



# **Sanitary Sewer Use Rules and Regulations**

**Spartanburg Sanitary Sewer District**

Revisions Adopted December 10, 2013



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## SECTION 1

### INTRODUCTION, DEFINITIONS, AND GENERAL PROVISIONS

#### 1.1 Introduction

Pursuant to the authority of Act No. 1503 of 1970 as amended, general laws and statutes of the State of South Carolina, and Federal law, the Spartanburg Sanitary Sewer District ("the District") is empowered to establish rules and regulations. Act 1503 specifically authorizes the District to "establish rules, regulations and policies related to the use, operation and administration of sewerage facilities under the control of the Commission...". The District is also empowered in Act 1503 to establish such rules, regulations and policies related to "all sewerage facilities not controlled by the District but from which sewerage is contributed to the District's system". Act 1503 empowers the District's Commission to "promulgate and publish such rules and regulations as it may deem appropriate and necessary...".

Effective January 1, 1972, the "Sanitary Sewer Use Rules and Regulations" were adopted by the Commission to control, restrict and limit, in the interest of public health and safety, the discharge or deposit of certain substances, materials, and flow into any sanitary sewer that, in turn, discharges into any sanitary sewer or treatment plant owned or maintained by the District.

Many of these Rules and Regulations have been previously adopted and are restated herein and re-adopted and remain in full force and effect. The provisions in these Rules and Regulations are not exclusive, and the District may rely on other applicable rules, regulations, statutes, and policies.

#### 1.2 Definitions

Unless a provision explicitly states otherwise or the context indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings ascribed to them below:

**1.2.1 Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

**1.2.2 Adjudicatory Hearing.** A hearing that is held pursuant to these Rules and Regulations. Adjudicatory hearings are proceedings where there is to be a determination made in a contested case pursuant to the power of the District. Adjudicatory hearings shall be held before the Commission or its appointee, and the Commission may appoint a hearing officer to conduct any hearing.

**1.2.3 Administrative Order.** An enforcement document that directs a user to undertake or to cease specified activities. An administrative order is issued unilaterally by the District, and its terms need not be discussed with the user in advance. The terms of an administrative order may or may not be negotiated with the user. An administrative order can be in any form, and may incorporate compliance schedules, penalties, suspension/termination of service orders, or any other type of enforcement vehicle consistent with these Rules and Regulations. Administrative orders include, but are not limited to, the following:

Cease and Desist Order – directs a user to cease illegal or unauthorized discharges or other activity immediately, or to terminate its discharge or other activity altogether;

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Show Cause Order – directs a user to appear before a hearing officer appointed by the Commission, explain its noncompliance, and show cause why enforcement actions against the user should not go forward; or

Compliance Order – directs a user to achieve or restore compliance by a date specified in a compliance schedule included in the order.

#### **1.2.4 Authorized or Duly Authorized Representative of the User.**

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or 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 to make major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been assigned 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 governmental facility.

(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 environmental matters for the company, and the written authorization is submitted to the District.

**1.2.5 Best Management Practices.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1. Best Management Practices include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**1.2.6 Biochemical Oxygen Demand.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l). The term biochemical oxygen



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demand is a measure of the strength of the pollution of wastewater of any nature (e.g. domestic, industrial, or a combination thereof).

**1.2.7 Categorical Pretreatment Standard or Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-499.

**1.2.8 Categorical Industrial User (CIU).** An industrial user subject to a categorical pretreatment standard. A CIU is, by definition, also a significant industrial user (SIU) unless the user meets all of the requirements to be designated a non-significant CIU. See Section 1.2.67 for further clarification.

**1.2.9 Chemical Oxygen Demand.** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water. The chemical oxygen demand of wastewater is typically higher than the biochemical oxygen demand in the same wastewater as there are generally more compounds present that are susceptible to chemical oxidation than biological oxidation.

**1.2.10 Civil Litigation.** The formal process of filing lawsuits against users to secure court ordered action to correct noncompliance, to secure damages for violations including recovery of costs of the noncompliance, to recover civil penalties, to enjoin activity and to secure other legal remedies. The term civil litigation also includes enforcement responses that require involvement or approval by the courts, such as injunctive relief and certain settlement agreements.

**1.2.11 Color.** The true color due to substances in solution that cause any variation in the hue of the receiving stream or the District's treated effluent being discharged to the receiving stream.

**1.2.12 Combined Sewer.** A sewer receiving both storm water and wastewater.

**1.2.13 Commission.** The governing body of the District or any person designated or appointed by the Commission to act on its behalf.

**1.2.14 Consent Order and Agreement.** A consent order/consent agreement combines the directive authority of an administrative order with the flexibility of a negotiated settlement. A consent order is an enforceable agreement between the District and the user and shall be signed by the District and an authorized representative of the user.

**1.2.15 Cooling Water.** Water used for heat exchanging processes such as air conditioning, refrigeration, or other cooling processes in which heat is added and that may or may not come into contact with other pollutants.

**1.2.16 Criminal Prosecution.** The formal process of charging individuals or corporations or other legal entities, their employees, representatives, and agents with violations of rules, regulations, statutes or other provisions of law that are punishable, upon conviction, by criminal fines or imprisonment.

**1.2.17 Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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**1.2.18 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.

**1.2.19 DHEC or SCDHEC.** The South Carolina Department of Health & Environmental Control, which is the State of South Carolina's regulatory agency for controlling water pollution and has authority over public, private, and industrial wastewater.

**1.2.20 DHEC Certified Laboratory.** A laboratory equipped for water or wastewater testing and analysis that is approved for specific parameters by DHEC, or has applied to DHEC for approval and concurrently participates satisfactorily in a DHEC quality assurance program.

**1.2.21 Discharge Authorization.** A control mechanism created by the District and issued to users outside of the pretreatment program (i.e. not a SIU) that may contain limitations on, or special requirements of, the wastewater discharge. If applicable and determined to be in the interest of the District, the District may develop a general permit for certain users in accordance with the provisions in the Rules and Regulations.

**1.2.22 District.** The Spartanburg Sanitary Sewer District, Spartanburg, South Carolina, or any duly authorized officials acting in its behalf.

**1.2.23 Domestic Wastewater or Domestic Sewage.** The wastewater from sanitary conveniences in bathrooms, toilet rooms, kitchens, canteens, and home laundries originated primarily from dwellings, commercial buildings, and institutions. In certain cases, the wastewater discharged from an industrial user would be domestic wastewater if it originates from the above type sanitary conveniences only and does not contain industrial wastewater. Domestic wastewater generally has a BOD concentration less than 250 mg/l, a TSS concentration less than 300 mg/l and a COD concentration less than 750 mg/l.

**1.2.24 Enforcement Response Guide.** A document developed by the District based on federal and state regulations and guidance that provides District personnel with guidelines for appropriate enforcement responses and suggested penalties for various types and degrees of violation.

**1.2.25 Environmental Protection Agency.** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

**1.2.26 Existing Source.** Any source of discharge that is not a new source.

**1.2.27 Garbage.** The solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce. Properly shredded garbage is garbage that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half inch in any dimension.

**1.2.28 General Manager.** The person designated by the Commission to manage the activities and responsibilities of the District, or the General Manager's duly authorized representative.

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**1.2.29 Grab Sample.** An individual, single or discrete sample collected from a wastestream in a manner as to be representative of the characteristics and constituents of the wastestream and over a period of time not to exceed fifteen minutes.

**1.2.30 Holding Tank Waste.** Any sewage or wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, oil and grease traps, or septic tanks.

**1.2.31. Indirect Discharge.** The introduction of pollutants into the POTW from any nondomestic source.

**1.2.32 Industrial User.** An industry, either service or manufacturing, that discharges wastewater to the POTW; a source of indirect discharge. The discharge from an industrial user can be only industrial wastewater or a combination of domestic and industrial wastewater.

**1.2.33 Industrial Wastewater.** The wastewater discharged by industrial users containing pollutants resulting from industrial product processes or other nondomestic sources.

**1.2.34 Industrial Pretreatment Program.** The overall activities functions and requirements of the District regarding industrial wastewater. The District's pretreatment program refers to that portion of the overall Industrial Pretreatment Program that has been developed or modified for compliance with state, and federal pretreatment regulations.

**1.2.35 Infiltration.** Groundwater that enters a public sanitary sewer or into pipes located on private property and connected into the public sanitary sewer through joints, porous walls or breaks.

**1.2.36 Inflow.** Water other than wastewater that enters the POTW from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash water or street drainage. Inflow does not include and is distinguished from infiltration by definition.

**1.2.37 Influent.** The incoming wastewater received by a wastewater treatment plant, pumping station, or wastewater pretreatment facility.

**1.2.38 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 user flow rate and the duration of the sampling event.

**1.2.39 Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources:

- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
- (2) therefore, is a cause of or has potential to cause a violation of water quality standards or any requirement of the District's NPDES permit, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local permit or regulation:

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- Section 405 of the Act;
  - Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act;
  - Any DHEC regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act;
  - Clean Air Act;
  - Toxic Substances Control Act; and
  - Marine Protection, Research, and Sanctuaries Act.

**1.2.40 Letter of Violation.** An official communication from the District to a user that informs the user that a violation has occurred and normally requires some action on the part of the user, for example, submitting an explanation of how a violation occurred and what the user will do to prevent future violations.

**1.2.41 Local Limit.** Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions.

**1.2.42 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.

**1.2.43 Monthly Average.** The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**1.2.44 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.

**1.2.45 National Pollutant Discharge Elimination System.** A permit program established by the EPA to facilitate compliance with the Act. This term also stands for the discharge permit issued to any discharger of water into receiving streams or lakes or land application permit issued pursuant to Section 402 of the Act.

**1.2.46 New Source.**

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors

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such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**1.2.47 Noncontact Cooling Water.** Cooling water that does not come into direct contact with any raw material, intermediate product, waste product, or finished product, and to which the only pollutant added is heat.

**1.2.48 Notice of Violation.** Written or any other means of notification to a user that a violation has occurred.

**1.2.49 Parameter.** One of a set of physical, chemical or biological properties whose values determine the characteristics of wastewater.

**1.2.50 Pass Through.** A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of or has potential to cause a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violation.

**1.2.51 Permit.** Written approval for or coverage of a specific activity recorded on a designated District form, including, but not limited to, the following:

(1) Sewer Service Connection - approval to make a connection into the public sanitary sewer with District inspection;

(2) Wastewater Discharge Permit – control mechanism for a SIU to discharge wastewater of the volume and characteristics indicated; or

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(3) General Permit – control mechanism to provide coverage for a group of industrial users, which may include one or more SIU, with similar wastewater discharge characteristics or industrial processes to discharge wastewater of the volume and characteristics indicated.

**1.2.52 Person.** Any individual, partnership, copartnership, limited liability partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

**1.2.53 pH.** A measure of the concentration of hydrogen and hydroxide ions in water, indicating the degree of acidity or alkalinity of the water, determined by EPA approved methods and expressed in standard units. A pH of 7.0 units denotes neutral conditions, the water having an equal concentration of hydrogen and hydroxide ions. A pH below 7.0 units denotes acidic conditions (greater concentration of hydrogen ions), and a pH above 7.0 units denotes alkaline conditions (greater concentration of hydroxide ions).

**1.2.54 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 product wastes, certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) and any other similar wastes.

**1.2.55 Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be achieved by application of physical, chemical, or biological processes; process changes; or other means except by diluting the concentration of the pollutants unless allowed by a categorical pretreatment standard.

**1.2.56 Pretreatment Program.** The portion of the District's overall Industrial Pretreatment Program that has been developed for compliance with state, and federal pretreatment regulations.

**1.2.57 Pretreatment Regulations.** This term generally refers to 40 CFR part 403, as amended, promulgated by EPA to carry out the intent of the Act. It can also refer to DHEC regulation 61-9, section 403, as amended. On a local level, this term can refer to the District's Sanitary Sewer Use Rules and Regulations, as amended.

**1.2.58 Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**1.2.59 Priority Pollutant.** Any of the organic or inorganic compounds so designated by EPA as a result of the studies of specific categories of industry as a part of the federal pretreatment regulations. In categorical pretreatment standards, discharge limits for the priority pollutants characteristic of that industrial category are included as applicable.

**1.2.60 Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1.

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**1.2.61 Publicly Owned Treatment Works.** A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), that is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater and any conveyances that convey wastewater to a treatment plant.

**1.2.62 Receiving Stream.** The body of water, stream, or other water course receiving the discharge water (effluent) from a wastewater treatment plant. In some cases, this term shall mean the body of water, stream, or water course formed by the discharge from a wastewater treatment facility.

**1.2.63 Sanitary Sewer.** A sewer that carries wastewater and to which storm, surface, and ground water and unpolluted non-residential wastewater are not intentionally admitted.

**1.2.64 Sanitary Sewer, Public.** A sanitary sewer provided or maintained by the District or that contributes wastewater to the District or a subdistrict, including sanitary sewers within or outside the boundaries of the District where the discharge is ultimately received by the District. By definition, public sanitary sewers are a part of the POTW.

**1.2.65 Self-monitoring.** The requirements placed by the District on a user specifying the wastewater monitoring and reporting requirements placed on the user. Self-monitoring reports include the summary of the laboratory analysis results and are to be submitted to the District on a schedule as designated in the user's permit or authorization.

**1.2.66 Sewage.** Human excrement and gray water (household showers, laundry, or dishwashing operations, etc.).

**1.2.67 Shall/May.** Shall is mandatory, and the word may denotes permissive in these regulations.

**1.2.68 Significant Industrial User.** Except as provided in paragraphs (3) and (4) of this section, a significant industrial user is:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that:

(a) Discharges an average of twenty five thousand gallons per day or more of process wastewater (excluding domestic wastewater, noncontact cooling water, and boiler blowdown wastewater) to the POTW;

(b) Contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) The District may determine that an industrial user subject to categorical pretreatment standards is a non-significant CIU (i.e. not a SIU) on a finding that the industrial user never discharges more than 100 gallons per day of total categorical wastewater

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(excluding domestic wastewater, noncontact cooling water, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the District's finding, has consistently complied with all applicable pretreatment standards and requirements;

(b) The industrial user annually submits the required certification statement, together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in paragraph (2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in DHEC regulation 61-9 section 403.8(f)(6), determine that such user should not be considered a SIU.

**1.2.69 Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that has a reasonable potential to cause interference or pass through, or in any other way violate the pretreatment regulations, local limits, or permit conditions.

**1.2.70 Standard Industrial Classification.** A code amended by the Office of Budget and Management most recently in 1972 and 1987 that classifies categories of industrial activities, both manufacturing and service. Beginning in 1997, the SIC system is being replaced by the North American Industry Classification System (NAICS).

**1.2.71 Storm Sewer or Storm Drain.** A sewer that carries storm water or surface water and to which wastewater is not intentionally discharged.

**1.2.72 Storm Water.** Any flow, drainage, or runoff occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**1.2.73 Subdistrict.** Any one or all of the established political subdivisions of the District that provide sanitary sewer service; the only current subdistrict is Metropolitan Subdistrict B, which is an area located in the Southern Shops, Hearon Circle area.

**1.2.74 Total Suspended Solids.** Solids that either float on the surface of, or are suspended in, water, sewage or industrial liquids and which are removable by laboratory filtering. This term also refers to the quantity of material removed from wastewater in a laboratory test, as prescribed in 40 CFR Part 136 and referred to as Residue – non-filterable in table 1B.

**1.2.75 Toxic Pollutants.** Any pollutant or combination of pollutants listed as "toxic" in regulations promulgated by EPA under the provisions of the Act or any pollutant present in quantities that could be toxic to or cause harm to water life, human health, or biological treatment organisms.



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**1.2.76 User.** Any person that discharges or otherwise introduces wastewater, holding tank waste, sewage pollutants or other materials or substances to the POTW.

**1.2.77 Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, mobile sources, industrial and manufacturing facilities, and treatment facilities, institutions, whether treated or untreated, together with any infiltration or inflow, that are discharged or otherwise introduced to the POTW.

**1.2.78 Wastewater Discharge Permit.** A control mechanism developed and issued by the District to an industrial user in accordance with the pretreatment program and Rules and Regulations. If applicable and determined to be in the interest of the District, the District may develop a general permit for certain groups of industrial users in accordance with the provisions in the Rules and Regulations

**1.2.79 Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW that is designed, constructed, and permitted to provide wastewater treatment.

### **1.3 General Provisions**

#### **1.3.1 Purpose and Policy**

The Rules and Regulations set forth uniform requirements for users of the POTW and enables the District to comply with all applicable state and federal laws, including the Act and pretreatment regulations. The objectives of these Rules and Regulations are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (2) 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;
- (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (6) To enable the District to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the District is subject.

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These Rules and Regulations shall apply to all users of the POTW. These Rules and Regulations authorize the issuance of wastewater discharge permits, general permits, or similar discharge control mechanisms; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require user reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Unless otherwise provided herein or designated by the General Manager or his/her designee shall administer, implement, and enforce the provisions of the industrial pretreatment program. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized District employee (designee) as allowed by law.

### **1.3.2 Required Permits**

Details of permit application and issuance procedures are included in Sections 9 and 10 of these Rules and Regulations. Required permits are briefly discussed below:

(1) Sanitary Sewer Service Connection Permit – Any person seeking to obtain sanitary sewer service by connecting into sanitary sewers owned or maintained by the District shall submit a completed "Application for Sanitary Sewer Service" to the District. The District's Engineering Department shall then notify the person if additional data (e.g. property plat, location of proposed structure on site) is needed in order to issue a sanitary sewer service connection permit. At this time, the person shall also be informed of any special charges (e.g. permit and inspection fees, see Section 10.1) that shall be paid prior to making the connection. All connections shall be made using materials and procedures specified by the District. No connection into a District maintained sanitary sewer shall be made unless a sanitary sewer service connection permit is on file at the District. The connection shall not be backfilled nor have dirt covering it until after a District inspection by Engineering Department personnel has taken place and approval of the method of connection is given by the District. These Rules and Regulations prohibit additional connections to privately-owned sanitary sewers, as specified in Section 10.3.

(2) Wastewater Discharge Permit and Discharge Authorization – Any user determined by the District, DHEC, or these Rules and Regulations to be a SIU shall apply for and be issued a wastewater discharge permit in accordance with the provisions contained in Section 9 as a condition of discharging to the POTW. If after reviewing the application and supporting documentation provided by the user, the District determines that the user is not a SIU, then the District may issue a discharge authorization to the industrial user. The District also reserves the option of developing general permits in accordance with the provisions of these Rules and Regulations.

### **1.3.3 Right of Entry**

The District, DHEC, and EPA shall have the right to enter the premises (which is the entire area owned or operated by the user that directly or indirectly relates to the user's discharges to the POTW) of any user and locate, inspect, photograph, videotape, or electronically image any sanitary sewer, facility, equipment, process, event, or activity for the purpose of documenting compliance or noncompliance with these Rules and Regulations or permit or as deemed necessary for inspection or enforcement procedures. Use of photographs, videotapes or electronic images by the District shall be consistent with the use of other information or reports for the purposes of Section 1.3.14. Users who wish to assert that photographs, video tapes or

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electronic images constitute confidential information may do so in accordance with Section 1.3.14. Users who deny or withdraw permission for the District to enter the premises or to photograph, videotape, or electronically image any facility, equipment, process, event or activity, shall be deemed to have denied entry.

Users shall allow the District ready access to all parts of the premises for the purposes of location, inspection, sampling, records examination and copying, and the performance of any additional duties. Any temporary or permanent obstruction to safe and easy access to the premises to be inspected or sampled shall be promptly removed by the user at the request of the District and shall not be replaced. The costs of clearing such access shall be borne by the user. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District shall be permitted to enter without delay for the purposes of documenting compliance or non-compliance or for inspection or enforcement procedures. Unreasonable delays by the user in allowing the District access to the premises shall be deemed a violation of these Rules and Regulations. If the user does not own the premises, the user shall ensure that the District has access to the premises consistent with this Section and that the owner of the premises does not deny the District ready access to the premises.

The District shall have the right to set up on the premises, or require installation of, such devices as are necessary to conduct sampling or metering of the user's wastewater and other discharges. The District may require the user to install monitoring equipment as necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated no less frequently than annually to ensure their accuracy.

If the District makes a determination to discontinue a user's sanitary sewer service in accordance with the procedures in Section 6, then the user shall allow the District ready and unobstructed access to the premises for the purpose of locating, inspecting, disconnecting, or reconnecting the user's sanitary sewer service.

Any user who denies entry to the District shall be subject to enforcement actions including but not limited to penalties as described in Section 12 and other penalties prescribed by law. If the District has been refused entry, and if the District suspects that there may be a violation of the Rules and Regulations, wastewater discharge permit, discharge authorization, or coverage under any general permit or order, or the District has need to inspect as part of a routine inspection program of the District designed to confirm compliance with Rules and Regulations, wastewater discharge permit, discharge authorization, or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, the District may seek an ex parte order from the Court of Common Pleas directing such access to the premises and may obtain the services of the Sheriff of Spartanburg County to enforce such order.

#### **1.3.4 Tampering With or Damaging District Equipment**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, disconnect power to, disrupt, or otherwise interfere with any property, equipment or material belonging to the District.

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### **1.3.5 Analysis of Wastewater Characteristics**

Industrial wastewater analyses shall be in compliance with the provisions included in Section 9.13.10. Conformance to these requirements shall be mandatory for any laboratory performing compliance monitoring (including surveillance and enforcement monitoring) for the District or performing self-monitoring for industrial users. All tests shall be performed by a DHEC certified laboratory. If the user monitors any pollutant at the location(s) designated herein more frequently than required by the permit, then the results of such monitoring shall be included in the calculation and reporting of the values required on the reporting form provided by the District. Such increased frequency shall also be reported.

### **1.3.6 Collection of Industrial Wastewater Samples**

Samples of industrial wastewater from each user discharging such wastewater ultimately received by the District for treatment shall be collected in such manner as to be representative of the actual characteristics of the wastewater discharged during a typical work day. Sampling of industrial wastewater shall be performed and results shall be reported in compliance with the provisions included in Section 9 or the applicable wastewater discharge permit, discharge authorization, general permit, or other order or directive issued in accordance with these Rules and Regulations.

### **1.3.7 Basis of Charges**

The determination of the character and concentration of industrial wastewater for purposes of providing a basis for surcharge, and any other charge levied by the District proportional to wastewater strength, shall be based on results of laboratory analyses performed by the District or a contractor engaged by the District and shall be binding upon the discharger. The District may, but is not required to, consider results of laboratory analysis performed by the user when determining or calculating surcharges or other charges levied by the District.

### **1.3.8 Determination of Wastewater Discharge Volume**

The volume of flow used in determining the total discharge of wastewater from any user shall be based upon one hundred percent of metered water consumption as shown in the records maintained by the agency supplying water. In lieu of this, records of wastewater metering may be used by the District in those cases where a wastewater metering installation approved by the District and installed and maintained by the user is available. Refer to Section 4.11 and Section 5.4 for additional requirements and conditions regarding volume determinations for billing purposes.

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### **1.3.9 Periodic Inspection of Industrial Users**

The District may conduct inspections of industrial users as often as deemed necessary and advisable by the District. The District shall inspect users required to obtain a wastewater discharge permit or discharge authorization at a minimum frequency of once per year. The District shall schedule the frequency of sampling and analyses of industrial wastewater by the District as deemed necessary to carry out compliance monitoring, inspections, enforcement actions, or other requirements of the Industrial Pretreatment Program and local, state, and federal regulations.

### **1.3.10 Sampling Monitoring Point**

The District may require any user to construct and maintain a sampling monitoring point at a location approved by the District so that a representative sample may be collected of the user's wastewater discharge. Said –monitoring point shall be located so as to be readily accessible to District personnel and shall be constructed in compliance with District specifications for a sampling monitoring point. The sampling monitoring point will normally be located on the user's premises, but the District may allow the monitoring point to be constructed or an existing monitoring point to be modified in the public right-of-way in certain cases when an on-site location would be impractical. In all cases, the sampling location shall be designed, installed, and maintained to provide a safe and secure area for District personnel to conduct sampling and monitoring activities.

### **1.3.11 Excessive Volume (Dilution) Prohibited**

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

### **1.3.12 Infiltration and Inflow from Privately Owned Sanitary Sewers**

Every person connected to a privately owned sanitary sewer shall maintain the sewer service connected to the public sanitary sewer or privately owned sewer that is connected to the POTW, in good condition so that the sanitary sewer will not receive infiltration or inflow. The District shall notify all persons where sewer services or sanitary sewers are found to receive inflow or infiltration that their sewer service or sanitary sewer shall be repaired so as to eliminate such violation. Such repairs shall be completed within sixty days of notification by the District, or within such other time schedule as prescribed by the Commission. If the person notified of the necessity to repair a sewer service or sanitary sewer fails to satisfactorily make the repair within sixty days of notification, the District may perform the repair at the cost of the property owner. The District shall invoice the owner of such sewer service or sanitary sewer for the repair, and the person shall immediately make payment.

The provisions outlined above shall apply to the sanitary sewers owned by the subdistricts and to all persons who may own a sewer service or a sanitary sewer that connects into the sanitary sewer owned by a subdistrict.

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### **1.3.13 Right of Revision**

The District shall have the right to revise limitations and monitoring requirements applicable to industrial users at any time in the District's discretion to comply with the purpose and policy of these Rules and Regulations or in response to federal or state water quality standards, NPDES effluent limitations, or sludge disposal requirements. The District shall have the right to establish, by regulation or in wastewater discharge permits, discharge authorizations, general permits, or other directive or order, more stringent requirements than categorical pretreatment standards or local limits on discharges to the POTW consistent with the purpose and policy of these Rules and Regulations.

### **1.3.14 Confidential Information**

Information or data regarding a user obtained from reports, surveys, permit applications, wastewater discharge permits, general permits, directive's orders, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection under applicable state law. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose confidential information shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program, Industrial Pretreatment Program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

### **1.3.15 Industry Required to Provide SIC/NAICS Support Data**

Each industrial user served by the District or requesting sanitary sewer service shall be required to provide the District with data relating to existing or proposed manufacturing operations sufficient to support determination of an appropriate SIC/NAICS listing. In those cases in which the District cannot definitely determine the applicable subcategories, the District shall request that a certification be provided in writing by the Enforcement Division of EPA or DHEC, where authorized, to establish the SIC/NAICS for the industrial user.

### **1.3.16 Requirements of Other Authorities**

No requirement contained in these Rules and Regulations shall be construed to relieve the user of any additional requirements that may be imposed by other authorities having legal jurisdiction.

### **1.3.17 Severability**

If any provision or clause of these Rules and Regulations, or application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations that can be given effect without the invalid provision or application, and to this end, the provisions of these Rules and Regulations are declared to be severable.

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## 1.4 Abbreviations

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings:

BOD – Biochemical Oxygen Demand  
BMP – Best Management Practice(s)  
BMR – Baseline Monitoring Report(s)  
C – degrees Celsius  
CFR – *Code of Federal Regulations*  
CIU – Categorical Industrial User(s)  
COD – Chemical Oxygen Demand  
DHEC or SCDHEC – South Carolina Department of Health and Environmental Control  
EPA – U.S. Environmental Protection Agency  
F – degrees Fahrenheit  
gpd – gallons per day  
gpm – gallons per minute  
IU – Industrial User(s)  
lbs – pounds  
mg – millions of gallons  
mgd – millions of gallons per day  
mg/l – milligrams per liter  
NAICS – North American Industry Classification System  
NPDES – National Pollutant Discharge Elimination System  
NSCIU – Non-Significant Categorical Industrial User(s)  
O&M – Operation and Maintenance  
PL – Public Law  
POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIC – Standard Industrial Classification  
SIU – Significant Industrial User(s)  
SNC – Significant Noncompliance  
TSS – Total Suspended Solids  
U.S.C. – United States Code

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## SECTION 2

### PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

#### 2.1 Discharge Prohibitions

##### 2.1.1 General Discharge Prohibitions

No person or user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through, interference or violation of federal, state, local law or regulation, these Rules and Regulations, any permit order or directive. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

##### 2.1.2 Specific Discharge Prohibitions

Except as hereinafter provided, no person or user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Any clothing, rags, textile remnants, waste cloth, or scraps;
- (2) Wastewater having a temperature greater than 160 F (71.1 C), or that will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case wastewater that causes the temperature of the wastewater treatment plant influent to exceed 104 F (40 C);
- (3) Pollutants that may, by themselves or by interaction with other pollutants, create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 F (60 C) using the test methods specified in DHEC regulation 61-79 section 261.21;
- (4) Wastewater having a pH less than 6.0 units or more than 10.5 units, or otherwise capable of causing corrosive structural damage or hazard to the POTW, equipment, or District personnel;
- (5) Wastewater containing toxic pollutants in sufficient quantity, acting either singly or by interaction with other pollutants, that may result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may constitute a hazard to humans or animals, create a nuisance, create a toxic effect in the receiving stream, cause acute worker health and safety problems or create any hazard in the sanitary sewer that may prevent entry for repair or maintenance;
- (6) Pollutants or oxygen-demanding wastewater (BOD, COD, etc.) at a flow rate or pollutant concentration that, either singly or by interaction with other pollutants, may cause interference or pass through;
- (7) Pollutants that may cause the POTW effluent or any other by-product of the District's treatment processes such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;



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- (8) Garbage that has not been properly shredded;
- (9) Ashes, cinders, mud, sand, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, cleaning solvents, fuel and lubricating oils, acetylene, sludges, polymers, holding tank waste, or any other solid or viscous pollutants or wastewater in amounts that may cause obstruction of the flow in the POTW resulting in interference;
- (10) Wastewater containing radioactive material that by itself, or in combination with the radioactive material discharged by other users, may cause contamination of the POTW and result in injury to the persons, livestock or aquatic life receiving an excessive radiation dosage. In no case may the concentration of any isotopes regulated by state or federal agencies exceed those limits contained in the user's permit from said agencies;
- (11) Pollutants in any quantity that result in a sheen, foam, or color on the receiving stream;
- (12) Hazardous wastes listed by either DHEC or EPA except as provided for in Section 9; (dilution of hazardous wastes is also prohibited for purposes of discharge to the POTW);
- (13) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that may cause interference or pass through; or
- (14) Chemical or biological agents, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause any oil, grease, or other similar material to temporarily change its characteristics and flow through the sanitary sewers or to achieve compliance with the District's limitations.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. If the District determines to its satisfaction that any prohibited discharge has taken place, then the District shall employ whatever enforcement actions it deems necessary.

## **2.2 District's Industrial Wastewater Discharge Limitations**

In addition to the prohibitive and general limitations in these Rules and Regulations for the conventional pollutant parameters (i.e. BOD, suspended solids, pH, oil and grease), each user's non-conventional pollutant discharge limits shall be established on a case-by-case basis in accordance with the provisions in Section 9. These case-by-case limits shall be addressed in the wastewater discharge permit, general permit, or discharge authorization developed and issued by the District and shall supersede any concentration limits included in legal agreements executed between the District and any industrial user prior to January 1, 1986. In the event that an industry is regulated by a categorical pretreatment standard or any other applicable federal or state mandated limitation, the most stringent limit shall apply.

## **2.3 National Categorical Pretreatment Standards**

Users shall comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405–499.

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(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the District may impose equivalent concentration or mass limits in accordance with Section 2.3(5) or Section 2.3(6).

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the District may, at the District's sole discretion, convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or concentration for purposes of calculating discharge limitations.

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same pretreatment standard, the District shall impose an alternate limit in accordance with DHEC regulation 61-9 section 403.6(f).

(4) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs:

(a) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's source water in accordance with this section. Any CIU wishing to obtain credit for source water pollutants shall make application to the District. Upon request of the CIU, the applicable pretreatment standard shall be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the source water) if the requirements of Section 2.3(4)(b) are met.

(b) Criteria.

1. Either the applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis, or the CIU demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the pretreatment standards in the absence of pollutants in the source water.
2. Credit for conventional pollutants such as BOD, TSS, or oil and grease may not be granted unless the CIU demonstrates that the constituents of the generic measure in the user's wastewater are substantially similar to the constituents of the generic measure in the source water or unless appropriate additional limits are placed on process water pollutants either at the discharge or elsewhere.
3. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with pretreatment standards adjusted under this Section.
4. Credit shall be granted only if the CIU demonstrates that the source water is drawn from the same body of water as that into which the POTW discharges. The District may waive this requirement if it finds that no environmental degradation will result.

(5) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, a CIU may request that the District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is solely within the discretion of the District. The District may establish equivalent mass limits only if the

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CIU meets all the conditions set forth in this Section. To be eligible for equivalent mass limits, the CIU shall:

- (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its wastewater discharge permit;
- (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
- (c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate shall be representative of current operating conditions;
- (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- (e) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the request for equivalent mass limits.

A CIU subject to equivalent mass limits shall:

- (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- (b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- (c) Continue to record the facility's production rates and notify the District whenever production rates are expected to vary by more than twenty percent from its baseline production rates. Upon notification of a revised production rate, the District will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented for eligibility so long as it discharges under an equivalent mass limit.

When developing equivalent mass limits, the District shall:

- (a) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the CIU by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
- (b) Upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions; and

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(c) Retain the same equivalent mass limit in subsequent wastewater discharge permits if the actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment.

The CIU shall be in compliance with applicable provisions regarding prohibition of bypass.

(6) The District may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to a CIU. The conversion is at the sole discretion of the District.

(7) Once included in its permit, the CIU shall comply with the equivalent limitations developed in this section in lieu of the promulgated categorical pretreatment standards from which the equivalent limitations were derived.

(8) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such pretreatment standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(9) Any CIU operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based pretreatment standard shall notify the District within two business days after the CIU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any CIU not notifying the District of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

## **2.4 State Pretreatment Standards**

Users shall comply with applicable DHEC pretreatment regulations, standards, and limitations.

## **2.5 Local Limits**

The District is authorized to establish local limits pursuant to DHEC regulation 61-9 section 403.5(d). The District may develop BMP by ordinance or in wastewater discharge permits, general permits, discharge authorizations, directives or orders, to implement local limits in DHEC-approved headworks analyses and other limitations specified in these Rules and Regulations. Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metals are for total metal unless indicated otherwise. The District may impose mass limits in lieu of concentration-based limits.

## **2.6 Relationship to Prohibitions in Other Agreements with the District**

No statement contained in Section 2 shall be construed as prohibiting any special agreement, arrangement or permit condition between the District and any user whereby an industrial wastewater of unusual strength or character may be approved by the District for discharge into

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the POTW, either before or after approved pre-handling, pretreatment, or regulated discharge and subject to payment therefore to the District as may be provided by surcharges or other special charges over and above other normal sanitary sewer service charges.

The Commission, or the General Manager acting on its behalf, may authorize pilot demonstration projects on a case-by-case basis, and for a finite duration, to investigate the application of technologies, methods, practices, or other means, to enhance and promote resource conservation and pollution prevention.

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## SECTION 3

### PERMISSIVE LIMITATIONS ON WASTEWATER DISCHARGES

#### 3.1 Permissive Limitations

Any wastewater discharged that has the following characteristics may be admitted to the POTW subject to prior approval by the District as evidenced in writing by a wastewater discharge permit, discharge authorization, general permit, or other directive or order issued to the user. The District may develop BMP in lieu of any numerical limitation to control discharges and recover additional treatment costs from users on a case-by-case basis.

- (1) BOD greater than 250 mg/l;
- (2) COD greater than 750 mg/l;
- (3) TSS greater than 300 mg/l;
- (4) Contains pollutants that require excessive quantities of chlorine or ultraviolet light for disinfection at the District's wastewater treatment plants;
- (5) Contains pollutants such as detergents and surface-active agents that cause excessive amounts of scum or foam in the POTW;
- (6) Total fats, wax, grease, or oil of animal or vegetable origin greater than 100 mg/l, whether emulsified or not, or wastewater containing substances that may solidify or become viscous at a temperature between 32 F and 160 F (0 C and 71 C). ;
- (7) Objectionable color in the District's treatment processes, such as, but not limited to dye wastes, vegetable tanning solutions, or any other color constituents that would require special treatment (i.e. chemical or physical/chemical) for adequate removal;
- (8) Hauled waste, such as holding tank waste, sludges or screenings from industrial wastewater pretreatment, or any other hauled or trucked wastewater (specific provisions for hauled wastewater are provided in Section 3.4 and for holding tank waste are provided in Section 11); or
- (9) Medical wastes, wastewater containing radioactive pollutants or other wastewater that otherwise complies with applicable state and federal regulations.
- (10) Noncontact cooling water, storm water, groundwater, roof runoff, subsurface or surface drainage that may be discharged, with or without a NPDES permit, to surface waters or a storm sewer or storm drain;

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## **3.2 Wastewater Discharge Rates - Permissive Conditions**

### **3.2.1 Maximum Instantaneous Discharge Rates**

The District may, for any given wastewater treatment plant, wastewater interceptor, wastewater pumping station, or sanitary sewer collection system, establish maximum allowable instantaneous discharge rates and allocate these rates, as applicable, to user permits.

### **3.2.2 Wastewater Discharge Flow Equalization Requirements**

When, in the District's opinion, a discharge exhibits a considerable variation in flow or pollutant concentration or mass, the District may require the user to construct and maintain, at the user's expense, holding or storage tanks or basins of sufficient volume to equalize and uniformly meter the wastewater discharge. For those cases in which equalization is required due to variation in wastewater characteristics, such equalization facilities shall be so equipped as to mix thoroughly the wastewater prior to its discharge. Equalization facilities shall be equipped with a wastewater flow meter and chart recorder that meets the requirements of Section 5.4.1. The recorder chart or a legible copy thereof shall be submitted to the District weekly with the necessary totalizer readings and dates corresponding to the chart's flow record.

### **3.2.3 Requirements Prerequisite to Construction**

Any user required to provide wastewater pretreatment facilities shall contact DHEC to determine what requirements DHEC may impose and to obtain any review, approval, or permits as may be applicable. The user shall also submit to the District the necessary plans, specifications, or other pertinent information (i.e. preliminary engineering report) sufficient to obtain District approval. No construction of such facilities shall be commenced until DHEC approval (if required) and District approval are obtained.. A copy of as-built drawings and final specifications of any pretreatment facilities shall be furnished to the District within ninety days after approval to operate is granted.

## **3.3 Discharges from Grease, Oil, and Sand Traps**

District approved grease, oil and sand traps or interceptors are required and necessary for all existing and new food service establishments or operations, vehicular service facilities, and car washes for the proper handling and control of wastewater containing grease, oil or sand being discharged to public sanitary sewers in excessive amounts. Such traps or interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hospitals, dependent care facilities, hotels, abattoirs, or other institutions. Such traps or interceptors shall be readily accessible for cleaning and inspection and shall be maintained by the owner at his expense and in continuous operation. Whenever District or subdistrict inspection of such existing traps or interceptors results in a written notice for action on the part of the person responsible for the trap or interceptor, such action shall be completed within the compliance period granted by the inspecting authority.

When retained or trapped material (including but not limited to oil, grease, sand, grit, etc.) is removed from grease, oil and sand traps or interceptors, such material shall be removed by pumping or other physical means and shall be hauled away for disposal in accordance with applicable federal, state, and local regulations. No such retained or trapped material in any

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form shall be allowed to pass from the trap or interceptor into the sanitary sewer. The entire contents of the grease trap must be removed, this includes all trapped fats, oils, and greases, wastewater therein and solids. No waste, and/or wastewater from the pumping are to be reintroduced into the grease trap/grease interceptor. The use of chemical or biological agents, physical methods, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause retained or trapped material to flow from the trap or interceptor into the sewer collection system are prohibited. No wastewater, with the exception of wastewater generated and related to food preparation shall be introduced to a grease trap. The owner shall provide the District, upon request, with accurate information as to the ultimate disposal method and location of the material pumped or otherwise removed from the trap or interceptor.

Holding tank waste provisions are included in Section 11. Specific grease control regulations are included in Section 8. Grease control guidance is contained in the District's Grease Control Program.

### **3.4 Trucked or Hauled Wastewater**

The District may allow the introduction of any trucked or hauled industrial wastewater into the POTW. No trucked or hauled wastewater may be discharged without prior approval by the District. If allowed, all discharges of trucked or hauled industrial wastewater are subject to all requirements of these Rules and Regulations. The District may require industrial wastewater generators or haulers to obtain wastewater discharge permits, discharge authorizations, or coverage under general permits.

If approved by the District, the industrial wastewater hauler shall discharge wastewater only at locations designated by the District. The District may collect samples to ensure compliance with applicable pretreatment standards or require the industrial wastewater generator or hauler to provide a wastewater analysis prior to discharges. Industrial wastewater haulers shall provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial wastewater generator, industrial wastewater hauler, permit number (if a permit has been issued by the District), truck identification, and volume and characteristics of the wastewater.

The District may require any additional information it deems necessary to be included with the information set forth above to approve and monitor the discharges.



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## **SECTION 4**

### **SURCHARGE FOR TREATMENT OF HIGH STRENGTH WASTEWATER**

#### **4.1 General Policy**

It is the District's policy that, unless otherwise allowed in accordance with the provisions contained herein, all industrial users discharging wastewater into the POTW with a BOD concentration greater than 250 mg/l, a COD concentration greater than 750 mg/l, or a TSS concentration greater than 300 mg/l shall pretreat the wastewater to meet discharge limits established by the District. The District may, at its discretion, subject to availability of capacity in its treatment facilities, grant industrial users conditional approval to discharge BOD, COD or TSS at greater concentrations - with payment of a surcharge. This conditional approval is a privilege provided to the user by the District at the District's sole discretion. When the District conditionally approves the acceptance of wastewater with concentrations greater than the limitations specified for BOD (250 mg/l), COD (750 mg/l) or TSS (300 mg/l), the user understands and agrees that the District reserves the right to revoke the conditional approval at any time (if, for example, the District's wastewater treatment facilities approach their respective design capacities or if the District's NPDES permit is modified) and to require pretreatment so that the wastewater discharge complies with the permit, discharge authorization, order, or the provisions of these Rules and Regulations.

Surcharge is an additional payment to the District for the privilege of being able to discharge industrial wastewater to the POTW at concentrations in excess of those set forth above. The District may develop and implement surcharges for any other pollutants of concern as necessary to provide incentive for industrial users to limit or reduce high strength waste discharges and/or recover costs as outlined in Section 4.2. The basis and application of surcharge for parameters other than BOD, COD and TSS will be determined on a case by case basis at the discretion of the District.

#### **4.2 Purpose**

Surcharge provides a means of cost recovery proportionate to the level of service provided. The surcharge regulations also aid the District in complying with state and federal regulations, guidance and policy that provides that industrial users pay their proportionate share of costs for treating industrial wastewater. The surcharge rate shall include the District's cost of local capital treatment improvements, debt service charges, and O&M, which are recovered from industry on a proportionate basis.

#### **4.3 Provision for Surcharge**

Provision for the surcharge regulation is made in Section 2.6 of the "Sanitary Sewer Use Rules and Regulations" adopted by the Commission and made effective January 1, 1972 and as thereafter amended.

#### **4.4 Assessment of Surcharge**

After being notified that District laboratory analyses of the BOD of its wastewater exceeds 250 mg/l, the COD of its wastewater exceeds 750 mg/l, or that the TSS exceeds 300 mg/l, the industrial user shall immediately begin paying the District's surcharge in accordance with established monitoring frequencies, billing cycles, and fees as of the date sample results

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indicate wastewater exceeds these concentrations. Surcharge shall also be assessed on all permits, authorizations, and/or orders issued by the District with concentrations over the respective BOD, COD, and TSS standards listed above.

#### **4.5 Notification of Surcharge Assessment**

After being assessed a surcharge for the first time, the industrial user shall, within thirty days, either notify the District in writing of its plans for wastewater pretreatment or submit a written request for permission to pay the surcharge in lieu of pretreatment. Approval to pay surcharge is not automatic. District approval shall be case-by-case based upon such factors as, among others, the treatment capabilities of the District at the time of the request and anticipated, future capabilities. Approval to pay surcharge is assumed to be of limited duration, shall be conditional and may be revised or revoked by the District. If an industrial user is approved to pay surcharge, it shall be billed every surcharge period that such permission is in effect, in accordance with the provisions of Section 4.8.

If a request for payment of surcharge in lieu of pretreatment is denied by the District, the industrial user shall be issued an order, directive, discharge authorization, or permit with a compliance schedule for the required wastewater pretreatment facilities. Surcharge shall be paid until the wastewater is able to comply with District's standards.

#### **4.6 Basis of Surcharge**

The surcharge shall be calculated based upon the actual flow discharge, and the difference of the permitted or calculated concentration within the wastewater discharge permit, discharge authorization directive or order in excess of the BOD (250 mg/l), COD (750 mg/l), and TSS (300 mg/l) domestic standards. Surcharge also may be calculated based on the District laboratory analyses. If the most current District laboratory analyses indicates that the average concentration exceeds the applicable surcharge concentration, a surcharge shall be assessed based upon the actual flow discharged and the difference between the actual concentration in excess of any or all of the surcharge parameters. See section 4.11 – Formula for Surcharge Billing. The basis and application of surcharge for parameters other than BOD, COD and TSS will be determined on a case by case basis at the discretion of the District.

#### **4.7 Determination of Concentrations**

BOD, COD, and TSS concentrations used to calculate surcharges shall be determined by the laboratory analysis/analyses performed by the District on each of the composite samples collected by the District within a period not to exceed three months. The constituent concentrations shall be considered to be the average of all analyses performed by the District within the billing cycle and shall be used for calculating surcharges only if the average exceeds the established domestic standard.

#### **4.8 Sample Collection**

The industrial wastewater shall be sampled by the District at whatever frequency the District deems necessary and in accordance with the applicable provisions in these Rules and Regulations.

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#### **4.9 Re-sampling**

An industrial user may submit a written request at any time that its wastewater be re-sampled by the District for purposes of adjusting surcharges. This request shall contain a justification that explains modifications that have been made to the industrial user's operations resulting in lower BOD, COD, or TSS concentrations. Re-sampling shall be accomplished at a time selected by the District. Re-sampling and associated laboratory work shall be performed at the expense of the industrial user. Cost for this work shall be billed at the rate currently approved for re-sampling by the Commission.

#### **4.10 Flow**

The flow used in determining pounds of BOD, COD, or TSS for surcharge billings shall be the wastewater discharged during the period for which the surcharge is calculated, based upon the user's water meter reading and shall be assumed to be one hundred percent of water consumption unless other metering arrangements for wastewater flow have been approved by the District. If wastewater flow is to be measured for billing purposes, it shall be measured and recorded by a device meeting the requirements of Section 5.4.

#### **4.11 Formula for Determining Surcharge**

The District shall use the following formulae to calculate surcharge amounts for billing each industrial user subject to surcharge:

$$\text{SURCHARGE AMOUNT (\$)} = [\text{The greater of } \$/\text{lb BOD} \times \text{lbs BOD or } \$/\text{lb COD} \times \text{lbs COD}] + \$/\text{lb TSS} \times \text{lbs TSS}$$

WHERE:

$$\text{lbs BOD} = ([\text{The greater of the BOD surcharge concentration listed in the user's permit or discharge authorization or the District's laboratory actual average discharge BOD}] - 250 \text{ mg/l}) \times \text{flow (mg)} \times 8.34$$

$$\text{lbs COD} = ([\text{The greater of the COD surcharge concentration listed in the user's permit or discharge authorization or the District's laboratory actual average discharge COD}] - 750 \text{ mg/l}) \times \text{flow (mg)} \times 8.34$$

$$\text{lbs TSS} = ([\text{The greater of the TSS surcharge concentration listed in the user's permit or discharge authorization or the District's laboratory actual average discharge TSS}] - 300 \text{ mg/l}) \times \text{flow (mg)} \times 8.34$$

#### **4.12 Surcharge Rates**

Surcharge rates for BOD, COD, TSS, or any other pollutant of concern shall be based upon annual costs for wastewater treatment and determined by a formula that reflects amortization of treatment facilities cost, interest on bonded indebtedness for treatment facilities, and O&M costs. These rates are subject to change annually or at the discretion of the Commission due to the annual fluctuation in the District's costs for wastewater treatment. All surcharges shall be computed based upon the surcharge rates most recently adopted by the Commission.

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The District may implement a surcharge rate as an enforcement tool for the means of system protection and/or cost recovery. The use of a surcharge as an enforcement tool and its uses are subjective to compliance and periods of duration that the District may deem necessary for an industrial user. The use of surcharge as an enforcement tool may not necessarily be approved by the Commission.

#### **4.13 Frequency of Billing**

Bills for surcharges shall be rendered after the end of each billing period as determined by the District, reflecting charges for that billing period, and shall become due when rendered.

#### **4.14 Minimum Surcharge**

The minimum surcharge to any customer shall be reviewed annually by the District and subject to modification along with the current surcharge rate.

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## **SECTION 5**

### **USER CHARGE**

#### **5.1 Implementation of the User Charge**

All persons connected to or discharging wastewater into the POTW shall pay the appropriate charges established under these Rules and Regulations and at the rates as adopted and approved by the Commission. No persons shall be charged a District user charge unless they receive sanitary sewer service from the District. An ad valorem (property) tax may be levied by the District on all property within the District boundaries.

#### **5.2 Types of User Charge**

The District's sewer user charge shall be based upon the volume of wastewater discharged. The user charge system is designed to recover the District's costs of providing three identifiable or distinct levels of sanitary sewer service to a user. The three levels of sewer service are:

- (1) wastewater collection (in sanitary sewers);
- (2) wastewater transportation (in interceptor sanitary sewers);
- (3) wastewater treatment (of normal domestic strength of concentrations of 250 mg/l BOD, 750 mg/l COD, or 300 mg/l TSS or less).

The District provides wastewater transportation and treatment service for users within the boundary of the District, as well as for some users outside the District boundary. The District also provides collection service to users located inside the District boundary, but outside of any of the subdistricts.

Metropolitan Subdistrict B owns and maintains sanitary sewers within its service area. The subdistrict sanitary sewers feed into the District's interceptor sanitary sewers for transportation to the District's treatment facilities. Users of the sanitary sewers of the subdistrict may be required to pay the governing bodies of their respective subdistrict a user charge for the operational costs of the subdistrict's collection system. In such cases where collection service is provided by a subdistrict, the District provides only the transportation (interceptor) and treatment levels of service; therefore, the District's user charge rate to these users, inside subdistricts, will be lower than the District's rate to users outside subdistricts to reflect the difference in the level of sewer services provided by the District, which service includes maintenance of collection systems for users outside the subdistrict.

##### **5.2.1 Treatment and Transportation Service Costs**

Any user who discharges wastewater either directly into the District owned sanitary sewers or indirectly into District sanitary sewers through either private sanitary sewers or sanitary sewers owned by a subdistrict shall pay a user charge to the District. This user charge shall be set to cover the cost of debt repayment, operating, administering and maintaining the treatment facilities and transportation lines. This charge will hereinafter be referred to as "user charge for treatment and transportation."

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## 5.2.2 Collection Service Costs

Any user who receives sewer collection line service from the District and resides outside the service areas of a subdistrict shall also pay to the District a user charge sufficient to cover costs of operating and maintaining collection systems contributing wastewater to the District's sewerage system. This charge shall be in addition to the District's treatment and transportation charge and shall hereafter be referred to as "user charge for collection line service." The collection line user charge shall be paid by all users of sewer lines of unknown or questionable ownership and of sewer lines of known ownership whenever owners refuse to properly maintain said lines.

## 5.3 User Charge Rates

The District's user charge rates shall be reviewed at least annually and adjusted, as necessary in the Commission's determination, to reflect the District's costs for providing sanitary sewer service. The rates for the following divisions of sanitary sewer service shall be set forth in the District's schedule of user charges.

(1) **Inside Subdistrict Rate** - this is the District's charge to users located inside subdistricts for the cost of the District's wastewater transportation (interceptor sanitary sewer) and treatment service.

(2) **Outside Subdistrict Rates** - this is the District's charge to users for collection and treatment and transportation service provided by the District..

(3) **Single Family Residential User (With Well Water Supply) Rates** - flat fee rates to be determined by the District based on an annual review shall be charged to all single family residential users who utilize wells as a source of water supply and who discharge wastewater to the District for treatment and transportation. One flat rate is set for such users located inside subdistricts, and another flat rate is set for other such user. NOTE: The owner may be required to install a District approved metering device for use in determining the volume to be used for billing of the user charge in lieu of paying the fixed rate. The District shall approve the type and location of such devices.

(4) **Multifamily, Commercial, Institutional or Industrial Users (With Well Water Supply) Rates** - the District shall review on a case-by-case basis each user in this category based on its merits, and the subsequent rates set shall be approved in each individual case by the Commission for these well water users.

## 5.4 Volume Determination for Billing

The volume of wastewater flow used in computing the District's user charge shall be based upon one hundred percent of the metered water consumption for a user as shown in the records of meter readings maintained by the appropriate water authority except as hereinafter provided.

### 5.4.1 Wastewater Meter

Where a significant portion of water purchased is not discharged to a sanitary sewer, the District's user charge may be based upon actual measured volumes of wastewater discharged to the sanitary sewer. In such cases, the user charge bill shall be based upon wastewater

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volume data accurately measured and recorded by either a wastewater flow meter or by separate water meters, used for water system billing purposes, which are piped to isolate sewer and unsewered water usage. In cases where the District determines that it is not feasible to use separate water meters, used for water system billing purposes, the District may approve subtractive water meters located inside the premises of the user. The user shall submit monthly meter readings to the District's Business Office at the time and in the manner prescribed by the District, whenever subtractive water meters are utilized. District personnel shall have access to the user's premises to audit such readings quarterly, or as necessary in the District's opinion. Inside water meters may also be approved for surcharge billing purposes. Before installation, the District must approve the type of device, as well as the proposed location and the plans and specifications on the device. The user shall provide and maintain such measuring device at its own expense.

Any user who has a District approved wastewater/water metering device or subtractive water meter installed and in use for user charge or surcharge billing purposes, shall have the device calibrated at least once annually, unless required more frequently by the District, by an independent instrumentation technician approved by the District. Written certification of each calibration shall be provided to the District by the technician within fourteen calendar days after the calibration. The user shall notify the District in advance of a scheduled calibration. All calibrations shall be at the expense of the user.

#### **5.4.2 Special Billing Charge**

Any user who has a District approved special metering system from which readings are obtained on a regular basis for user charge or surcharge billings shall pay the District's special billing charge. This charge shall be reviewed annually and modified as necessary to cover the District's costs for meter reading and billing preparation.

#### **5.5 New Construction - Unoccupied Premises**

When water service is provided to a new structure under construction, and connected to the sanitary sewer, the District user charge shall apply.

#### **5.6 Swimming Pools, Air Conditioning Units, Gardening and Lawn Sprinkling**

There shall be no adjustment to the volume upon which the District's user charge rate applies because of use of swimming pools, air conditioning units, gardening and lawn sprinkling, except as provided in Section 5.4. A property owner may choose to arrange with the appropriate water supplying agency for the installation of an additional water meter to serve the water supply needs which are not to be discharged to the sanitary sewer and, thereby, eliminate the sewer user charge for this water meter.

#### **5.7 Multi-Unit Complexes Served Partially by Sewer**

Complexes of structures, mobile homes, apartment units, etc., served by a master meter and in which certain units are connected into a sanitary sewer while the remaining units are connected into a septic tank, shall be handled on a case-by-case basis with volumes being determined in each individual case by the District.

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## **5.8 Billing Frequency**

The user charge shall be billed monthly or bimonthly, as determined by the Commission, and said charges shall be due and payable immediately. Failure to pay this bill within twenty days shall cause the bill to become delinquent. If said bill remains unpaid for twenty five days, then the District may discontinue sanitary sewer service as provided in Section 6 or initiate collection procedures as provided in Section 7.

## **5.9 Late Charges**

There shall be a late charge, as reasonably determined by the District, applied against any sewer user charge bill twenty days past due on bills printed on District bill cards. This late charge is necessary to cover the administrative costs of the District's collection procedure outlined in Section 6. No late charge is imposed on sewer user charge bills for users billed by any water supply agency. Late payment of sewer user charges by District customers billed the sewer user charge by water supply agencies is handled in keeping with the policies of each individual water supply agency.

## **5.10 Method of Billing and Collecting**

The Commission may accomplish billing and collecting of user charges using District personnel, or it may contract, by written agreement, the billing and collecting of user charges with any agency, organization or group of agencies or organizations.

## **5.11 User Charge for Single User Treatment Facility**

Any user who is the sole contributor of flow to a wastewater treatment plant (single user facility) serving only that user shall pay to the District the entire cost of operating and maintaining said facility. Such charges shall be paid monthly. Whenever any additional users discharge to what was originally a single user facility, the entire operation and maintenance cost shall be shared between all users of said facility based on a formula determined by the Commission.

Single user facilities that later serve more than one user may be reclassified as special (multiple user) facilities by the Commission, if it is determined that revenue that could be received from all users based upon standard user charge rates would be sufficient to pay the entire operation and maintenance cost of the single user facility.



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## SECTION 6

### DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT OF USER CHARGE

#### 6.1 Purpose

- a) *Purpose.* The purpose of this Section is to prescribe regulations governing the discontinuance of sewer service, including the bases upon which discontinuance may occur; the notification procedures to be applied; the opportunity for users and property owners to be heard prior to discontinuance; and the required charges imposed on a user in the event of discontinuance.
- b) *Exception for Contracts with Water Distribution Agencies.* If the District has contracted with a water distribution agency for billing and collection of sewer user charges, then such water distribution agency's collection policies will be the Commission's sole remedy for nonpayment of sewer user charges.

#### 6.2 Billing and Notification Sequence

- (a) *Due Date.* Bills for sewer user charges are due twenty (20) days after the billing date.
- (b) *Notice of Delinquency.* If the District does not receive payment within five (5) days after the due date, a late fee (See Schedule C) will be added to the account and a notice of delinquency will be mailed to the customer.
- (c) *Final Notice; Hearing.* If the District does not receive payment within ten (10) days after the date of the notice of delinquency, a collection fee (See Schedule C) will be added to the account and a final notice will be hand-delivered to the user and, if the District has actual notice that the user is not the property owner, to the property owner. The final notice will include a statement that a hearing will be held not less than five (5) days following delivery of the notice to determine whether the user's sewer shall be discontinued, and shall include the time, date, and place of the hearing; the basis for the proposed discontinuance; and a statement that the user and/or the property owner may appear and be heard in person or by counsel at the hearing.
- (d) *Illustrative Summary of Sequence.* The following timeline illustrates the sequence described above:
  - (i) Day #1: Bill is sent.
  - (ii) Day #21: Bill is due.
  - (iii) Day #27: Notice of delinquency is sent.
  - (iv) Day #38: Final notice is hand delivered.
  - (v) No earlier than Day #44: Hearing on discontinuance.
  - (vi) No earlier than Day #45: Service is discontinued.

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### 6.3 Discontinuance of Sewer Service

- (a) *Basis for Discontinuance.* The District may discontinue sewer service to a service location for non-payment of a sewer user charge bill (including for sewer service provided to the same user at a different service location) after following the notification procedures outlined in Section 6.2.
- (b) *No Discontinuance without Hearing.* The District shall not discontinue sewer service until after the user and, if applicable, the property owner have been given notice and an opportunity to be heard, in person or by counsel, as provided in Section 6.2
- (c) *Determination to Discontinue.* Discontinuance procedures shall be initiated if (1) the notified user and, if applicable, the property owner do not appear at the scheduled hearing and do not make the required payment; or (2) the notified user and, if applicable, the property owner do appear at the scheduled hearing, are found liable for the user charge, and nonetheless do not make the required payment.
- (d) *Discontinuance.* Immediately upon the determination that sewer service should be discontinued pursuant to subsection (c) above, the District will initiate discontinuance of the user's sewer service without further notice.

### 6.4 Method of Discontinuance of Sewer Service

The method used for disconnection of sewer service shall be that method determined to be the most expedient for each individual case. Such methods of disconnection may include, but shall not be limited to:

- (a) physically disconnecting the user's service line at the property line;
- (b) physically disconnecting or plugging the user's service line in the manhole; or
- (c) using mechanical valves to interrupt or block outflow.
- (d) revocation of privilege to discharge, i.e. discharge permit, discharge authorization, general permit.

### 6.5 Notice to DHEC and to the Spartanburg County Health Officer

The District shall provide written notice of any discontinuance to DHEC and to the Spartanburg County Health Officer.

### 6.6 Nonpayment Service Charge

Once the District dispatches personnel to discontinue sewer service, a nonpayment service charge (see Schedule C) will be added to the balance due the District. If the user makes payment prior to disconnection, the nonpayment service charge will still apply.

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## **6.7 Reconnection of Sewer Service**

Upon receiving payment for the customer's balance including a nonpayment service charge (see Schedule C), the District will schedule, as soon as practicable, the reconnection of sewer service to the affected premises and will notify the Spartanburg County Health Department and DHEC when sewer service has been reconnected. The District will not be responsible for restoration or damage of any property damaged by the discontinuance of sewer service.

## **6.8 Right of Access**

Authorized District personnel shall have the right to access to the premises for the purpose of locating, inspecting, disconnecting, or reconnecting sewer service or for any other purpose that is proper or necessary in the conduct of the District's business.

## **6.9 Interference with District Personnel; Tampering**

- (a) Any person interfering in any manner with District personnel performing the sewer service discontinuance and/or reconnection procedures, will be subject to penalties as described in Section 12 of these Rules and Regulations and other criminal penalties prescribed by law.
- (b) If the District disconnects service to a premise, no person shall tamper with, disrupt, or otherwise interfere with the method by which the District has disconnected such service. If the District becomes aware of any attempt to tamper with, disrupt, or interfere with a method of disconnection, then the District shall be entitled to physically disconnect or plug the service line at the manhole and charge the user the actual cost of such disconnection or plugging. In addition, any person found in violation of this requirement shall be subject to penalties as set forth in Section 12.1.

## **6.10 Non-exclusive Remedy**

The remedies outlined in this section are not the exclusive remedies to which the District is limited in dealing with non-payment of the sewer user charge or for other violations of the District's Rules and Regulations.

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## **SECTION 7**

### **ESTABLISHMENT OF LIENS FOR NON-PAYMENT OF SEWER USER CHARGE**

#### **7.1 General**

Any unpaid sewer user charges shall constitute a lien against the affected real property located outside Metropolitan Subdistrict B for a period of ten years from the effective date of such liens.

#### **7.2 Unpaid Charge**

User charge bills are due immediately upon receipt of bill. As indicated in Section 5.8, any charge not paid within twenty days of date of bill shall be considered unpaid and delinquent.

#### **7.3 Notification Sequence**

Prior to making any unpaid user charge bill a lien on the property affected, not less than ten days written notice shall be given to each affected property owner notifying him of the nature and amount of sewer user charge and providing such property owner an opportunity, if desired and requested, to appear and be heard in person or by counsel, before the Commission.

If a hearing is requested and held, the Commission shall, within five days, notify such property owner, in writing, of its decision concerning such unpaid charges. If the Commission determines that the unpaid charges are due, then such charges shall become a lien on the real property served five days from the date of such written notice to the property owner. If no hearing is requested by the affected property owner, then the unpaid sewer service charges shall become a lien on the real property served at the termination of the ten day written notice.

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**SECTION 8**  
**GREASE CONTROL**

**8.1 Oil and Grease Discharge**

Oil and grease includes non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, greases, and related pollutants that can be extracted from a wastewater sample and determined by EPA method 1664 as may be amended or by other EPA method as may be applicable; oil and grease is also referred to as n-hexane extractable materials (HEM) because of the solvent used in the method's extraction process. Discharge of oil and grease into the POTW is conditionally permitted as indicated in Section 3.

**8.2 Oil and Grease Traps or Interceptors**

District requirements for installation of oil and grease traps or interceptors and disposal of material removed from such traps or interceptors are indicated in Section 3.3 and within the District's Grease Control Program. All grease traps must be secured and maintained by its owner in a manner that will prevent the introduction of any prohibited waste or any other unauthorized access. Owners/Users of grease traps shall be responsible for all expenses related to securing their grease traps. The failure to secure and maintain grease traps is a violation of the Spartanburg Sanitary Sewer Rules and Regulations and enforcement actions may be taken against the FSE.

**8.3 District Acceptance of Waste Originating from Grease Traps or Interceptors**

District requirements for acceptance of materials removed from oil and grease traps or interceptors are indicated in Section 11.

**8.4 Enforcement Authority and Penalties**

The District's enforcement authority and penalties for noncompliance are indicated in Section 9.10 and in Section 12. Enforcement shall be in accordance with the District's Grease Control Program and Enforcement Response Guide.

**8.5 Provisions for Recovery of Costs**

The District's cost recovery provisions are indicated in Section 4, Section 9.8, and Section 11.

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## SECTION 9

### INDUSTRIAL USERS AND PRETREATMENT

#### 9.1 Request to Discharge Industrial Wastewater

Any user, who desires to begin discharging industrial wastewater, is currently discharging industrial wastewater into the POTW from a new or existing facility shall submit a completed Industrial/Non-Domestic Wastewater Survey Form to the District for the issuance of an individual wastewater discharge permit, discharge authorization, or a general permit. A completed Industrial/Non-Domestic Wastewater Survey Form may for purpose of the Rules and Regulation serve as a Permit Application.

##### 9.1.1 Permit Application/Industrial/Non-Domestic Wastewater Survey

Any user discharging industrial wastewater into the POTW prior to the effective date of these Rules and Regulations who has not been issued a wastewater discharge permit, discharge authorization, or general permit, or who has not previously submitted an application/wastewater survey and wishes to continue discharging industrial wastewater, shall, within ninety days after said date, submit a permit application/wastewater survey to the District and shall not cause or allow discharges to the POTW to continue except in accordance with these Rules and Regulations and an individual wastewater discharge permit, discharge authorization, or a general permit if issued by the District.

Any existing industrial user who proposes to discharge additional industrial wastewater or industrial wastewater with different characteristics to the POTW shall submit an application for a permit modification of the user's permit or authorization to the District giving complete information as to the nature and characteristics of the industrial wastewater as determined by an analysis of a composite sample of the wastewater made by a DHEC certified laboratory. The industrial user shall submit the permit application/wastewater survey at least one hundred eighty days prior to the date upon which any additional or different industrial wastewater discharge will commence.

Any user who proposes to begin or recommence discharging industrial wastewater into the POTW shall submit a permit application/wastewater survey and obtain a wastewater discharge permit, discharge authorization, or general permit prior to the beginning or recommencing of such discharge. A permit application/wastewater survey shall be submitted at least one hundred eighty days prior to the date upon which any discharge will begin or recommence. The user shall submit as part of the permit application/wastewater survey an industrial wastewater survey questionnaire, survey of industrial user slug potential, and hazardous waste notification on forms available from the District. Such permit applications/wastewater surveys shall be accompanied by a cover letter requesting sanitary sewer service.

##### 9.1.2 Permit Application/Wastewater Survey Signatory Requirements and Certifications

All wastewater discharge permit applications/wastewater surveys, user reports, and certification statements shall be signed by an authorized representative of the user and contain the applicable certification statement in Section 9.13.14. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section shall be

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submitted to the District prior to or together with any reports to be signed by an authorized representative of the user.

### **9.1.3 Permit Application/Wastewater Survey Contents**

All industrial users shall submit a permit application/wastewater survey. Users that are eligible may request a general permit. Incomplete or inaccurate applications shall not be processed and shall be returned to the user for revision. The District may require users to submit all or some of the following information as part of a permit application/wastewater survey:

(1) Identifying Information;

(a) The name and address of the facility, including the name of the operator and owner.

(b) Contact information, description of activities, facilities, and plant production processes on the premises.

(2) A list of any environmental control permits held by or for the facility;

(3) Description of Operations;

(a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC of the operation(s) carried out by such user. This description shall include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(b) Types of wastewater generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation.

(d) Type and amount of raw materials processed (average and maximum per day).

(e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula;

(7) Measurement of Pollutants.

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(a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(b) The results of sampling and analysis identifying the nature and concentration, or mass, where required by the pretreatment standard or by the District, of regulated pollutants in the discharge from each regulated process.

(c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 9.13.10 of this ordinance. Where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the District or the applicable pretreatment standard to determine compliance with the pretreatment standard.

(e) Sampling shall be performed in accordance with procedures set out in Section 9.13.11 of this ordinance.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 9.13.4;

(9) Any request to be covered by a general permit; and

(10) industrial wastewater survey questionnaire, survey of industrial user slug potential and hazardous waste notification on forms available from the District.

(11) Name, title and location of authorized representative

(12) If foreign corporation, authorization to do business in South Carolina.

(13) Any other information as may be deemed necessary by the District to evaluate the permit application/wastewater survey.

## **9.2 Wastewater Discharge Permit Required**

### **9.2.1 Wastewater Discharge Permit**

Each industrial user determined by the District to be a SIU, in accordance with Section 1.2.67, shall be notified of such determination in writing. The District shall issue each SIU a wastewater discharge permit unless the District determines that it is appropriate to control the SIU discharge with a general permit.

### **9.2.2 Discharge Authorization**

The District may issue a discharge authorization to each industrial user determined not to be a SIU. Holders of a discharge authorization shall comply with the Rules and Regulations, but are



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not considered to be part of the pretreatment program. In lieu of a discharge authorization, the District may control such industrial user discharges with a general permit or BMP.

### **9.2.3 General Permit**

The District may use general permits to control SIU or any other industrial user discharges to the POTW, subject to the limitations contained herein, if the following conditions are met. All users whose discharge is to be controlled by a general permit shall:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring;
- (5) Comply with these Rules and Regulations; and
- (6) In the opinion of the District, are more appropriately controlled under a general permit than under wastewater discharge permits or discharge authorizations.

To be covered by the general permit, the user shall file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 9.13.4(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the District has provided written notice to the CIU that such a waiver request has been granted.

The District shall retain a copy of the general permit, documentation to support the POTW's determination that the user meets the applicable criteria and DHEC regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.

The District shall not control discharges from a CIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for a CIU whose limits are based on the combined wastestream formula or net/gross calculations.

### **9.2.4 Permit Revocation**

The District may revoke or otherwise refuse to reissue a wastewater discharge permit or discharge authorization or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to provide prior notification to the District of changed conditions pursuant to Section 9.13.5 of this ordinance;
- (2) Misrepresentation or failure to fully disclose all relevant facts in the permit application/wastewater survey;

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- (3) Falsifying self-monitoring reports and certification statements;
  - (4) Tampering with monitoring equipment;
  - (5) Refusing to allow the District right of entry;
  - (6) Failure to comply with a permit, order, or any applicable pretreatment standards and limitations;
  - (7) Failure to pay fines, sewer use charges, surcharges, or other District charges;
  - (8) Failure to comply with compliance schedules;
  - (9) Failure to complete a wastewater survey or wastewater discharge permit application/wastewater survey or re-apply for a permit in accordance with the provisions in the Rules and Regulations;
  - (10) Non-compliance with these Rules and Regulations.

Individual wastewater discharge permits or coverage under general permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits or discharge authorizations issued to a user are void upon the issuance of a new wastewater discharge permit or discharge authorization to that user.

### **9.3 Issuance of Draft Permit**

The District shall evaluate the data furnished by the user and may require additional information. The District shall determine whether to issue a wastewater discharge permit or discharge authorization or control the user discharges through a general permit. The District may deny any application for a wastewater discharge permit, general permit, or discharge authorization. If the requirements of these Rules and Regulations have not been met or if the District determines that it is not reasonably capable in the best interests of the District to accept the proposed wastewater.

Prior to issuing a wastewater discharge permit, general permit, or discharge authorization, the District shall send a draft to the user for a thirty day review and comment period. If the user requests a variance from any permit condition, then the user shall submit a written justification for the variance requested. If the user and District agree, the permit review period may be altered from the typical thirty days.

Any user may comment on the conditions and limits in the permit during the thirty days identified by the District for review and comment. After the final permit is issued, the user may, within 30 days of the District's issuance of the final permit, appeal the final permit to the Commission by contacting the General Manager or his/her designee and requesting a hearing with the Commission. The appeal shall be made no later than thirty days after the end of the review and comment period. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. If the Commission fails to act within sixty (60) days after receipt of the appeal, the appeal shall be deemed to be denied. The effectiveness of the wastewater discharge permit, discharge authorization, or general permit shall be stayed pending the appeal.

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#### **9.4 Permit Duration and Modification**

A wastewater discharge permit issued to a SIU or coverage under a general permit shall be given for a specified time period, not to exceed five years. A discharge authorization may be issued for a specified time to be determined by the District on the basis of the information in the application submitted by the user and the characteristics of the wastewater. The terms and conditions of a permit or discharge authorization may be modified at any time between the effective date and expiration date of the permit if the District deems it necessary to assure compliance with these Rules and Regulations or applicable pretreatment standards and requirements. The user shall be notified in writing at least thirty days prior to the effective date of a permit or discharge authorization modification. Wastewater discharge permit modifications shall include reasonable time schedules for compliance.

#### **9.5 Permit Transfer**

Wastewater discharge permits and discharge authorizations or coverage under a general permit are issued to a specific user for a wastewater of specified volume and characteristics. The terms of the permit are transferable to another user only with prior District approval following a written request by the current user. The written request to the District shall be made prior to the anticipated transfer, shall contain information on the new owner including title and contact information for the authorized representative and include a certification by the new owner or operator that:

- (1) States that the new owner or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit, discharge authorization, or general permit.

Failure to provide written advance notice of a transfer renders the wastewater discharge permit or discharge authorization or coverage under the general permit voidable as of the date of facility transfer at the discretion of the District.

#### **9.6 Permit Conditions**

A wastewater discharge permit, discharge authorization, or general permit shall include such conditions as are deemed reasonably necessary by the District to prevent pass through or interference, protect the quality of the receiving stream, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Wastewater discharge permits, general permits and discharge authorizations shall contain:

- (1) A statement that indicates the issuance date, expiration date, and effective date;
- (2) A statement that the permit is nontransferable without prior notification to the District, and provisions for furnishing the new owner or operator with a copy of the existing permit;

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- (3) As applicable to a CIU, effluent limits, including BMP, based on applicable categorical pretreatment standards;
  - (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local pretreatment regulations;
  - (5) As applicable to a CIU, the process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge or any grant of the monitoring waiver in accordance with Section 9.13.4(2);
  - (6) A statement of applicable civil and criminal penalties for violations, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local pretreatment regulations; and
  - (7) Requirements to control slug discharges, if determined by the District to be necessary.

Wastewater discharge permits, discharge authorizations, or general permits may contain, but need not be limited to, the following conditions:

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

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## **9.7 Pretreatment**

The most stringent limitations and pretreatment requirements in effect, whether imposed by the District, state or federal pretreatment regulations, shall apply. The user shall be required to implement whatever pretreatment processes are necessary to comply with the applicable pretreatment standards or requirements.

Users shall provide pretreatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1. Any industrial user required to pretreat wastewater shall construct, operate, and maintain the pretreatment facilities at the user's expense. Detailed plans for the pretreatment facilities and operating procedures shall be submitted for review to the District before construction of the facilities. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facilities as necessary to comply with the Rules and Regulations or any future amendments. Any changes in the pretreatment facilities or method of operation shall be reported to and be approved by the District prior to the user's initiation of the changes.

The user is responsible for complying with all DHEC regulations regarding DHEC review and approval of plans, and must obtain all applicable DHEC permits to construct or operate. If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards or limitations, the user shall meet the schedule set by the District to provide the additional pretreatment. All records relating to compliance with pretreatment standards shall be retained for a minimum of three years and made available to officials of the District, DHEC, or EPA upon request.

## **9.8 Funding and Charges**

The District shall annually review the costs associated with District compliance with the pretreatment regulations. Funds for operating the pretreatment program shall be collected by charging each SIU an industrial wastewater service charge. A similar charge shall be collected from other industrial users, including those users issued discharge authorizations. Funds for carrying out the remaining tasks associated with industrial wastewater (e.g. grease trap inspections, inquiries from new industrial users, etc.) as a part of the District's overall industrial pretreatment program shall be provided from the District's operating funds.

### **9.8.1 Industrial Wastewater Service Charge**

Each SIU, or any other industrial user, shall be billed an industrial wastewater service charge. This charge includes fixed costs and variable costs for each industrial user. Fixed costs include annual priority pollutant monitoring at District facilities, reports to DHEC, permit processing, routine industrial inspections, and review of monitoring data, which are tasks necessary for District compliance with pretreatment regulations. Fixed costs shall be divided by the number of industrial users to determine the fixed cost portion of the charge. Variable costs include expenses for compliance monitoring, and the variable portion of the charge shall be determined for each industrial user based on the number and type of samples that the District plans to obtain during the year.

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## **9.8.2 Initiation of Service Charge**

The industrial wastewater service charge shall become effective with the date of the wastewater discharge permit, discharge authorization, or general permit coverage issued to the industrial user.

## **9.8.3 Industrial Wastewater Monitoring Charge**

Any industrial user classified as a SIU shall have its wastewater discharge monitored by the District either through a wastewater discharge permit, general permit, administrative order or other directive. Any industrial user not classified as a SIU may have its wastewater discharge monitored by the District either through a general permit, discharge authorization, administrative order or other directive. All users shall be billed by the District for the amount of monitoring performed based on the most current rates adopted by the Commission.

## **9.8.4 Enforcement Related Charge**

Any industrial user, whether classified as a SIU or not, shall be billed by the District for all costs associated with an enforcement action or actions in which the District identifies the user as being in violation of any permit or discharge authorization, order, directive or any requirement of the Rules and Regulations. Costs may include, but are not limited to costs of:

- (1) monitoring at the user's discharge point, in the District's collection system, or at the District's facilities that the District deems necessary to investigate or identify the user as the source of a pollutant;
- (2) District personnel time and materials used in conducting any monitoring or investigation that the District deems necessary to the enforcement action, in issuing correspondence or orders pertaining to the enforcement action, or in any remedial efforts which the District deems necessary to mitigate or correct the impact on any District facilities or processes of a user's violation(s);
- (3) outside laboratories or consultants utilized by the District in the investigation or in any remedial efforts which the District deems necessary to mitigate or correct the impact on any District facilities or processes of a user's violation(s); and
- (4) any fines or penalties imposed on the District as the result of violation of any NPDES or other permit condition, any state or federal regulation, or any law; any consultant, professional or attorneys' fees incurred by the District in connection with a violation of the Rules and Regulations.

Billing for analyses performed by the District shall be in accordance with the current charges adopted by the Commission. Billing for District personnel time shall be time at the employee's current rate of pay plus benefits. Billing for the services of outside laboratories, consultants, professionals or attorneys shall be the cost billed to the District plus necessary fees to recover the cost of handling and administration. Billing for fines or penalties imposed on the District shall be the actual fine imposed with no adjustment.

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## 9.9 Harmful Discharges

The District may suspend sanitary sewer service to any user and may revoke any Significant Industrial wastewater discharge permit, general permit, order, or discharge authorization whenever necessary, in the opinion of the General Manager or his/her designee, to stop an actual or threatened harmful discharge that;

- (1) presents or may present a substantial endangerment to the environment, health and welfare of any persons, or
- (2) causes or directly contributes to interference or pass through, or
- (3) causes or contributes to the District's violation of any condition of its NPDES permit or any other permit required for the disposal of sludge or wastewater.

Any person notified to suspend service or whose permit is revoked due to a harmful discharge shall immediately eliminate said discharge. A verbal reply shall be made to the District within 24 hours. A written report shall be submitted to the District by the user describing any such harmful discharge and steps taken to eliminate it within five working days of the notification by the District. This report shall contain the same information required in Section 9.13.6. The District may also temporarily suspend sewer service to, or revoke any wastewater discharge permit, general permit, order, or discharge authorization when, in the opinion of the General Manager or his/her designee, a high probability exists that the wastewater is adversely impacting the POTW, and such action is necessary for the purpose of determining the effects of such wastewater on the POTW. Service may be reinstated, or the permit reissued, after the determination of impact on the POTW is completed, or the adverse impact ceases.

Any user who has had sanitary sewer service suspended may appeal such suspension to the Commission by notifying the General Manager of their desire to appeal the suspension. The Commission or an appointed hearing officer shall consider such appeal.

## 9.10 Violations

If a user fails to comply with any provision of these Rules and Regulations or fails to comply with applicable pretreatment limitations and requirements, whether or not the user is a SIU, then the District shall take enforcement action pursuant to the provisions included in Section 12 and guidelines established in the "Spartanburg Sanitary Sewer District Enforcement Response Guide." The Enforcement Response Guide is a document developed by the District, based on federal and state regulations and guidance that provides District personnel with guidelines for appropriate enforcement responses for various types and degrees of violations. The remedies provided in Section 12 are not exclusive. The District may take any, all, or any combination of actions against any non-compliant user. It is the District's intent that enforcement for violations shall be consistent with the "Spartanburg Sanitary Sewer District Enforcement Response Guide." However, the District reserves the right to take any other action, either more or less stringent, that the District determines to be appropriate against any user for any violation.

## 9.11 Significant Noncompliance

For the purposes of this provision, any SIU is in significant noncompliance if its violation(s) meet one or more of the following eight criteria:

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(1) chronic violations, defined here as those in which sixty six percent or more of all of the measurements for the same pollutant taken during a six-month period exceed (by any magnitude) a numerical pretreatment standard or requirement or local limit including the daily maximum, average, or instantaneous limits;

(2) technical review criteria (TRC) violations, defined here as those in which thirty three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of a numerical pretreatment standard or requirement or local limit, including the daily maximum, average, or instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH.);

(3) any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of District personnel or the general public;

(4) any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

(5) failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit, general permit, enforcement order or other directive for starting construction, completing construction, or attaining final compliance;

(6) failure to provide, within forty-five (45) days after the due date, any required reports including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, or reports on compliance with compliance schedules;

(7) failure to report noncompliance accurately; or

(8) any other violation, including violation of a BMP, that the District determines will adversely affect the operation or implementation of the pretreatment program.

The term significant noncompliance shall also apply to any other industrial user that has a violation described in paragraphs (3), (4) or (8) of this section.

### **9.12 Annual Publication of Significant Noncompliance**

At least annually, the District shall publish the names of industrial users that have been in significant noncompliance at any time during the previous calendar year. This publication shall be made in the largest daily newspaper published in the municipality in which the District is located.

### **9.13 Reporting and Recordkeeping Requirements**

All wastewater discharge permit applications/wastewater surveys, user reports, and certification statements shall be signed by an authorized representative of the user and contain the



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applicable certification statement in Section 9.13.14. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the prior to or together with any reports to be signed by an authorized representative.

### **9.13.1 Baseline Monitoring Reports**

Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under DHEC regulation 61-9 section 403.6(b), whichever is later, any existing CIU currently discharging to or scheduled to discharge to the POTW shall submit to the District a report that contains the information itemized below. At least ninety (90) days prior to commencement of their discharge, any new source, and any source that becomes a CIU subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the District a report that contains the information itemized below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information and follow the procedures set forth below.

#### **(1) Facility Information and Measurement of Pollutants**

- (a) The name and address of the facility, including the name of the operator and owner;
- (b) A list of any environmental control permits held by or for the facility;
- (c) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC of the operations carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
- (d) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (e) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (f) Type and amount of raw materials processed (average and maximum per day);
- (g) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

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(h) Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in DHEC regulation 61-9 section 403.6(f);

(i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

(j) The results of sampling and analyses identifying the nature and concentration, or mass, where required by the pretreatment standard or District, of regulated pollutants in the discharge from each regulated process;

(k) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;

(l) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in these Rules and Regulations. Where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the District or pretreatment standards to determine compliance with the pretreatment standard.

(m) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

(n) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, then the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in DHEC regulation 61-9 section 403.6(f) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with DHEC regulation 61-9 section 403.6(f) this adjusted limit along with supporting data shall be submitted to the District;

(o) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

(p) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(2) Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 1.2.4 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M or additional pretreatment is required to meet the pretreatment standards and requirements.

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(3) Compliance Schedule. If additional pretreatment or O&M shall be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment or O&M shall be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in Section 9.13.2.

(4) Signature and Report Certification. All baseline monitoring reports shall be certified in accordance with Section 9.13.14 and signed by an authorized representative as defined in Section 1.2.4.

### **9.13.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 9.13.1(3):

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine months;

(3) The user shall submit a progress report to the District 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

(4) In no event shall more than nine months elapse between progress reports to the District.

### **9.13.3 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 District a report containing the information described in Section 9.13.1(1)(h) through 9.13.1(1)(l). For users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.3, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 9.13.14. All sampling shall be done in conformance with Section 9.13.11.

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#### 9.13.4 Periodic Compliance Reports

Except as otherwise specified in this Section, a SIU shall submit no less than twice per year (June and December), reports indicating the nature, concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation required by the District or the pretreatment standard necessary to determine the compliance status of the user.

All periodic compliance reports shall be signed and certified in accordance with Section 9.13.14.

All wastewater samples shall 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.

If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in Section 9.13.11, then the results of this monitoring shall be included in the report.

Possible exceptions to these requirements are as follows:

- (1) The District may sample and analyze user discharges in lieu of requiring the user to perform sampling and analyses of its wastewater.
- (2) The District may authorize a CIU to forego sampling of a pollutant regulated by a categorical pretreatment standard if the CIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from source water and without any increase in the pollutant due to activities of the CIU. This authorization is subject to the following conditions:
  - (a) The waiver may be authorized where a pollutant is determined to be present solely due to domestic wastewater discharged from the facility provided that the domestic wastewater is not regulated by an applicable categorical pretreatment standard and otherwise includes no process wastewater.
  - (b) The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than five years. The CIU shall submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.
  - (c) In making a demonstration that a pollutant is not present, the CIU shall provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

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(d) The request for a monitoring waiver shall be signed by an authorized representative and include the certification statement in 9.13.14.

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the District shall be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the CIU in its request for the waiver must be maintained by the District for three years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the District, the CIU shall certify on each report with the statement in Section 9.13.14 that there has been no increase in the pollutant in its wastestream due to activities of the CIU.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the CIU shall immediately notify the District and comply with the monitoring requirements of Section 9.13.4 or other more frequent monitoring requirements imposed by the District.

(i) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(3) The District may reduce the requirement for periodic compliance reports (DHEC regulation 61-9 section 403.12(e)) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA or DHEC, where the total categorical wastewater flow from the CIU does not exceed any of the following:

(a) The amount of 0.01 percent of the design dry-weather hydraulic capacity of the wastewater treatment plant receiving the discharge, or 5,000 gpd, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the CIU discharges in batches

(b) The amount of 0.01 percent of the design dry-weather organic treatment capacity of the wastewater treatment plant receiving the discharge; and

(c) The amount of 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits have been developed.

Reduced reporting is not available to any CIU that has in the last two years been in significant noncompliance. In addition, reduced reporting is not available to any CIU with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the District, decreasing the reporting requirement for this CIU would result in data that are not representative of conditions occurring during the reporting period.

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### **9.13.5 Reports of Changed Conditions**

Each industrial user shall notify the District of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty days before the change. The District 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/wastewater survey. The District may issue a wastewater discharge permit, general permit, or discharge authorization, or modify an existing wastewater discharge permit, general permit, or discharge authorization, in response to changed conditions or anticipated changed conditions.

### **9.13.6 Reports of Problems**

In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause problems for the POTW, the user shall immediately telephone and notify the District 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.

Within five days following such discharge, the user shall, unless waived by the District, 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 might 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 applicable pretreatment regulations.

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 that might cause problems for the POTW. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

Significant industrial users are required to notify the District immediately of any changes at its facility affecting the potential for a slug discharge.

### **9.13.7 Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit, general permit, or discharge authorization shall provide appropriate reports as may be required or requested by the District.

### **9.13.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, then the user shall notify the District within twenty-four (24) hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. Resampling by the user is not required if the District performs sampling at the user's facility at least once a month, or if the District performs sampling between the time when the initial sampling was conducted and the time when the user or the District receives the results of this sampling, or if the District has performed the sampling and analysis in lieu of the user.

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When the District finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, a discharge authorization, a general permit, or an order or directive issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that user a written notice of violation. Within the time designated by the District, the user shall submit to the District a report providing an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action outlined in Section 12, without first issuing a notice of violation.

### **9.13.9 Notification of the Discharge of Hazardous Waste**

Any user who commences the discharge of hazardous waste shall notify the District, 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 DHEC regulation 61-79 section 261. Such notification shall include the name of the hazardous waste as set forth in DHEC regulation 61-79 section 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:

- (1) an identification of the hazardous constituents contained in the wastes;
- (2) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
- (3) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

All notifications shall take place no later than one hundred and eighty days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted as stipulated in Section 9.13.5. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards.

Users are exempt from the requirements in the above paragraph 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 DHEC regulation 61-79 sections 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 DHEC regulation 61-79 sections 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the District, 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.

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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. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

### **9.13.10 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application/wastewater survey or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, then sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the District, DHEC, or other parties approved by EPA.

### **9.13.11 Sample Collection**

Samples collected to satisfy reporting requirements shall be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. Except as otherwise indicated below, the user shall collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized, the samples shall be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows:

- (1) for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;
- (2) for volatile organics and oil and grease, the samples may be composited in the laboratory.

Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 9.13.1 and 9.13.3, a minimum of four grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by Section 9.13.4, the user shall collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.



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**9.13.12 Date of Receipt of Reports**

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report by the delivery service shall govern.

**9.13.13 Recordkeeping**

Users subject to the reporting requirements in these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with any BMP. 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 District, or where the user has been specifically notified of a longer retention period by the District.

**9.13.14 Certification Statements**

(1) Certification of Permit Applications/Wastewater Survey, User Reports, and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by users submitting permit applications/wastewater survey, baseline monitoring reports, reports on compliance with the categorical pretreatment standard deadlines, periodic compliance reports, or an initial request to forego sampling of a pollutant. The following certification statement shall be signed by an authorized representative as defined in Section 1.2.4:

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.

(2) Annual Certification for Non-Significant Categorical Industrial Users. A user determined to be a non-significant CIU by the District shall annually submit the following certification statement signed by an authorized representative as defined in 1.2.4. This certification shall accompany an alternative report required by the District:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR \_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

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(a) The facility described as \_\_\_\_\_ met the definition of a Non-Significant CIU;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the attached information.

(3) Certification of Pollutants Not Present. Users that have an approved monitoring waiver in accordance with Section 9.13.4(2) shall certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user. The following certification statement shall be signed by an authorized representative as defined in Section 1.2.4:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ in the wastewater discharge due to the activities at the facility since filing of the last periodic compliance report.

#### **9.14 Accidental Discharge/Slug Discharge Control Plans**

The District shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The District may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the District of any accidental or slug discharge, as required by Section 9.13.6; 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, or measures and equipment for emergency response.

#### **9.15 Affirmative Defenses to Discharge Violations**

##### **9.15.1 Upset**

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For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation or lack of knowledge or understanding of equipment, operation or discharge. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements set forth below are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the District within twenty four hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
  - (a) A description of the indirect discharge and cause of noncompliance;
  - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. Users have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

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

### **9.15.2 Bypass**

For the purposes of this section, bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. Upon notification to the District, a user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject

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to the provisions in the paragraphs below. The user shall provide the following notifications in the event of an actual or anticipated bypass:

(1) If a user knows in advance of the need for a bypass, then the user shall submit prior notice to the District, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report if the oral report has been received within twenty four hours from the time the user becomes aware of the bypass.

Bypass is prohibited, and the District may take enforcement action against a user for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted the required notifications.

The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that the three conditions listed above are fulfilled.

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## **SECTION 10**

### **CONNECTIONS TO AND EXPANSIONS OF SPARTANBURG SANITARY SEWER DISTRICT WASTEWATER COLLECTION SYSTEMS**

#### **10.1 Fees**

A sanitary sewer service connection permit application processing and inspection fee along with applicable capacity fees and privilege charges shall be assessed with all applications for connection to the District owned collection system or any privately owned collection system to which the District provides treatment services. The person responsible for constructing or expanding a wastewater system shall be responsible for all construction authorization, environmental, and encroachment permit fees necessary for any upgrade, expansion, or extension projects.

#### **10.2 Prior Approval of Plans**

The plans for all connections to, and expansions of, the POTW shall be approved by the District in writing prior to commencement of construction of such connections or expansions. The District's standard Transfer of Ownership Agreement shall be executed and returned, all permits shall be received, and off-site right-of-ways acquired using the District's standard Easement Form, and a preconstruction conference shall be conducted, before commencement of construction of such connections or expansions. Such connections or expansions shall be installed in accordance with the approved plans and specifications. During construction, project inspections shall be made by District personnel. Upon completion and issuance of the final construction approvals by the applicable agencies, the expansions shall be transferred at no cost to the District..

#### **10.3 Private Sanitary Sewer Restrictions**

Private sanitary sewers within any public street, road, highway or rights-of-way for such street, road or highway, that discharged wastewater into the POTW, and existed on or before January 1, 1978 shall not be connected to or expanded and the volume in said lines shall not have been increased after January 1, 1978. The District may accept ownership of private sanitary sewer system by mutual agreement between the person owning the system and the District.

#### **10.4 Engineering Services**

Any person desiring sanitary sewer service through the expansion of the POTW shall secure the services of a professional engineer licensed in the State of South Carolina to prepare and submit a plan submittal package as outlined in the latest edition of the District's Developer's Manual to the District for approval prior to submittal to the applicable permitting agencies.

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## **10.5 Standard Plan and Profiles**

Prior to acceptance of a newly constructed sanitary sewer system, the Owner shall provide the District with a signed and sealed copy and an electronic file in DWG format of the “as-built” drawings with all bearings based upon True North coordinates and manhole invert elevations referenced to USGS datum.

## **10.6 Rights-Of-Way**

All proposed sanitary sewers constructed across private property (except sanitary sewer service connections) shall be installed in a permanent right-of-way and easement that is at least 25 foot wide. Wider rights-of-ways and easements shall be required for sanitary sewers that require deep excavations. Each such right-of-way and easement agreement shall be prepared on the District’s standard form with a current surveyed plat attached and shall be executed and returned to the District for recordation. Any off-site right-of-way and easement agreements shall be executed and returned to the District prior to the start of construction. Any on-site right-of-way and easement agreements shall be executed and returned to the District prior to the release of the project for sale of connections. All such rights-of-way and easements shall include the following language:

Grantor will not engage in, and will not permit the engaging in, any activities or uses of the right-of-way and easement (e.g. excavation, blasting, use of explosives, landscaping such as planting of trees or large shrubs whose root systems may damage sewer lines) that would damage, tend to damage, injure or obstruct sewer lines, service lines or the other appurtenances installed in connection therewith, or that may in any way interrupt or interfere with the normal and usual service of said installations; (b.) Grantor will not alter or permit the alteration of the ground grade level within the limits of the right-of-way and easement beyond the elevation or elevations existing at the time of completion of construction of the underground and/or above-ground sewer line(s) within the right-of-way and easement; (c.) Grantor will not within the right-of-way and easement erect, or permit to be erected, any permanent or temporary building or structure; provided however, the installation of paved asphalt or concrete driveways, sidewalks, patios or other hardscape features shall not be specifically prohibited;

If the District must remove an encroachment, the District shall not be responsible for any restoration or replacement costs for damage to the Grantor’s property that Grantor may sustain. If the District must remove pavement or other hardscape features for any reason, the District will make efforts to properly repair and patch the area within reason. The District will not be responsible for replacing any “specialty” type of hardscape as this will be considered a permanent or temporary structure which is prohibited.

## **10.7 Private Sanitary Sewer Maintenance**

The owner of all private sanitary sewers shall be responsible for maintenance of such sanitary sewers. The owner of any private sanitary sewers shall properly maintain and operate the sanitary sewer system to assure that there are no prohibited discharges to the POTW.

## **10.8 Public Sanitary Sewer Maintenance**

All sanitary sewer expansions and extensions assumed by the District shall be owned, operated, and maintained by the District, except those private sanitary sewers referred to in Section 10.7. All sanitary sewers shall be installed in a dedicated public right of way and easement except those covered in Section 10.6.

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### **10.9 Minimum Sanitary Sewer Size**

All sanitary sewers, except sanitary sewer service connections, shall not be less than 8" in diameter. Any sanitary sewer service connection 6" in diameter or greater shall be connected to a public sanitary sewer by means of a manhole, unless authorized by the District's Engineering Department.

### **10.10 District Engineering Requirements**

All private sanitary sewer systems to be assumed by the District and any expansions of the POTW shall be designed and constructed in accordance with the latest edition of the District's standard specifications and details. Refer to the District's Developer Manual for specific guidelines in developing and submitting a plan package for review and approval by the District and eventual submittal to the applicable permitting agencies.

### **10.11 Gravity Flow Requirement**

The principle requiring gravity sanitary sewer systems to connect to District sanitary sewers shall be followed, if possible, even if it results in the installation of additional sanitary sewer, to reach the POTW. This practice shall be followed in lieu of installing a pumping station where design and construction of a gravity sanitary sewer is feasible and can meet minimum design standards.

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**SECTION 11**  
**HOLDING TANK WASTE**

**11.1 Applicability**

The District accepts holding tank waste as defined in 1.2.29, originating from within Spartanburg County from operators licensed by SCDHEC and approved by the District. Licensed operators and the District shall keep records concerning each tank load to indicate origin, type, and volume of waste. Other trucked or hauled wastewater is covered in Section 3.4.

**11.2 Location and Schedule for Accepting Holding Tank Waste**

The facility operating schedule for accepting holding tank waste shall be published and distributed by the District to those operators licensed to discharge to the POTW.

**11.3 Wastewater Acceptable for Discharge from Licensed Operators**

Holding tank waste shall be accepted only from:

- (1) septic tanks used to treat wastewater of domestic origin from human sources (those generated from normal human activities); and
- (2) grease traps containing oil or grease of animal and vegetable origin from restaurants, hotels, or any other source that prepares food for retail sales for direct human consumption on the premises. Only grease in a liquid form such that it can pass through a one-inch mesh screen shall be accepted. All grease trap loads must have complete and proper documentation available upon request in order to receive approval to discharge at a District owned facility.

**11.4 Wastewater Not Acceptable for Discharge from Licensed Operators**

No petroleum oils or greases, sediment trap waste, industrial food processing waste, industrial grease, industrial wastewater treatment plant or lagoon sludge, toxic waste, cloth waste, or any other wastewater not in compliance with these Rules and Regulations shall be accepted.

**11.5 Documentation Requirements**

It is the responsibility of the licensed operators to verify the origin of the waste, and maintain, any and all documentation required by all regulatory agencies. Licensed operator must be able to provide accurate documentation at the time of discharge at District's facilities.

**11.6 Charges**

Charges for holding tank waste shall be based on the most current rates adopted by the Commission. Failure on the part of the licensed operator to pay the charges by the first of each month shall be sufficient reason to suspend the operator's license to discharge holding tank waste into the POTW. The District shall accept holding tank waste only from licensed operators, and the capacity of any holding tank waste truck shall not exceed 2,500 gallons.



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### **11.7 Rebate of Charges for Treatment of Waste Originating from Septic Tanks**

The District shall rebate the holding tank waste charge to property owners living within the District's boundaries if the property owner's septic tank contents are disposed by a licensed operator at a wastewater treatment plant approved by the District, whether that wastewater treatment plant is located inside or outside the District. The licensed operator shall provide written documentation identifying to the District the owner and location of all waste originating from septic tanks located within the District's boundaries and disposed of at wastewater treatment plants approved by the District. The District shall then notify those owners of their rebate eligibility and provide a certification form to be completed and returned. Upon receipt and validation of the certification form, the District shall issue the rebate. Only one rebate per address or location will be issued in any calendar year.

### **11.8 Industrial/Commercial Site Septic Tanks**

All Industrial/Commercial site septic tanks that require pumping must receive approval from the Industrial Pretreatment Program prior to pumping the site if the wastewater is to be delivered to a District's reclaimed water treatment facility. The District may require testing of the wastewater prior to issuing this approval.

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## SECTION 12

### PENALTIES AND ENFORCEMENT

The remedies provided in this section are not exclusive. The District reserves the right to take any other action, either more or less stringent, that the District determines to be appropriate against any user or person for any violation of any provision of these Rules and Regulations, federal, state and local requirements, wastewater discharge permit, general permit, discharge authorization, or orders or directives issued. Further, the District is empowered to take more than one enforcement action concurrently against any user who is in noncompliance.

#### 12.1 Criminal Penalties

Any person who willfully or negligently violates any provision of these Rules and Regulations, a wastewater discharge permit, discharge authorization, general permit order or directive, shall upon conviction be deemed guilty of a misdemeanor and punished by a fine not exceeding \$100.00 or imprisoned for a period not exceeding thirty (30) days. Violations of pretreatment standards or requirements for discharge into the POTW shall be counted as separate violations for each parameter whose discharge limits or permit condition is exceeded. Upon written notice to a person committing such violation, each day after receipt of such notice that the violation is continued shall constitute a separate offense.

Any person who willfully or negligently introduces any substance into the POTW that causes personal injury or property damage shall upon conviction be guilty of a misdemeanor and punished by a fine not exceeding \$100.00 or imprisoned for a period not exceeding thirty (30) days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under applicable law.

#### 12.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to these Rules and Regulations or their wastewater discharge permit or discharge authorization, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the District, may be subject to penalties as outlined in Section 12.1.

#### 12.3 Civil Penalties

Any person violating any provisions of these Rules and Regulations shall be subject to a civil penalty up to Two Thousand Dollars (\$2,000) per day for each violation. For purposes of penalty assessment, each day on which a given violation occurs or continues shall be deemed a separate and distinct offense. In the case of discharge limits with required monitoring less frequent than daily, the civil penalty may be assessed for each day during the period of violation. Civil penalties assessed under this Section shall be in addition to any criminal penalties or any other penalties and remedies. All penalties assessed under the provisions of this Section shall constitute a debt payable to the District and shall constitute a lien against the property of the person against whom the penalties are assessed.

The District shall issue all civil penalties in a letter of violation or in an administrative order or similar directive that states, at minimum:

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- (1) the amount of civil penalty;
  - (2) the violation(s) for which the civil penalty is being assessed; and
  - (3) the date upon which the civil penalty shall be paid in full.

On or before the compliance date specified in the letter, order or directive, the user against whom the penalty has been assessed shall either pay the penalty in full or make a written request for an informal conference with the District to attempt to negotiate a settlement agreement.

If the user against whom the penalty has been assessed fails to pay the penalty in full or to make a written request for an informal conference to negotiate a settlement agreement on or before the compliance date specified in the administrative order, the District shall issue to the user a show cause order specifying the violations and requiring the user to appear at an adjudicatory hearing and show cause why further enforcement actions should not be taken against the user. If an informal conference is scheduled and the user fails to appear at the informal conference at the time and date specified for the conference, or if an informal conference is conducted and the user and the District cannot negotiate a settlement agreement at the informal conference, then the District shall issue to the user a show cause order specifying the violations and requiring the user to appear at an adjudicatory hearing and show cause why the civil penalty should not be imposed.

An adjudicatory hearing on the show cause order shall be held before the Commission or a hearing officer appointed by the Commission. All appeals from the final decision of the Commission under the provisions of this Section shall be heard in the Court of Common Pleas in Spartanburg County. All appeals from the final decision of the Commission under the provisions of this Section shall be filed within thirty calendar days of the final decision of the Commission.

The District may recover reasonable consultants', professionals' and attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

In determining the amount of civil liability, the District shall consider all relevant information, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

#### **12.4 Adjudicatory Hearing**

When an administrative order includes a requirement to show cause, or when a party contests the terms of an administrative order, an adjudicatory hearing shall be held before the Commission or a hearing officer appointed by the Commission. Written notice of the date, time, and location of the hearing shall be given to the parties of the administrative order no less than fourteen calendar days prior to the date thereof. No other person, other than the hearing officer and parties to the administrative order (including counsel), shall be permitted to participate in the hearing unless expressly permitted by the Commission.

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If a person fails to appear at a hearing, or fails to comply with an order of the District or hearing officer, the District may:

- (1) find that the allegations of the administrative order or the issues set out in the administrative order or requirement to show cause are true and deemed to be proved without further proof;
- (2) affirm the action of the District;
- (3) exclude evidence not already before the Commission;
- (4) issue a compliance order; or
- (5) refer the matter to civil litigation or criminal prosecution.

Each party shall secure the attendance of any permitted witnesses and for the production of such evidence at the hearing as the party desires to tender. No discovery shall be allowed as a matter of course, provided that any party may file a written request with the Commission seeking the issuance of an order requiring the other party to admit to the truth of one or more matters.

A party shall have all evidence to be presented, both oral and written, available on the date of the hearing. The party shall be responsible for presenting credible evidence of such quality and scope as is sufficient to persuade the Commission that the party is entitled to the relief which is sought. If a person fails to present such evidence, then the Commission shall affirm the action of the District.

In considering the admissibility of evidence, the Commission is not bound to follow the standards required of judicial bodies nor of administrative law judges under the Administrative Procedures Act. The Commission or designee may admit such evidence that has probative value. Irrelevant, incompetent and immaterial or unduly repetitious evidence may be excluded.

All evidence to be considered in the hearing, including all records and documents or a true and accurate photocopy, shall be offered and made a part of the record of the hearing.

Requests for a continuance of a hearing may be granted by the Commission upon showing of good cause. A request for a continuance of a hearing shall be made in writing to the Commission. In determining whether good cause exists, due regard shall be given to the ability of the party requesting a continuance to proceed effectively without a continuance.

During a hearing, if it appears in the interest of justice that further testimony should be received and sufficient time does not remain to conclude the testimony, then the Commission may continue the hearing to a future date for which oral notice on the record is sufficient.

A continuance shall not be granted when to do so would prevent the hearing from being concluded and a decision issued within ninety calendar days after the date on which the adjudicatory hearing commences, unless both parties consent to the continuance.

A party need not be represented by an attorney. If a party has notified the other party of that party's representation by an attorney, all communications to that party shall be directed to that attorney.

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Prior to issuing an order or decision, the Commission may ask any party to submit a proposed order or decision which may include proposed findings of fact and conclusions of law.

Upon conclusion of the hearing, the Commission shall declare the record of the hearing closed. No further documents, affidavits, nor testimony shall be considered, provided that the Commission may, at its sole discretion, permit any party to file additional written arguments. The Commission shall issue a written decision as soon as practicable after the close of the record, but no later than ninety calendar days after the date on which the adjudicatory hearing commences, unless all parties consent to a reasonable extension of such time. The written decision of the Commission shall be a trial decision appealable to the Court of Common Pleas for Spartanburg County.

## **12.5 Administrative Orders**

### **12.5.1 Compliance Orders**

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

### **12.5.2 Cease and Desist Orders**

When the District finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, a discharge authorization, a general permit, or order or directive issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the District may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) immediately comply with all pretreatment standards and requirements; and
- (2) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

Cease and desist orders also may contain other items or requirements to address the noncompliance, including penalties, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW. A cease and desist order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a cease and desist order relieve the user of liability for any violation,

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including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

### **12.5.3 Show Cause Orders**

When the District finds that a user continues to violate any provision of these Rules and Regulations, a wastewater discharge permit, a discharge authorization, a general permit, or order or directive issued hereunder, or any other pretreatment standard or requirement, the District may issue an order to the user responsible for the discharge to show cause why the enforcement response against that user should not be escalated. The user shall, at a time and location designated in the show cause order, appear at an adjudicatory hearing and provide evidence to a hearing officer designated by the Commission. If the user fails to comply with a show cause order, fails to comply with the orders of the hearing officer, or should an impasse be reached between the District and the user in negotiating a consent order, then the District may follow up the adjudicatory hearing by issuing a compliance order, including a compliance schedule, imposing civil penalties, or referring the case for civil litigation or criminal prosecution. Issuance of a show cause order shall not be a bar against, or a prerequisite for, taking any other action against the user.

### **12.5.4 Emergency Suspensions**

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

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

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

### **12.5.5 Termination of Discharge**

The District may order termination of the discharge of any user based on the provisions specified in Section 6 and Section 9.2.4. A user subject to termination under the provisions of Section 9.2.4 shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the user.

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## **12.6 Consent Orders and Agreements**

The District may enter into consent orders, assurances of compliance, schedules of compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as administrative orders and shall be judicially enforceable. The District will typically request an informal conference to meet with the industrial user prior to the issuance of a consent order/agreement for the purpose of the development of compliance scheduled milestone(s) and action(s) to be included within the order/agreement and to insure consent on these items by all parties.

## **12.7 Injunctive Relief**

When the District finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, a discharge authorization, a general permit, or order or directive issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Court of Common Pleas for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, the discharge authorization, the general permit, order, directive, or other requirement imposed on activities of the user. The District may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.