any individual, partnership, corporation, firm, company, association, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The singular shall include the plural where the context so indicates or requires.
- NN. **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).
- OO. **POTW Treatment Plant** – That portion of the POTW designed to provide treatment to wastewater.

- PP. **Pretreatment** – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants to the POTW. This reduction or alteration can be obtained by physical, chemical, or biological process changes; or by other means except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- QQ. **Pretreatment Requirements** – Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- RR. **Pretreatment Standard or Standards** – Prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- SS. **Prohibited Discharge Standards or Prohibited Discharges** – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10-20 of this Ordinance.
- TT. **Process Wastewater** – The wastewater discharged from manufacturing processes, raw materials handling, quality control operations or production activities. This wastewater may or may not be higher in strength than domestic wastewater based on concentrations of BOD and suspended solids.
- UU. **Publicly Owned Treatment Works (POTW) or Municipal Wastewater System** – A treatment works as defined by section 212 of the Act, which is owned in this instance by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, or in any other way, users of the POTW of the Town.
- VV. **Public Works Director** – The person designated by the Town of Lyman to manage the activities and responsibilities of the Town's POTW to include management of the Industrial Pretreatment Program.
- WW. **Sanitary Sewer System or Sewer System** – Shall mean and include all or any part of the lateral sewers, collecting sewers, intercepting sewers, wastewater pumping stations, wastewater treatment facilities, and outfall sewers owned or administered by the Town and used for the purpose of collecting, storing or treatment of wastewater.

XX. **Significant Industrial User (SIU)** – Any user of the sanitary sewer system that:

- (1) Discharges 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow down wastewaters);
- (2) Contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or five percent of more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern;
- (3) Is required to meet a National Categorical Pretreatment Standard;
- (4) Is designated as such by the Town 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, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options.
- (5) Subject to DHEC approval, the Town may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- (6) Subject to DHEC approval, the Town may determine that an Industrial User meeting the criteria in paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- (7) Subject to DHEC approval, the Town may determine that an Industrial User meeting the criteria in paragraph (3) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C). and 403.12 (e)(3).

YY. **Significant Non-Compliance** – Any of the following:

- (1) Failure to obtain a permit and pay any applicable fees to the Town before making any discharge into the sanitary sewer system;
- (2) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self monitoring reports, and reports on compliance schedules;
- (3) Failure to submit a compliance schedule required by any administrative order or failure to meet, within ninety days after the scheduled date a milestone contained in a wastewater discharge permit or established in an enforcement order for starting construction, completing construction, or attaining final compliance;
- (4) Failure to accurately report noncompliance;
- (5) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits defined by 40 CFR Part 403.3(l);
- (6) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH));
- (7) Any other violation of a Pretreatment Standard or Requirement that the Town determines has caused, alone or in conjunction with any other discharges, interference or pass through (including endangering the health of the POTW personnel or the general public);
- (8) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the use of the Town emergency authority to halt or prevent such a discharge;
- (9) Any other violation or group of violations which the Town determines will adversely affect the operation or implementation of its pretreatment program.

- ZZ. **Service Line** – The pipe or pipes connecting a building or other facility to the sewer system of the Town.
- AAA. **Slug Load or Discharge** – Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the Prohibited Discharge Standards in Section 10-20 of this Ordinance.
- BBB. **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.
- CCC. **Storm Water** – Any flow occurring during or following any form of natural precipitation.
- DDD. **Total Suspended Solids (TSS)** – The total suspended matter which floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtration.
- EEE. **Town** – The Town of Lyman, South Carolina.
- FFF. **Upset** – 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.
- GGG. **User** – Any person or entity who contributes, causes or permits the contribution of wastewater into the POTW.
- HHH. **Wastewater** – The liquid and water-carried industrial or domestic wastes from residents, commercial buildings, industrial facilities, mobile sources, treatment facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated.
- III. **Wastewater Permit or Wastewater Discharge Permit** – An Industrial Discharge Permit.

JJJ. The following abbreviations when used in this Ordinance shall have the designated meanings:

1. **BOD** Biochemical Oxygen Demand
2. **CFR** Code of Federal Regulations
3. **CIU** Categorical Industrial User
4. **COD** Chemical Oxygen Demand
5. **DHEC** South Carolina Department of Health and Environmental Control
6. **EPA** US Environmental Protection Agency
7. **gpd** Gallons per day
8. **l** Liter
9. **mg** Milligrams
10. **mg/l** Milligrams per liter
11. **NPDES** National Pollution Discharge Elimination System
12. **O & M** Operation and Maintenance
13. **POTW** Publicly Owned Treatment Works
14. **RCRA** Resource Conservation and Recovery Act
15. **SIC** Standard Industrial Classification
16. **SIU** Significant Industrial User
17. **SNC** Significant Noncompliance
18. **SWDA** Solid Waste Disposal Act
19. **TSS** Total Suspended Solids
20. **TKN** Total Kjeldahl Nitrogen
21. **U.S.C.** United States Code.

SECTION 10-3: NOTICE.

When notice is required by this Ordinance, such notice may be given by the Town by delivering the notice to the person to be notified or by depositing the notice in the United States Mail postage prepaid and addressed to the person at the address contained in the records of the Town. The giving of notice by mail is complete upon the expiration of five days after deposit of the notice in a mail box. A certificate by the Clerk of the Town that notice has been given as required hereunder shall be evidence notice was mailed.

SECTION 10-4: CONNECTION TO PUBLIC SEWER SYSTEM REQUIRED.

- A. The owner of any house, building or property in the Town which is used for human occupancy, employment, recreation or other purpose which abuts on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sewer shall, at the owner's expense, install suitable wastewater disposal facilities and connect such facilities to the sanitary sewer system. No privies, cesspools, or septic tanks shall be permitted where it is practical to connect to the sanitary sewer system.

- B. In specific cases, this requirement may be waived where the property is located more than three hundred feet from an existing sewer line. the property cannot practically be served by the sanitary sewer system or DHEC approves the installation of alternate measures.
- C. In any case in which the Town determines that property must be connected to the sanitary sewer system, written notice shall be given to the property owner requiring such connection within ninety days.
State Law Ref: S.C. Code Ann §§5-31-2010 et seq.

SECTION 10-5: APPLICATIONS AND PERMITS.

- A. All persons desiring to connect to the sanitary sewer system must first make application for a sewer tap to the Town. Such application shall be signed by the owner of the property or his duly authorized representative and shall contain all information requested by the Town. Industrial and commercial users shall provide such additional information as the Town may request.
- B. All permit fees shall be paid to the Town at the time the application is filed unless otherwise agreed by the Town.
- C. No unauthorized person shall uncover, make connection with, use, alter or disturb any sewer appurtenance of the Town without first obtaining written permission from the Town.
- D. It shall be unlawful for any person to contribute or cause to be contributed any wastewater to the sanitary sewer system without having first obtained a required sewer tap permit in accordance with this ordinance or to continue to contribute or cause to be contributed any wastewater after notification that the sewer tap permit has been suspended or revoked.
- E. All sewer tap permits issued to users located outside the Town shall contain the agreement of the user to comply with the requirements of this Ordinance to the same extent as if the property was located within the Town.

SECTION 10-6: SEWER TAP PERMITS.

There shall be three classes of sewer tap permits:

- A. Residential (single family dwellings);
- B. Commercial/Apartments (domestic sewage only);
- C. Industrial.

The Town shall provide forms for sewer tap permits. For apartments a separate water meter shall be required for each dwelling unit and a separate tap charge shall be paid for each building. The developer/builder shall provide as an attachment to the sewer tap application for all multifamily units a Grease Control Best Management Practices Plan, which has been approved by the Town. The user shall pay such sewer taps fees as may be established from time to time by the Town. The schedule of tap fees currently in effect is included in the Town's Wastewater Rate Schedule as adopted by Town Council.

SECTION 10-7: SERVICE LINE REQUIREMENTS.

- A. Existing service lines may be used in connection with new buildings only when they are found upon examination to meet all current engineering standards and practices.
- B. The size, slope, alignment, materials and methods of construction for installing service lines shall conform to all Town and DHEC specifications and good engineering practices, including inflow/infiltration limitations.
- C. The owner or his contractor shall notify the Town when the service line and connection to the public sewer is ready for inspection. The Town reserves the right to inspect any tap or connection.
- D. All excavations for service line installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- E. Every house or building to be connected with the sanitary sewer system shall be separately connected unless a specific permit is granted for a combined connection.
- F. Whenever possible, the service line shall be brought to the building at an elevation below the basement floor. In any case where the building drain is too low to permit gravity flow to the public sewer, the owner shall install a pump approved by the Town.
- G. The Town may require that back-flow or check valves be installed on service lines where necessary to protect the owner's property.

SECTION 10-8: MAINTENANCE OF SERVICE LINES.

- A. It shall be the responsibility of the property owner to keep and maintain in good repair the service line to its point of connection to the sanitary sewer system.
- B. The owner shall maintain the service line in good condition so as to prevent

leakage of storm water, other surface waters or ground water into the sanitary sewer system.

- C. No roof, downspout, exterior foundation drain, or other sources of storm water, surface water or ground water shall be connected directly or indirectly to the sanitary sewer system.
- D. If notified by the Town that repairs to the service line are necessary, the owner shall make such repairs within sixty days after receiving notice that such repairs are necessary. In the event that the required repairs are not made, the Town may make the repairs and invoice same to the owner or terminate sewer service until the repairs are made.

SECTION 10-9: COST OF INSTALLATION.

All costs and expenses incident to the installation and connection of the service line shall be paid by the owner. The owner shall indemnify the Town from any and all loss or damage to any third parties caused, directly or indirectly, by the installation of the service line.

SECTION 10-10: INSTALLATION OF NEW SEWER LINES.

A person desiring to connect any subdivision or development to the sanitary sewer system shall install all sewer facilities at his own expense, except as may be provided by a cooperation agreement approved by the Town as part of an incentive program established by ordinance for industrial or commercial development. Plans shall be submitted to the Town for approval prior to submission to DHEC. After construction and upon approval by the Town and DHEC, ownership of the facilities other than service lines shall be transferred to the Town if requested.

SECTION 10-11: PRIVATE LATERAL SEWERS PROHIBITED.

No privately-owned lateral sewer collecting lines shall be connected to or shall discharge, directly or indirectly, into the sanitary sewer system without written authorization from the Town.

SECTION 10-12: DISCHARGES FROM SEPTIC TANKS AND CESSPOOLS; DISCHARGES INTO STORM SEWERS.

- A. No septic tank effluent or cesspool overflow shall be discharged into any open drain, storm sewer, ditch, or well penetrating water bearing formations.
- B. No sanitary wastewater shall be discharged into any storm sewer, open drain, or ditch.

Article II: General Use Regulations

SECTION 10-20: PROHIBITED DISCHARGES.

No person shall discharge or cause be discharged into the POTW, directly or indirectly, any pollutant or wastewater of such volume or strength, which by itself or by interaction with other wastewater causing Interference or Pass Through. These general prohibitions apply to all users of a POTW whether or not the user is a SIU or subject to any National, State, or local pretreatment standards or requirements. Specifically, no person shall discharge or cause to be discharged into the sanitary sewer system any wastewater which contains any of the following:

- A. Any petroleum oil, non-biodegradable cutting oil, polychlorinated biphenyls (PCBs), pesticides or products of mineral oil origin in amounts that will cause interference or pass through;
- B. Any gasoline, benzene, naphtha, acetone, fuel oil or other liquids, solids or gases which by reason of their nature or quality may cause fire or explosion including but not limited to wastewaters having a closed cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR §261.21;
- C. Any 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 treatment processes within the POTW;
- D. Any paints, oils, lacquers, thinners or solvents including any waste containing a toxic or deleterious substance which can impair the sewage treatment process, constitute a hazard to persons or cause pass-through to the receiving waters of the Town's treatment plant;
- E. Any discoloration such as, but not limited to dyes, inks, or any waste containing chlorides, sulfides or chlorine, in such quantities as to be deleterious to or hazardous to persons, or the sanitary sewer system, or which contribute to pass through or NPDES permit violations by the POTW;
- F. Any pollutants which result in the presence of toxic gases, vapors or fumes in amounts that may cause acute worker health and safety problems;
- G. Solid or viscous substances in amounts which may cause obstruction to the flow in the POTW resulting in interference with the operation of the sanitary POTW, but in no case, solids greater than one-fourth inch in any dimension,
- H. Any wastewater containing more than 200 milligrams per liter of fats, oils, or greases of animal or vegetable origin, except as may be authorized by the Public Works Director;

- I. Any wastewater having a stabilized pH lower than 6.0 or higher than 12.0, or having corrosive properties capable of either causing damage or creating a hazard to equipment or personnel of the sanitary sewer system, except as may be allowed under an industrial discharge permit issued by the Town;
- J. Any wastewater having a temperature higher than 150 degrees F. (66°C.) or which will increase the temperature of the waste treatment facility influent to greater than 104 degrees F. (40°C.) or having a temperature which inhibits biological activity resulting in interference;
- K. Any wastewater containing substances that may precipitate, solidify, or become viscous at temperatures between 32 degrees F. (0°C.) and 160 degrees F. (71.1°C.);
- L. Any wastewater containing radioactive materials which either singly or in combination with other radioactive materials discharged into the sanitary system can cause contamination of the sanitary sewer system, a danger to the health of persons, or in concentration greater than that permitted by applicable State or Federal regulations.
- M. Any trucked or hauled wastewater unless prior written approval has been obtained from the Public Works Director and such waste is discharged at the location designated by the Public Works Director.
- N. Any slug discharge or bypass of pretreatment facilities without prior written approval from the Public Works Director.
- O. Any substance which may cause the treatment plant effluent or other products of the POTW such as residues, sludges or scums, to be unsuitable for reclamation or reuse or to interfere with the reclamation process. In no case shall a substance be discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA) or any similar state act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method in use.
- P. Any quantities of rainwater, storm water, groundwater, surface water, cooling water, swimming pool drainage or any other unpolluted water without prior written approval from the Public Works Director.
- Q. Any water added for the purpose of diluting wastes which would otherwise exceed applicable concentration limitations for any wastewater constituent.
- R. Any water or wastes, which in the opinion of the Town contain contaminants of such character or in such quantity as will not be amenable to

the waste treatment processes, or will constitute a hazard to persons or animals, or which will cause pass through to the sludges generated during the treatment process or to the receiving waters of the waste treatment plant.

- S. Any detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- T. Any substance which will contribute to or cause the Town's treatment plant effluent to fail a toxicity test or cause the Town to violate its NPDES permit or the receiving water quality standards.
- U. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- V. Any medical wastes, except as specifically authorized by the Public Works Director in a wastewater discharge permit.
- W. Recognizable portions of the human or animal anatomy.
- X. Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the Public Works Director.

SECTION 10-21: LOCAL LIMITS.

Industrial Waste Survey information may be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern may be included in the Wastewater Permit. The Public Works Director may develop BMPs, or include BMPs in individual wastewater discharge permits or a general permit, to implement Local Limitations and the requirements of Section 10-20 and as authorized pursuant to R.61-9.403.5(c)(4).

SECTION 10-22: FEDERAL AND STATE STANDARDS.

- A. **National Categorical Pretreatment Standards:** Upon the promulgation of any National Pretreatment Standard by EPA in accordance with § 307(b) and (c) of the Act, the federal standard, if more stringent than limitations imposed under this Ordinance (which are authorized pursuant to 40 CFR 403.5(c)), shall immediately supersede the limitations imposed pursuant to this Ordinance. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and the limitations of this Ordinance.

(1) Where a categorical pretreatment standard is expressed only in terms

of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
 - (3) 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.
 - (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
 - (5) A user may request a removal credit adjustment to a categorical standard in accordance with 40 CFR 403.7.
- B. **Right of Revision:** The POTW reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in section 10-1 of this Ordinance or the general and specific prohibitions in section 10-20 of this Ordinance, as is allowed by 40 CFR 403.4.
- C. **Dilution:** Except where expressly authorized to do so by an applicable Pretreatment standard or pollutant-specific limitation developed by the POTW or State, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Pretreatment Standard or the pollutant-specific limitation.

SECTION 10-23: CONTROL OF PROHIBITED DISCHARGES; PRETREATMENT.

If wastewater containing any substances described in this Article is discharged or proposed to be discharged into the sanitary sewer system, the Town may take appropriate action to eliminate the discharge of such wastewater including but not limited to:

- A. **Pretreatment Facilities:** Users shall provide wastewater treatment as necessary to comply with this Ordinance and Wastewater Permits issued under Article III of this Ordinance and shall achieve compliance with all

National Categorical Pretreatment standards, local limits, and the prohibitions set out in this Article within the time limitations as specified by EPA, the State, or the Public Works Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director for review, and shall be approved by the Public Works Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as 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 approved by the Public Works Director prior to the user's initiation of the changes.

B. Additional Pretreatment Measures:

- (1) Whenever deemed necessary, the Public Works Director 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- (2) The Public Works Director 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.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, 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 Public Works Director 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.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

C. Requiring the discharger to make such in-plant modifications as will eliminate the discharge of such substances to a degree acceptable to the Town:

or

- D. Requiring the user making, causing or allowing the discharges to pay any added cost of handling and treating excess loads imposed on the sanitary sewer system, including the costs of additional testing and investigation; or
- E. Such other remedial action as may be necessary to achieve the purposes of this Ordinance including but not limited to revocation of the user's permit to connect to the sanitary sewer system.

SECTION 10 – 24: FATS, OILS, AND GREASE CONTROL

- A. **Scope and Purpose:** The purpose of this section is to regulate the collection, control and discharge of non-hazardous fats, oils, and greases (FOG) of animal or vegetable origin into the POTW. Any User connected to the POTW involved in the preparation or serving of foods will be subject to the conditions of this Ordinance provision. This section regulates such Users by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof.
- B. **Definitions:** The definitions contained in Section 10-2 and the following terms, when used in this section, shall apply.
 - (1) **Fats, Oils and Grease (FOG)** – Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measured using analytical test procedures in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases".
 - (2) **Grease Trap or Interceptor** – A device for separating and retaining waterborne Grease and Grease complexes. An interceptor may be of the "outdoor" or underground type normally of a 1000-gallon capacity or more, or for smaller operations, an "under the counter" package unit, which is typically less than 100 gallons capacity. For the purpose of this definition, the terms "grease interceptor", "interceptor", and "grease trap" are used interchangeably.
 - (3) **Food Service Establishment** – Any commercial, industrial, or institutional facility discharging kitchen or food preparation wastewater including but not limited to the following: restaurants, motels, hotels, cafeterias, hospitals, schools, nightclubs, delicatessens, meat cutting-preparation, bakeries, bagel-doughnut shops, grocery stores, gas stations, churches and any other facility that the Town determines to be in need of a grease interceptor by virtue of its operation.
 - (4) **Multi-Residential Facility** – Any Apartment complex, townhomes, or duplexes connected to the Town's sanitary sewer system.

- (5) **Operator** – The operator of a Food Service Establishment.
- (6) **Owner** – An individual, person, firm, company, association, society, corporation or other entity upon whose property the building or structure containing the Food Service Establishment is located or will be constructed. "Owner" will also include the owner of a Food Service Establishment which is leasing the building, structure, or a portion thereof containing the Food Service Establishment.
- (7) **Plumbing Code** – The current edition of the South Carolina Plumbing Code.
- (8) **Waste** – Liquid and water carried waste, whether treated or untreated. The terms "sewage" and "wastewater" shall be deemed to be waste by definition.

C. **Grease Interceptor Requirements:**

- (1) Food Service Establishments shall discharge all waste from sinks, dishwashers, drains and any other fixtures through which fats, oils, and grease may be discharged, into a properly maintained grease interceptor. The grease interceptor shall be constructed at the owner's expense.

D. **Compliance Date:**

- (1) Operators of existing Food Service Establishments which are not equipped with a grease interceptor which is in compliance with all requirements of this Ordinance shall install a grease interceptor within six months of the effective date of this Ordinance, unless an extension is granted by the Town.
- (2) New Food Service Establishments shall be equipped with a grease interceptor prior to commencement of discharge to the POTW.
- (3) Any request for extensions of time for installing a grease interceptor must be made in writing to the Town at least thirty days in advance of the compliance date. The written request shall include the reasons for the operator's failure or inability to comply with the applicable compliance date, the amount of additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The Town shall determine whether to grant an extension and the date for compliance.

E. **Discharge Criteria:**

- (1) The following prohibitions shall apply to Food Service Establishments:
- (2) Where fats, oils, and grease are byproducts of food preparation and/or cleanup, reasonable efforts shall be made to separate waste fats, oils, and grease into a separate container for proper disposal. Except as contained in byproducts of food preparation and/or cleanup, waste fats, oils and grease shall not be discharged to any drains or grease interceptors. Such waste shall be placed in a container designed to hold such waste and either used by industry or disposed of at a suitable location.
- (3) The influent to the grease interceptor shall not exceed 140 degrees Fahrenheit (140 F).
- (4) Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.
- (5) Waste shall enter the grease interceptor only through the inlet flow control device, "sanitary tee".
- (6) Where food waste grinders are installed, the waste from those units shall not pass through the grease interceptor.
- (7) Prohibited Discharges and Connections:
 - a. Food Grinder Wastes
 - b. Dishwasher output lines
 - c. Water from refrigerator drain lines, beverage dispenser drain lines, ice machine, hand sinks or food prep areas.
 - d. Showers, toilets, washing machines, and baths.
 - e. Temperatures greater than 140° Fahrenheit
 - f. Dishwasher discharge
 - g. Acidic or caustic cleaners
 - h. Fryer oil or grill trap grease waste
 - i. Biological or chemical additives

F. **Grease Interceptor Location and Construction:** All grease interceptors shall be subject to review, evaluation, and inspection by the Town during normal working hours.

- (1) Inground Grease Interceptors:
 - a. All grease interceptors shall be of a type, design, and capacity approved by the Town or its designee. No grease interceptor shall be less than 1000 gallons total capacity without prior approval.
 - b. All grease interceptors shall be installed in an area accessible for inspection and service.
 - c. Shall not be installed near garbage containment enclosures

- d. Manholes shall be installed with twenty-four inch covers and rings, and the 90° tee shall be visible from all manholes.
- e. All manholes shall be secured to prevent unauthorized access to the grease interceptor.
- f. Mop sinks, floor drains, floor sinks, 3-compartment sinks, and pre-rinse of the dishwasher shall be connected to the grease interceptor.

(2) Under-the- Sink Grease Interceptors:

- a. Must be located above the floor grade.
- b. Must be located in an accessible area to allow for inspection and maintenance.
- c. Shall be constructed of non-metallic, non-corrosive materials.
- d. Shall have a minimum capacity of 20 pounds (10 gallons per minute).

G. Interceptor Maintenance and Cleaning:

- (1) Unless otherwise specified by the Town, each interceptor in active use shall be cleaned at least once per quarter or more frequently as needed to prevent the discharge of fats, oils, and grease in excess of 200 mg/l into the POTW. The Town may specify cleaning more frequently when pumping quarterly is shown to be inadequate. Additional pumping may be required during time periods when increased loading is anticipated.
- (2) If the Town determines that the interceptor is full, immediate steps shall be taken by the operator to pump out and clean the interceptor as soon as possible. The Town shall make an evaluation of the advisability of allowing discharge to continue, and may at its discretion order an immediate cessation of all discharge from the Food Service Establishment.
- (3) Every operator shall within ten days of each cleaning of an interceptor located on the operator's premises, notify the Town in writing that the interceptor has been cleaned. The notice of cleaning shall include the date of the cleaning, the identity of the hauler, the site to which the contents of the interceptor were hauled and such other information as the Town may reasonably require. The operator shall also submit with each notice of cleaning an invoice from the hauler evidencing the cleaning of the interceptor. The operator shall maintain a written record of grease interceptor maintenance and cleaning for three years and this record shall be available for inspection by the Town at all times.
- (4) An operator shall cause the licensed waste hauler, transporter, or any other person cleaning or servicing an interceptor to completely evacuate all contents, including floating materials, wastewater, and bottom sludges and solids during cleaning. It shall be unlawful for an operator to allow the discharging of removed waste back into the interceptor from which the

waste was removed, the Town's sanitary sewer system, or into any other interceptor.

- (5) All waste removed from an interceptor shall be disposed of at a facility permitted and authorized to receive such waste in accordance with all Federal, State, and local regulations.
- (6) The use of biological additives such as bacteria designed to digest fats, oils, and grease is specifically prohibited.

H. Monitoring, Inspection and Entry:

- (1) It shall be unlawful for the operator of a Food Service Establishment to refuse to allow the Town to enter its premises during reasonable hours to determine whether the operator is complying with all of the requirements of this Ordinance. The operator shall allow the Town access to all parts of the premises for purposes of inspection, sampling, records examination and copying, and the performance of additional duties reasonably required to enforce this Ordinance.

I. Enforcement:

- (1) A violation of any provision of this Ordinance shall subject the offender to civil penalties as set forth in the schedule of penalties.
- (2) This Ordinance may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.
- (3) The Town may enforce this Ordinance by any one of or any combination of the foregoing remedies.
- (4) The remedies provided above are not exclusive and do not prohibit the Town from using any other remedy provided by law.

J. Schedule of Penalties:

- (1) Failure to Construct:
 - a. Any owner of a Food Service Establishment who fails to install an approved grease interceptor as required by the Town's Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00 per day until said grease interceptor is installed and approved by the Town.
 - b. Any owner of a Food Service Establishment who fails to make the necessary improvements to an existing grease interceptor so that it complies with the Town's Fats, Oils, and Grease Control Ordinance

shall be subject to a fine of \$100.00 per day until improvements are completed and approved by the Town.

(2) Failure to Clean and Maintain Grease Interceptor:

- a. Any owner of a Food Service Establishment receiving unsatisfactory evaluations during inspections and/or who fails to meet the cleaning requirements set forth in the Town's Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00 per day until all deficiencies and/or violations have been corrected.
- b. Any owner of a Food Service Establishment who fails to maintain proper records of all cleaning and maintenance of the grease interceptor as required by the Town's Fats, Oils, and Grease Control Ordinance shall be subject to a fine of \$100.00.
- c. Any owner of a Food Service Establishment who knowingly and willfully bypasses a grease interceptor and discharges Fats, Oils and Grease directly into the Town's sewer collection system shall be subject to a fine of \$500.00 per day until discharge is stopped.

(3) Excessive Grease Discharge To POTW:

- a. Any owner of a Food Service Establishment whose operations cause or allow excessive grease to discharge or accumulate in the Town's wastewater collection and treatment facilities will be liable to the Town for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, sanitary sewer overflows, etc. including all labor, materials, and equipment. Failure to pay all service related charges may be grounds for sewer and/or water service discontinuance.
- b. Any owner of a Food Service Establishment who continues to violate the Town's Fats, Oils, and Grease Control Ordinance shall be considered for discontinuance of sewer service.

SECTION 10-25: INSPECTIONS.

The Town, DHEC and EPA shall have the right to inspect the facilities of any user in order to ascertain whether the user is in compliance with the requirements of this Ordinance and any Wastewater Permit. Persons or occupants on premises where wastewater is created or discharged shall allow the Town or its authorized agents and employees ready access at all reasonable times to all parts of the premises for the purposes of inspections, examining records, copying records, sampling, or the performing of any of their duties. The Town shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance

monitoring and 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 shall be permitted access without delay for the purpose of performing their responsibilities. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Town and shall not be replaced. The costs of clearing such access shall be borne by the User. Unreasonable delays in allowing the Town access to the User's premises shall be a violation of this Ordinance.

SECTION 10-26 HAULED WASTEWATER.

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Public Works Director, and at such times as are established by the Public Works Director. Such waste shall not violate section 10-20 of this Ordinance or any other requirements established by the Town. The Public Works Director may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Public Works Director may require haulers of industrial waste to obtain wastewater discharge permits from DHEC. The Public Works Director may require generators of hauled industrial waste to obtain wastewater discharge permits in accordance with the Town's approved pretreatment program. The Public Works Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Public Works Director. No load may be discharged without prior consent of the Public Works Director. The Public Works Director may collect samples of each hauled load to ensure compliance with applicable standards. The Public Works Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Article III: Industrial Discharge Permits

SECTION 10-30: INDUSTRIAL DISCHARGE PERMITS REQUIRED.

- A. All significant industrial users proposing to connect to or contribute wastewater to the POTW shall first obtain an Industrial Wastewater Discharge Permit from the Town. When requested by the Public Works Director, a user must submit information on the nature and characteristics of its wastewater within thirty days of the request. The Public Works Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. Significant Industrial User Determination: All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Public Works Director a significant industrial user determination. If the Public Works Director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.
- C. All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the Public Works Director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the Public Works Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the Public Works Director be required to obtain a wastewater discharge permit for non-significant industrial users.
- D. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- E. Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. When a permittee desires to assign, transfer, or sell a wastewater discharge permit to a new owner or operator, a new application shall be submitted with full information. This application will be approved if the new owner or operator certifies (1) that there is no immediate intent to change the facility's operation and process, (2) the date the new owner or operator shall take over, and (3) acknowledgement is made that the new owner or operator has full responsibility for complying with the existing wastewater discharge permit or a general permit.

- F. ALL significant industrial users shall apply for permit reissuance by submitting a complete permit application in accordance with section 10-31 a minimum of 180 days prior to the expiration of the existing permit.

SECTION 10-31: INDUSTRIAL WASTEWATER PERMIT APPLICATIONS.

- A. Users required to obtain a significant industrial user permit shall complete and file with the Town, an application in the form prescribed by the Public Works Director, and accompanied by an application fee in the amount prescribed in the Town's Wastewater Rate Schedule. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the Public Works Director's determination in Section 10-30 above. In support of the application the user shall submit any other information deemed necessary by the Public Works Director to evaluate the permit application.
- B. All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Town as defined in Section 10-2 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."

- C. The Public Works Director will evaluate the data furnished by the user and within 30 days of receipt the Public Works Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- D. The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare an evaluation and tentative determination to issue or deny the significant industrial user permit. If the staff's tentative determination is to issue the permit, the following additional determinations shall be made as required to prepare a draft significant

industrial user permit:

- (1) proposed discharge limitations for those pollutants proposed to be limited;
 - (2) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (3) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- E. The Public Works Director shall take final action on all applications not later than 90 days following receipt of a complete application. The Public Works Director is authorized to:
- (1) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this Ordinance;
 - (2) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (3) modify any permit upon not less than 60 days notice and pursuant to Section 10-33 of this Ordinance;
 - (4) revoke any permit pursuant to Section 10-55 of this Ordinance;
 - (5) suspend a permit pursuant to Section 10-53 of this Ordinance;
 - (6) deny a permit application when in the opinion of the Public Works Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant.

SECTION 10-32: PERMIT CONDITIONS.

The Public Works Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Ordinance. The Town may establish conditions on industrial wastewater permits including, but not limited to:

- A. Limits on the average and maximum wastewater constituents and characteristics in both concentration and mass units.
- B. Limits on average and maximum flow rates as well as requirements for flow regulations and equalization.

- C. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- D. Such other conditions authorized by this ordinance and as deemed appropriate by the Town to insure compliance with this Ordinance.

SECTION 10-33; CHANGE IN NATURE OR QUANTITY OF DISCHARGE; PERMIT MODIFICATIONS.

- A. Any industrial user shall report in writing to the Town, any facility expansions, production increases, or process modifications which could result in substantially new, different or increased discharges of pollutants into the sanitary sewer system. In such event, the Town may require submission of a new wastewater questionnaire or may modify the current permit. Before any such changes are implemented, the user shall obtain approval from the Town for the resulting changes in wastewater volume and characteristics.
- B. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (1) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (2) a single modification of any compliance schedule not in excess of four months,
 - (3) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- C. 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 within the time frame prescribed by 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 Section 10.31, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

SECTION 10-34: REPORTING REQUIREMENTS.

Industrial users are subject to the following reporting requirements as required by the EPA General Pretreatment Regulations, their Industrial Discharge Permit, and this Section.

- A. **Baseline Monitoring Reports:** Within either one hundred eighty 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 Public Works Director a Base Line Monitoring Report which contains the information prescribed by the EPA General Pretreatment Regulations. At least ninety 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 Public Works Director a Base Line Monitoring Report which contains the information prescribed by the EPA General Pretreatment Regulations. 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. **Compliance Schedule Progress Reports:** If a User must provide additional pretreatment and/or O&M as required to meet the EPA General Pretreatment Regulations Standards, an Industrial Discharge Permit, Compliance Schedule, or other requirements of this Ordinance, the User will provide the shortest schedule by which such additional pretreatment and/or O&M will be provided. A compliance schedule pursuant to this section must meet following requirements:
 - (1) Compliance Schedules 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.
 - (2) Industrial Users subject to Compliance Schedules shall submit a progress report to the Public Works Director no later than fourteen 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 in no event shall more than nine months elapse between such progress reports to the Public Works Director.
- C. **Reports on Compliance with Categorical Pretreatment Standard, Deadline:** Within ninety 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 Public Works Director a report of compliance containing the information required by the EPA General Pretreatment Regulations.

D. Periodic Compliance Reports:

- (1) All significant industrial users shall, at a frequency determined by the Public Works Director but in no case more than once every three months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in Section 10-35 of this Ordinance. All periodic compliance reports must be signed and certified in accordance with section 10-31(b) of this Ordinance.
- (2) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Public Works Director, using the procedures prescribed in Section 10-35 of this Ordinance, the results of this monitoring shall be included in the report.

E. Reports of Changed Conditions: Each user must notify the Public Works Director of any planned significant changes to the user's operations or system which might substantially alter the nature, quality, or volume of its wastewater at least thirty days before the change. The permittee shall not begin the changes until receiving written approval from the Public Works Director.

- (1) The Public Works Director 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.
- (2) The Public Works Director may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent or greater, and the discharge of any previously unreported pollutants, increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Public Works Director; new or changed product lines; new or

changed manufacturing processes and/or chemicals; or new or changed customers.

F. Reports of Potential Problems:

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately notify the Public Works Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five days following such discharge, the user shall, unless waived by the Public Works Director 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.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who 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.
- (4) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or slug load.

G. Reports from Unpermitted Users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require. All users classified as Non-Significant Categorical Industrial Users shall provide appropriate reports to the Public Works Director. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

H. Notice of Violation/Repeat Sampling and Reporting:

- (1) If sampling performed by a user indicates a violation, the user must notify the Public Works Director within twenty-four 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 Public Works Director within thirty days after becoming aware of the violation. If allowed by the Public Works Director, the user is not required to resample:

- a. if the Public Works Director monitors at the user's facility at least once a month; or
- b. if the Public Works Director samples between the user's initial sampling and when the user receives the results of this sampling.

(2) If the Public Works Director has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the Public Works Director shall repeat the sampling and obtain the results of the repeat analysis within thirty days after becoming aware of the violations, unless one of the following occurs:

- a. the Public Works Director monitors at the user's facility at least once a month; or
- b. the Public Works Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
- c. the Public Works Director requires the user to perform sampling and submit the results to the Public Works Director within the 30-day deadline of the POTW becoming aware of the violation.

I. **Notification of the Discharge of Hazardous Waste:** The Town prohibits the discharge of any hazardous wastes without notification to and approval by the Public Works Director.

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, 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 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 waste stream discharge during the calendar month, and an estimation of the mass of constituents in the

wastestream expected to be discharged during the following twelve months. All notifications must take place no later than 180 days before the discharge commences. The user shall not begin the discharge until receiving written approval from the Public Works Director. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under paragraph (e) above. 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 this Ordinance.

- (2) Dischargers are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen 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 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 wastes do not require additional notification.
- (3) In the case of any new regulation 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 Public Works Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.
- (4) 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.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued there under, or any applicable Federal or State law.

SECTION 10-35: ANALYTICAL REQUIREMENTS.

- A. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by DHEC to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment

standard or unless otherwise performed in accordance with procedures approved by EPA or the Public Works Director. 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 EPA and Public Works Director. Analyses must be performed by a DHEC certified lab for each parameter analyzed, if such certification exists for that parameter.

- 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. Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The Public Works Director shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g) (5) for additional grab sample number requirements for self monitoring reports (SMR) and 90 Day Compliance Reports. Additionally, the Public Works Director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
- D. Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

SECTION 10-36: 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 years. This period shall be automatically

extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Public Works Director.

SECTION 10-37: COMPLIANCE MONITORING.

- A. All significant industrial users shall be required to provide and operate, at their expense, monitoring facilities acceptable to the Town to allow inspection, compliance monitoring and other sampling and flow measurements of the process wastewater discharged by the user. There shall be ample room in or near such monitoring facility to allow proper sampling protocols to be conducted. The monitoring facilities shall be located at a site acceptable to the Town. All devices used to measure wastewater flow and quality shall be calibrated at least annually or on a calibration schedule approved by the Public Works Director to ensure their accuracy.
- B. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be made in accordance with Section 10-35 of this Ordinance.,
- C. An industrial user is required to report the results of all testing done in accordance with subparagraph (b) hereof including testing done in addition to the monitoring required in the user's industrial wastewater discharge permit, (i.e., if four days of sampling are conducted during a sampling period when only three days are required, all four days must be reported.)
- D. Within twenty-four hours of becoming aware of a non-emergency violation, the user must notify the Town of the violation. In addition, re-sampling of the wastewater for the parameter in violation shall be scheduled and the results submitted to the Town within thirty days of the original notification of the violation.
- E. All self-monitoring reports shall be signed by an authorized representative of the user.
- F. The Town will 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, DHEC and EPA or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspecting, sampling, records examination and copying 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 purpose of performing their specific responsibilities. Denial of the Town's, DHEC's or EPA's access to the user's premises shall be a violation of this Ordinance. Unreasonable delays may constitute denial of access.

- G. If the Town, DHEC or EPA 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 Town 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 Town, DHEC, or EPA may seek issuance of a search warrant from the court having jurisdiction within the Town.

SECTION 10-38: ACCIDENTAL DISCHARGE/SLUG CONTROL REQUIREMENTS.

- A. All industrial users shall have in place systems and procedures to prevent accidental discharge into the sewer system of any substances prohibited by this Ordinance, slug discharges or any other circumstances which may inhibit or interfere with the efficiency of the sanitary sewer system or present a danger to human health or the waters of the receiving stream.
- B. In the event of an accidental discharge the user responsible for such discharge shall immediately notify the Town by phone (864-485-0000) so that corrective action may be taken to protect the sanitary sewer system, human health or the receiving stream. In addition, a written report addressed to the Town detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed with the Town by the user within five days of the accidental discharge. The conditions for which immediate notification is required include but are not limited to:
 - (1) slug discharges;
 - (2) spills of concentrated pollutants;
 - (3) malfunction in manufacturing operations; or

- (4) upset or malfunction in pretreatment systems at the user's premises.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. The Public Works Director shall evaluate whether each SIU needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 10-2. All SIUs must be evaluated within one year of being designated an SIU. The Public Works Director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Public Works Director may develop such a plan for any user.
- E. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by Section 10-34(f) of this Ordinance; and
 - (4) 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.
- F. Significant Industrial Users are required to notify the Town immediately of any changes at its facility affecting the potential for a Slug Discharge.

SECTION 10-39: 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 requests and is able to demonstrate to the satisfaction of the Public Works

Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

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 for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; 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.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.

Article IV: Sewer Service Charges

SECTION 10-40: SEWER USER CHARGES.

- A. It is the purpose of this Section is to provide for the recovery of costs from users of the wastewater disposal system of the Town for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Town's Wastewater Rate Schedule as determined appropriate by the Public Works Director and approved by the Town Council. A copy of the Town's Wastewater Rate Schedule will be made available from the Public Works Director.
- B. 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 POTW.
 - (1) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.
 - (2) Each user shall pay its proportionate cost based on volume of flow.
 - (3) The Town shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Town for adjustments in the schedule of charges and fees as necessary.
 - (4) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.
- C. For the purpose of determining wastewater volume, the customer's metered water consumption will be used. For users that obtain water from an un-metered well, a discharge flow meter approved by the Town shall be installed at a location accessible to the Town. If a substantial amount of water is used for purposes that do not require discharge into the sanitary sewer system the user may, at its option, install and maintain at its expense, a recording meter, of a design approved by the Town for determining wastewater volume. Maintenance of such wastewater meter shall include, but not be limited to a minimum annual calibration of the meter by a qualified instrumentation technician and any needed repairs

SECTION 10-41: SEWER SURCHARGES.

- A. Significant industrial users with high-strength wastewater shall pay a surcharge for treatment of their high-strength wastewaters. Surcharge

payments will be assessed on sewer customers whose wastewater's concentration exceeds **250 mg/l BOD, 600 mg/l COD, or 250 mg/l TSS**. The surcharge will be assessed on each pound of BOD, COD, and TSS in the wastewater in excess of the above limits at the discretion of the Public Works Director or surcharges may be established for other high-strength pollutants.

- B. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the significant industrial user. 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 CFR Part 136.
- C. The determination of the character and concentration of the constituents of the wastewater discharge by the Public Works Director shall be binding as a basis for charges.
- D. This surcharge shall be imposed in addition to any other charges made for sewer service and the surcharge rate shall be based upon the actual costs per pound removed for the combined domestic and industrial wastes as experienced at the treatment plant during the preceding fiscal year.

SECTION 10-42: PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

The Town's Wastewater Rate Schedule may include charges and fees for:

- A. Reimbursement of costs of setting up and operating the Pretreatment Program;
- B. Monitoring, inspections and surveillance procedures;
- C. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- D. Permitting;
- E. Other fees as the Town may deem necessary to carry out the requirements of the Pretreatment Program.

SECTION 10-43: RESPONSIBILITY FOR SEWER BILLS.

The person receiving sewer service shall be primarily responsible for the payment of the monthly sewer charges. The owner of the property shall be secondarily responsible. If a monthly user charge becomes delinquent, a late fee established in accordance with Section 10-40 may be assessed, service may be discontinued and may not be resumed until satisfactory arrangements for payment have been made.

SECTION 10-44: DISCONTINUANCE OF SERVICE FOR NON-PAYMENT.

Bills for sewer service charges or other charges imposed by this Ordinance shall be due and payable thirty days from date of the invoice. Charges not paid when due shall be considered delinquent. If any sewer service charge remains unpaid for ten days after the due date, the Town shall have the right to revoke the sewer permit and sewer service to the property may be discontinued. Prior to disconnection, the user shall be given at least five days notice of the Town's intention to disconnect, the amount owed and advising the user and owner of the right to request a hearing before the Town or a hearing officer designated by the Council. The Notice shall be delivered by certified mail (return receipt requested), by personal delivery or by posting on the premises served if the owner/user cannot be found.

SECTION 10-45: RE-CONNECTION.

If sewer service is disconnected from the premises of any user, re-connection shall be allowed only after issuance of a permit, full payment of all past-due sewer charges and a \$500.00 re-connection fee as well as any and all costs incurred by the Town as a result of disconnection or re-connection of sewer service. The re-connection shall be made exclusively by the Town or a licensed contractor approved by the Public Works Director or his designated representative. In all cases, the Public Works Director shall inspect the re-connection prior to resumption of sewer service.

SECTION 10-46: CAPACITY CHARGES AND UNUSED CAPACITY CHARGES

Capacity Charges

The Town allocates sewer capacity based on need. Each commercial or industrial customer looking to tie into the Town's sewer system or any sewer system that connects to the Town, must pay a capacity fee prior to discharging. The capacity fee is \$3.00 per gallon of sewer that will be discharged in Town limits and \$6.00 per gallon of sewer that will be discharged outside of Town limits. The capacity fee is set with the annual budget for each fiscal year. Once the sewer capacity is purchased, it cannot be sold or transferred to another customer unless approved by the Town. The average monthly sewer flow for the facility or the average daily incoming water meter consumption cannot exceed the purchased capacity, then the sewer customer must contact the Town to purchase new capacity within thirty (30) days. Failure to purchase new capacity from the Town can subject the user to the enforcement actions set forth in this ordinance.

Unused Capacity Charges

Once sewer customer has purchased capacity, the customer is responsible for using that capacity. Failure to use that capacity will result in an unused capacity charge from the Town.

When the sewer capacity is purchased and not used, then the Town may be forced to upgrade the wastewater treatment plant because some of the sewer capacity is tied up on paper and not used. The sewer capacity tied up on paper could result in higher sewer

charges for the upgrade of the Waste Water Treatment Plant when all of the sewer capacity is not being utilized.

Any customer who utilizes 90% or higher of the purchased capacity will not be subject to an unused capacity charge.

Any customer who does not utilize the purchased capacity at least 90% will be charged an unused capacity charge for each month. The customer will be charged the unused capacity charge of \$1.56 per 1000 gallons. The average flow for the month will be compared to the purchased capacity in order to determine if unused capacity charges are necessary. The charge will be based on the total purchased capacity minus the total gallons of sewer discharged for the month. The unused capacity charge is calculated by evaluating the capital improvements contribution and the costs for the typical upgrade of a Waste Water Treatment Plant. The unused capacity charge will be established each fiscal year with the annual budget.

SECTION 10-47: SUBDIVISION DEVELOPMENT CHARGES

The Town of Lyman reviews the plans for subdivision development to ensure that everything complies with this Ordinance, the State regulations and the federal regulations. The Town will charge for the sewer plan review at the following rates. The individual rates will be set with the annual budget each year:

- | | | |
|------------|-------|----------|
| • 1 – 50 | Homes | \$250.00 |
| • 51 – 150 | Homes | \$500.00 |
| • 151+ | Homes | \$750.00 |

Article V: Enforcement

SECTION 10-50: DAMAGE TO SEWER FACILITIES UNLAWFUL.

It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewer system of the Town.

SECTION 10-51: FALSIFYING INFORMATION.

Any person who knowingly makes any false statement, representation or certification in any application, report, plan or other document filed or required to be maintained pursuant to this Ordinance or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required by this Ordinance shall be guilty of a misdemeanor.

SECTION 10-52: ADMINISTRATIVE RESPONSIBILITY.

- A. The Public Works Director of the Industrial Wastewater Program of the Town shall be responsible for administering this Ordinance and shall serve as the Enforcement Officer (the "Enforcement Officer").
- B. The Enforcement Officer shall administer and interpret this Ordinance and shall:
 - (1) prepare appropriate forms for applications and questionnaires needed in connection with the issuance of any permit required hereunder;
 - (2) monitor compliance by site inspections of significant industrial users, reviewing self monitoring data and reviewing compliance data collected by the Town;
 - (3) institute enforcement actions authorized under this Article;
 - (4) issue such rules and regulation as may be necessary or appropriate to insure the proper administration and enforcement of this Ordinance.
- C. Any user who receives a Notice of Violation or Administrative Order shall have a right to an administrative conference with the Enforcement Officer by making a written request thereof within five days of receipt of a Notice of Violation or an Administrative Order. The purpose of the administrative conference shall be to review the facts on which the Notice of Violation or Administrative Order is based and to review and amend same if necessary. Following the conference, the Enforcement Officer shall inform

the alleged violator in writing of the results of the conference and may propose a consent order to resolve the alleged violation.

- D. Following the administrative conference any user who is not satisfied with the decision of the enforcement officer shall have the right to request a hearing before the Town by making a written request for a hearing within ten days from the date the result of the administrative conference is received.
- E. Nothing in this section shall limit the authority of the Enforcement Officer to take any action, including suspending sewer use permits or other enforcement action without first issuing a Notice of Violation.

SECTION 10-53: ADMINISTRATIVE ENFORCEMENT ACTIONS.

- A. **Notice of Violation** – Whenever the Enforcement Officer finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or order issued hereunder, the Enforcement Officer may serve upon said user written notice of the violation. If a response is required, 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 Enforcement Officer within the time frame established by the Enforcement Officer. 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 Town to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- B. **Administrative Order** – When the Enforcement Officer finds that an industrial user has violated or continues to violate this Ordinance, permit or order issued there under or any other Pretreatment Standard or Requirement, he may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
 - (1) Immediately comply with all requirements;
 - (2) Comply in accordance with a compliance time schedule set forth in the order;
 - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
 - (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

- C. **Consent Order** – The Enforcement Officer is empowered to enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with the industrial user responsible for a noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period specified in the order. Consent Orders shall have the same force and effect as Administrative Orders and Suspension Order.
- D. **Suspension Order** – The Enforcement Officer may order suspension of wastewater treatment service and/or any wastewater permit to use the sewer system of the Town when such action 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, interference with the treatment plant or, when necessary to prevent the Town from violating any conditions 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 discharge. 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 Enforcement Officer shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Enforcement Officer 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 Enforcement Officer prior to the date of the above-described hearing.

SECTION 10-54: SHOW CAUSE HEARINGS.

- A. The Enforcement Officer may issue a Rule to Show Cause to any user who violates this Ordinance or any permit, permit condition, final order of the Town, or any other Pretreatment Standard or Requirement requiring the person to appear and show cause why enforcement actions authorized by this Ordinance should not be taken. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- B. A notice of the hearing, specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action shall be served on an executive or the authorized agent for signing self monitoring reports, personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

- C. The Town or a hearing officer designated by the Town shall conduct the hearing and the hearing shall be held as practicably as possible in accordance with the procedure prescribed by DHEC.
- D. After reviewing the evidence, the hearing officer may, if significant non-compliance is found, suspend or revoke any sewer use permit previously granted, impose civil penalties, order severance of the sewer connection and may order that water service to the violator be discontinued until the violation has been corrected to the satisfaction of the Town.
- E. All appeals from the decision of the hearing officer shall be heard by the Court of Common Pleas for Spartanburg County, South Carolina.
State law Ref. S.C. Code Ann. §§ 6-11-285

SECTION 10-55: REVOCATION OF PERMIT OR PERMISSION TO DISCHARGE.

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

- A. Failure of the user to factually report the wastewater constituents and characteristics of its discharge;
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- C. Failure to notify the Town of an effluent discharge violation or slug discharge resulting in damage to the sanitary sewer system, human health or a threat to human health;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring for violations of any permit conditions;
- E. Failure to comply with an order suspending a sewer use permit;
- F. Violation of conditions of the permit or permission to discharge, conditions of this Ordinance, or any applicable State and Federal regulations;
or
- G. Any other significant non-compliance with the terms of this Ordinance or the sewer use permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 10-54 of this Ordinance why the proposed action should not be taken.

SECTION 10-56: SEVERANCE OF SEWER CONNECTION OR WATER SERVICE.

In the event that any user fails to comply voluntarily with any suspension order or continues to contribute wastewater to the Town sewer system after the revocation of a sewer use permit, the Town may take such steps as are necessary to prevent or minimize danger to the sewer system or to prevent danger to the public including, but not limited to, severance of the sewer connection and discontinuance of water service.

SECTION 10-57: LEGAL ACTION.

If any person makes any discharge into the Town sewer system contrary to the provisions of this Ordinance, or violates any conditions of an Industrial Wastewater Discharge Permit, the Town may commence an action for appropriate legal and/or equitable relief in the courts of this state, including a requirement for the User to conduct environmental remediation. The Town may also petition the courts for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, general permit, order, or other requirement imposed by this Ordinance on the activities of the User. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

SECTION 10-58: CRIMINAL PENALTIES FOR VIOLATIONS.

Any person who knowingly and intentionally violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$2,000.00 per day that such violation continues or imprisoned not more than 30 days or both. Each day that a violation continues to exist shall be considered a separate offense.

SECTION 10-59: CIVIL PENALTIES.

Any person found by the Town to have failed to comply with any provision of this Ordinance or any permit, permit condition, Administrative Order or final determination of the Town may be subject to a civil penalty not to exceed \$2,000.00 per day that such violation continues. The Town may hold all or part of a civil penalty in abeyance while evaluating the performance of a User to achieve compliance with a control mechanism and/or this Ordinance. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation. In addition, the Town may require that a person guilty of a violation reimburse the Town for any attorney's fees, engineering fees, court costs or other expenses incurred by the Town in connection with enforcement actions brought by the Town as a result of such violations. Civil penalties may be imposed only with the approval of the Town or hearing officer designated by the Town. All civil penalties assessed under this section shall

be a debt payable to the Town and shall constitute a lien against the property of the user. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the User.

State Law Ref. S.C. Code Ann. §§6-11-285

SECTION 10-60: PUBLIC NOTIFICATION.

The Town shall inform the public by publishing names a newspaper of general circulation in the Town a list of the Users which, at any time during the previous twelve months, were in significant noncompliance with applicable Pretreatment Standards and Requirements or any cases requiring the use of emergency authority.

SECTION 10-61: REMEDIES NONEXCLUSIVE.

The remedies provided for in this Ordinance are not exclusive. The Enforcement Officer may take any, all, or any combination of these action against a user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. The Enforcement Officer may, however, take other action against any user when the circumstances warrant

SECTION 10-62: 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 affected and shall continue in full force and effect.

SECTION 10-63: 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.

SECTION 10-64: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.