

## Chapter 10

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## **Article I General Provisions**

### **Sec. 10.1 Purpose and Policy**

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

The objectives of this ordinance are:

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

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

### **Sec. 10.2. Definitions**

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

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

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

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

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

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

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

*Categorical Standards.* National Categorical Pretreatment Standards or Pretreatment Standard.

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

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

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

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

*Director of Utilities.* Same as superintendent.

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

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

said agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Pollutant.* Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial municipal, and agricultural waste discharge into water.

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

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

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

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

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

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

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

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

*Sewer.* A pipe or conduit for carrying sewage.

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

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

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

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

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

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

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

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

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

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

g. Failure to accurately report noncompliance;

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

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

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

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

*State.* State of South Carolina.

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

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

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

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

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

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

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

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

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

system.

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

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

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

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

### **Sec. 10.3. Abbreviations**

The following abbreviations shall have the designated meanings:

*BOD* Biochemical oxygen demand.

*CFR* Code of federal regulations.

*COD* Chemical oxygen demand.

*DHEC* Department of Health and Environmental Control.

*EPA* Environmental Protection Agency.

*l* Liter

*mg/l* Milligrams per liter.

*NPDES* National Pollutant Discharge Elimination System.

*POTW* Publicly owned treatment works.

*SIC* Standard industrial classification.

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

*USC* United States Code.

*TSS* total suspended solids.

#### **Sec. 10.4 Tampering with or Unlawful Connections to System**

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

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

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

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

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

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

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

#### **Sec. 10.7 Separate Taps**

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

#### **Sec. 10.8 Tampering with System**

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

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

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

## Article II, Regulations

### Sec. 10.10 Use of Public Sewers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Sec. 10.11 Sanitary Sewer Extensions**

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

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

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

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

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

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

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

#### **Sec. 10.12 Building Sewers and Connections**

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

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

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

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

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

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

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

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

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

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

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

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

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

10.12.7. The size, slope, alignment, materials of construction of a building sewer and the methods to be

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

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

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

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

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

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

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

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

### **Sec. 10.13 Cross Connection Control**

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

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

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

### **Sec. 10.14 Unlawful Acts**

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

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

### **Sec. 10.15 Authority**

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

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

### **Sec. 10.16 Purpose**

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

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

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

### **Sec. 10.17 Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Sec. 10.18 Administration**

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

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

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

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

## Sec. 10.19 Requirements

### a. New Construction

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

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

### b. Existing Premises (Facilities)

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

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

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

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

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

## **Sec. 10.20 Hazard, High, and Low**

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

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

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

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

## **Sec. 10.21. Testing Requirements**

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

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

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

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

## **Sec. 10.22 Records**

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

## **Sec. 10.23 Enforcement Response**

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

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

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

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

## **Sec. 10.24 Grease, Oil, and Sand Interceptors**

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

### **10.24.1 Surcharge**

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

## **Sec. 10.25 Control Manholes**

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

### **Sec. 10.26 Measurements, Tests and Analyses**

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

### **Sec. 10.27 Federal Categorical Pretreatment Standards**

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

### **Sec. 10.28 Specific Pollutants Limitations**

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

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

### **Sec. 10.29 Pretreatment of Flow-Control Facilities**

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

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

### **Sec. 10.30 Town's Right to Entry**

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

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

### **Sec. 10.31 Accidental Discharges**

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

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

### **Sec. 10.32 State Requirements**

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

### **Sec. 10.33 Town's Right of Revision**

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

### **Sec. 10.34 Excessive Discharge**

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

### **Sec. 10.35 Twenty-Four Hour Notification**

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

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

## **Article III, Fees**

### **Sec. 10.36 Purpose**

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

### **Sec. 10.37 User Charges**

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

a. The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the system.

b. Each user shall pay its proportionate cost based on volume of flow.

c. The Town shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the system and will make recommendations to the town council for adjustments in the schedule of charges and fees as necessary.

d. Charges for flow to the system not directly attributable to the users shall be distributed among all users of the system based upon the volume of flow of the users.

### **Sec. 10.38 Excess Treatment Penalties**

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

### **Sec. 10.39 Surcharges**

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

a. The volume of flow used in determining the total discharge for wastewater for payment of user charges and surcharges shall be based on the following.

1. Metered water consumption as shown in the records of meter readings maintained by the Town; or
2. If required by the Town or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and

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

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

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

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

#### **Sec. 10.40 Pretreatment Program Administration Charges**

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

## **Article IV, Industrial Discharges**

### **Sec. 10.41 Wastewater Dischargers**

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

### **Sec. 10.42 Reporting Requirements**

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

10.42.2. Periodic Compliance Reports:

a. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, in the case of a new source, after commencement of the discharge into the system, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycle, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

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

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

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

#### 10.42.3 Records

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

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

### **Sec. 10.43 Monitoring Equipment**

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

The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the town council may allow such facility to be constructed in the public street or sidewalk area, with approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

When more than one user can discharge into a common sewer, the town council may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents characteristics produced by different operations of a single user, the town council may require that separate monitoring facilities be installed for each separate discharge.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the town council's requirements and all applicable construction standards and specifications.

### **Sec. 10.44 Basis for Compliance Determination, Analysis and Sampling**

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

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

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

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

#### **Sec. 10.45 Wastewater Discharge Permits**

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

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

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

10.45.2 Significant Industrial User Permit Application:

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

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

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

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

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

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

The following conditions shall apply to this schedule:

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

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

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

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

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

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

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

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

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

10.45.3. Permit Modifications

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

10.45.4. Permit Conditions

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

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

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

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

10.45.5. Permit Duration

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

10.45.6. Permit Transfer

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

**Sec. 10.46 Inspection and Sampling**

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

**Sec. 10.47 Pretreatment**

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

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

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

#### **Sec. 10.48 Confidential Information**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically request and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

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

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

## **Article V, Enforcement**

### **Sec. 10.49 Notification of Violation**

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

### **Sec. 10.50 Consent Orders**

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

### **Sec. 10.51 Compliance Order**

When the superintendent finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge, directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

### **Sec. 10.52 Cease and Desist Orders**

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

### **Sec. 10.53 Administrative Fines**

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

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

### **Sec. 10.54 Emergency Suspensions**

The Town requires the industry to notify both the Town and SCDHEC immediately if such a situation is present or imminent. The Town may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the system or causes the Town to violate any condition of its NPDES Permit.

Any person notified of suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individual. The Town shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, and upon payment of any costs associated with re-connection of the service.

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

### **Sec. 10.55 Show Cause Hearing**

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

- 10.55.3. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- 10.55.4. After the town council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed on existing treatment facilities, and the devices or other related appurtenance are being properly operated. Further orders and directives as are necessary and appropriate may be issued.

### **Sec. 10.56 Legal Action**

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

### **Sec. 10.57 Emergency Suspensions**

The system director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons of the environment, interferes with the system or causes the system to violate any condition of its NPDES permit.

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

### **Sec. 10.58 Termination of Permit**

Significant industrial users proposing to discharge into the POTW, must first obtain a waste water discharge permit from the control authority. Any user who violates the following conditions of this ordinance or a wastewater discharge permit or order, or any applicable state and/or federal law, is subject to permit termination:

- a) Violation of permit conditions;
- b) failure to accurately report the wastewater constituents and characteristics of its discharge;

c) failure to report significant changes in operations or wastewater constituents and characteristics;  
d) refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;

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

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

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

## **Article VI, Publication**

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

## **Article VII, Penalty: Costs**

### **Sec. 10.59 Civil Penalties**

Any user who is found to have violated an order of the town council or who willfully or negligently failed to comply with any regulations and permits issued hereunder, shall be fined not less than \$100 or more than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance of the orders, rules, regulations, and permits issued hereunder.

### **Sec. 10.60 Falsifying Information**

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

### **Sec. 10.61 Other Remedies**

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

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

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

### **Sec. 10.62 Upset Provision**

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

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

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

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

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

### **Article VIII, Severability**

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

### **Article IX, Conflict**

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

### **Article X, Effective Date**

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

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

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

**Exhibit A**

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

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

*The Nomenclature of the  
Pretreatment Ordinance  
Has Been Retained*