

**GREER COMMISSION OF PUBLIC WORKS
SEWER USE AND PRETREATMENT RESOLUTION**

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CITY OF GREER

ORDINANCE NO. _____

TO PROVIDE FOR SEWER USE, WASTEWATER DISPOSAL, DISCHARGE LIMITS
AND PROHIBITIONS, PRETREATMENT REQUIREMENTS, REVENUE PERMITS
AND REPORTING, SAMPLING, MONITORING AND ENFORCEMENT.

SEWER USE AND PRETREATMENT ORDINANCE

ARTICLE 29-2

SECTION 1 – INTRODUCTION

Section 1.1 – Purpose and Policy

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and subsequent amendments, including the Water Quality Act of 1987 (P.L. 100-4) together with the South Carolina Pollution Control Act and other State and Federal regulations have resulted in an unprecedented program dedicated to cleaning and safeguarding the Nation's waters. To comply with these requirements, the City of Greer Commission of Public Works (CPW) has made and will continue to make substantial progress in controlling water pollution through the operation of its wastewater treatment facilities.

This Ordinance sets forth uniform requirements for discharges to the POTW and enables the CPW to comply with all applicable State and Federal laws and the Pretreatment Regulations (40 CFR Part 403). The objectives of this Ordinance are (1) To prevent discharges to the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge; (2) To prevent discharges to the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere; (3) To improve the opportunity to recycle and reclaim wastewaters and sludges; (4) To protect CPW personnel and the general public; (5) To promote economic growth including residential and industrial development; and (6) To provide for equitable distribution of the cost of the wastewater disposal system. This Ordinance provides for the regulation of discharges to the POTW through the issuance of permits, authorizes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of expenditures. This Ordinance shall apply to the CPW and to persons who are, by permit or agreement with the CPW, users of the POTW. Except as otherwise provided herein, the General Manager of CPW shall administer the provisions of this Ordinance.

Section 1.2 – Definitions

Unless the context indicates otherwise, the terms and phrases used in this Ordinance shall have the following meanings:

Act or CWA shall mean the Federal Water Pollution Control Act and amendments. (33 U.S.C. §1251 et seq.)

Authorized Representative of Industrial User shall mean: (1) A responsible corporate officer as defined in 40 CFR 403.12, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or (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 discharge originates, if authority to sign documents has been assigned or delegated to that individual in accordance with corporate procedures.

Billable Biochemical Oxygen Demand shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 200 mg/l or as otherwise specified in Attachment B.

Billable Flow shall mean recorded water usage as determined by the appropriate water utility, plus measured water from wells and other sources, times the CPW approved percentage factor for wastewater entering the wastewater disposal system. Alternatively, Industrial Users may have their billable flow determined by continuously measuring their discharge in a manner approved by the CPW.

Billable Total Kjeldahl Nitrogen shall mean the discharge in pounds of TKN calculated using the billable flow and concentration of TKN in the wastewater in excess of 20 mg/l or as otherwise specified in Attachment B.

Billable Total Suspended Solids shall mean the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 200 mg/l or as otherwise specified in Attachment B.

Billable Total Phosphorus shall mean the discharge in pounds of total phosphorus calculated using the billable flow and concentration of total phosphorus in wastewater in excess of 10 mg/l or as otherwise specified in Attachment B, if any.

Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees centigrade.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five feet outside the building wall.

Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.

Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste using methods as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

City shall mean the City of Greer.

CPW shall mean the City of Greer Commission of Public Works.

Cooling Water shall mean the water used for air conditioning, refrigeration, or other cooling applications.

CWA (Clean Water Act) shall mean the Federal Water Pollution Control Act and amendments, (33 U.S.C. §1251 *et seq.*)

Direct Discharge shall mean the discharge of wastewater directly to the waters of the State.

Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement under this Ordinance as set forth in Attachment C.

Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of the EPA.

Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

Garbage shall mean the animal or vegetable wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce.

General Manager shall mean the person designated by the CPW to manage the activities and responsibilities of the CPW, or his duly authorized representative.

Headworks Loading Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in accordance with DHEC and EPA regulations.

Holding Tanks Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Indirect Discharge shall mean the discharge of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act to the POTW.

Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 403 of the Act.

Infiltration shall mean the extraneous groundwater entering the wastewater disposal system through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

Inflow shall mean the surface water entering the wastewater disposal system from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains ; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage.

Interference shall mean the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW's NPDES Permit. The term includes prevention of sewage sludge use of disposal by the POTW in accordance with 405 of the Act, or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substance 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 POTW.

Local Limitation shall mean a more stringent local standard imposed by DHEC or the CPW.

Low Volume Discharger shall mean any Industrial User of the POTW who (1) is not subject to National Categorical Pretreatment Standards; (2) discharges an average of less than 25,000 gallons per day of process wastewater to the POTW; (3) discharges less than 5% of any design or treatment capacity of the POTW; (4) is not found by Greer CPW, SCDHEC, or EPA to have a reasonable potential for adversely affecting, either singly or in combination with other discharges, on the wastewater disposal system, the quality of sludge, the system's effluent quality, the receiving stream, or air emissions generated by the system under current flow and wastewater characteristics, (5) has a reasonable potential to become a Significant Industrial User with an increase in process wastewater flow, changes in the wastewater characteristics, or changes in Local, State, or Federal regulations.

Medical Waste shall mean isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of Industrial Users.

National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean a permit issued for discharge to the waters of the United States.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other surface water or groundwater.

New Source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed National Categorical Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source, if such standard is thereafter promulgated in accordance with that Section, with the provisions stipulated in 40 CFR 403.3 (k).

Operations and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, reviewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to assure adequate

wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

Pass Through shall mean a discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the CPW's NPDES permit (including an increase in the magnitude or duration of a violation).

PCA shall mean the State Pollution Control Act.

Person shall mean any individual, partnership, co-partnership, firm, company, 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 feminine, the singular shall include the plural where indicated by context.

pH shall mean the term used to express the intensity of the acid or base condition of a solution as determined; by methods approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, commercial, agricultural waste, or other pollutant, including the characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor) as may be defined by EPA or DHEC Regulations, discharged into water.

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

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

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.

Private Sewer shall mean a sewer which is not owned by CPW.

Public Sewer shall mean a sewer which is owned and controlled by the CPW and is separate from and does not include sewers owned by other governmental units.

Publicly Owned Treatment Works (POTW) shall mean treatment works as defined by Section 212 of the ACT, which is owned by the CPW. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, storm sewers or other conveyances not connected to a facility providing treatment.

Qualified Laboratory shall mean laboratories currently certified by the State to perform wastewater analyses.

Sanitary Sewer shall mean a sewer which carries wastewater.

Shall is mandatory and requires compliance: **May** is permissive.

Significant Industrial User shall mean any Industrial User of the POTW who (1) is subjected to National Categorical Pretreatment Standards; (2) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; (3) discharges more than five percent or more of any design or treatment capacity of the POTW; or (4) is found by the CPW, DHEC, or EPA to have a reasonable potential for adversely affecting, either singly or in combination with other discharges, on the wastewater disposal system, the quality of sludge, the system's effluent quality, the receiving stream, or air emissions generated by the system.

Significant Noncompliance shall mean a violation of discharged limitations that meets one or more of the following criteria or a violation of compliance schedule milestones or reporting requirements. These include chronic violations in which sixty-six percent or more of all the measurements taken during a six-month period exceed by any magnitude the daily maximum or average limit for the same pollutant; or technical review criteria (TRC) violations in which thirty-three percent or more of all the measurements taken during a six-month period for the same pollutant equal or exceed the product of the daily maximum limit or average limit multiplied by the applicable TRC (TRC= 1.4 for BOD, COD, TSS, fats, oils, and grease; and TRC = 1.2 for all other pollutants except pH; TRC violation for pH is when any measurement is less than 5.0 units unless other limits are approved by the General Manager). Significant noncompliance shall also mean a violation of a limit (daily maximum or average) that the General Manager determines has caused, alone or in combination with other discharges, interfaces or pass through; which involves a failure to comply with compliance schedule milestones contained in permits, consent agreements, or administrative orders; which involves a failure to accurately report non-compliance; which has caused imminent endangerment to human health or welfare or to the environment; which involves a failure to comply with 30 days after the due date with the reporting requirements in discharge permits or this Ordinance and applicable regulations; which resulted in the CPW exercising its emergency authority; or which the General Manager determines adversely affects the operation of the POTW.

Slug Load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4.1 **Prohibited Discharges** of this Ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Standard Industrial Classification (SIC) Code shall mean a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Standard Methods – shall mean the laboratory procedures set forth in the latest edition of Standards Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association,

and Water Pollution Control Federation or any other procedures recognized by the DHEC and EPA.

State shall mean the State of South Carolina.

Storm Sewer shall mean a sewer that carries only storm water, surface runoff, street wash, and drainage, and to which wastewater is not intentionally admitted.

Storm Water shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR, Part 136, or equivalent methods approved by EPA, and referenced as non-filterable residue.

Total Ammonia Nitrogen shall mean the sum of inorganic nitrogen content of a wastewater as determined by methods approved by 40 CFR Part 136, or equivalent methods approved by EPA.

Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as determined by methods approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of a wastewater as determined by methods approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Toxic Pollutant or Substances shall mean any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307 (33 U.S.C. 1317) of the Act, or other acts.

Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water quality standards if such water were discharged to waters of the State.

User shall mean any person who directly or indirectly discharges, causes or permits the discharge of wastewater to the POTW.

User Charge System shall mean the system of charges levied on users for the operation and maintenance costs of the wastewater disposal system by CPW.

Wastewater shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration/inflow.

- (1) **Sanitary Wastewater** shall mean the combination of liquid and water carried wastes discharged from toilet and sanitary plumbing facilities.
- (2) **Industrial Wastewater** shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and cooling water

Wastewater Disposal System shall mean the land, structures, equipment and processes owned and controlled by the CPW (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of the effluent and accumulated residual solids.

Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, 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.

Section 1.3 – Abbreviations

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CPW	Commission of Public Works
CWA	Clean Water Act
DHEC	Department of Health and Environmental Control of the State of South Carolina
EPA	Environmental Protection Agency
Gpd	Gallons Per Day
mg/l	Milligrams Per Liter
NPDES	National Pollutant Discharge Elimination System
PCA	State Pollution Control Act
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
USC	United States Code

SECTION 2 – USE OF PUBLIC SEWERS

Section 2.1 – Permits Required

Prior to connection to the Wastewater Disposal System, the applicant shall obtain approval from CPW. Application shall be made in writing on forms provided by the CPW. All new industries discharging industrial wastewater shall complete the application and obtain approval to connect

and use the sewer facilities, regardless of the amount of discharge. All currently permitted industrial users shall apply for renewal of their permit by completing an industrial discharge application and submitting it to the General Manager at least 180 days prior to expiration of the current permit. The industrial discharge application shall be as provided by the General Manager. This application shall be obtained from the CPW. Facilities to be deeded to and accepted by the CPW shall be completed, construction requirements for engineering standards or regulations met, and be inspected and approved by the CPW, City or County Codes Department, and DHEC. New Industrial Users shall also complete an industrial discharge application provided by the General Manager.

Section 2.2 – Responsibility for Costs

All costs and expense incident to the installation and connection of building sewers shall be borne by the Owner.

Section 2.3 – Use of Public Sewers Required

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property in areas under the jurisdiction of the CPW any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural outlet in areas under the jurisdiction of the CPW any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with regulations of the DHEC. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tanks, cesspool, or other facility intended or used for the disposal of wastewater. The Owner of any house, building or property used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, or within 300 feet of a public sewer at the expense of the owner shall install suitable toilet facilities and shall connect such facilities directly with the public sewer, within ninety days after date of official notice to do so. Under unusual or specific circumstances, the General Manager may waive this provision. No cesspool or septic tank effluent or overflow shall be discharged in any open drain, ditch, stream, or any well-penetrating water bearing formation.

Section 2.4 – Sewer Material

All sewers, including building sewers, to be connected with or to discharge to the wastewater disposal system constructed of one of the following:

- (1) Vitrified clay pipe complying with ASTM C200 and with compression type, flexible joint conforming to ASTM C425.
- (2) Ductile iron pipe with a mechanical or push-on joint as described in ANSI A21.11.
- (3) ABS (acrylonitrile-butadiene-styrene) pipe and fittings conforming to ASTM D2661.
- (4) PVS (polyvinyl chloride) pipe and fittings conforming to minimum requirements of ASTM D3034, heavy wall, joint quality to conform with ASTM C425.

- (5) Other materials specifically approved in writing by the General Manager.

Section 2.5 – Certain Connections Prohibited

- (1) Connections Not Allowed To Sewer

No person shall make any connection of roof downspouts, exterior foundation drains, area drains, or other sources of inflow, infiltration, or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.

- (2) Connections Not Allowed to Storm Sewers

The discharge of sanitary wastewater into a storm sewer under the jurisdiction of the CPW is prohibited.

Section 2.6 – Multiple Connections through One-Building Sewer

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 2.7 – Use of Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the CPW, to meet all requirements of this Ordinance.

Section 2.8 – Compliance with Other Regulations

The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing and backfilling shall all conform to the building code, plumbing code and all other regulations of the City or County. In cases of conflict and in absence of other provisions, materials and procedures set forth in ASCE-WPCF Manual of Practice no. 9 shall govern. All joints of the building sewer shall be tight and waterproof. One or two tests may be used: Infiltration shall not exceed 200 gallons/mile/inch/diameter/day, or the building sewer shall pass a low pressure air test as specified in ASTM C828. The General Manager reserves the right to determine which testing procedure shall be used for a given installation.

Section 2.9 – Connection of Building Sewer to Public Sewer

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means approved by the CPW and discharged to the building sewer. The connection of the building sewer into the public sewer shall conform to requirements of applicable building and plumbing codes and other applicable rules and regulations of the CPW. All such connections shall be made gastight and watertight. Any connection to a public sewer shall be made at an existing manhole where possible.

Any deviation from the prescribed procedures and materials must be approved by the General Manager before installation.

Section 2.10 – Supervision of Building Sewer Construction

The applicant for the building sewer permit shall notify the CPW when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the CPW. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the CPW. Construction shall comply with the provisions of PL 91-596, the Occupational Health and Safety Act of 1970.

Section 2.11- Special Interceptors

Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of General Manager, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the General Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner at his expense in continuously efficient operation at all times. In the maintaining of these interceptors, the Owner shall be responsible for the proper removal and disposal by means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the CPW, the State, the County, or the General Manager. Any removal and hauling of collected materials shall be performed according to applicable State, Federal, and Local regulations. **ALL FOOD SERVICE ESTABLISHMENTS MUST COMPLY WITH THE GREASE CONTROL STRATEGY CONTAINED IN ATTACHMENT D OF THIS ORDINANCE.**

Section 2.12 – General Guidance

CPW approval of plans and specifications for expansion or modification to treatment works shall be generally based on the Recommended Standards for Sewage Works (commonly referred to as “Ten States Standards”), and these Standards are recommended for use by any entity developing facilities for connection to the wastewater disposal system.

Section 2.13 – Connection Constitutes Consent

Connection to the CPW’s system by a user , whether or not they are located within the city limits of Greer, shall constitute consent and agreement by the user to be bound by and to abide with all of the CPW’s rules and regulations.

SECTION 3 – PRIVATE WASTEWATER DISPOSAL

Section 3.1 – Responsibility for Construction and Operation

Where a public sanitary sewer is not available according to the provisions of this Ordinance, building sewers shall be connected to private wastewater disposal systems subject to the requirements of the County or DHEC. Where the Owner desires the CPW to assume responsibility for the operation and maintenance of new treatment works, trunklines or lift stations, all such facilities shall be designed and constructed in accordance with the CPW's requirements and shall be subject to their review and approval and be in compliance with any applicable DHEC requirements. The CPW, subject to CPW policies, may assume responsibility for the operation and maintenance costs of treatment systems and lift stations upon such terms and conditions as it deems appropriate.

Section 3.2 – Requirements of Other Authorities

No requirements contained in this Section shall be construed to relieve the applicant of any additional requirements that may be imposed by other authorities having legal jurisdiction.

SECTION 4 – PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

Section 4.1 – Prohibited Discharges

It shall be unlawful for any person to discharge wastewater which causes a hazard to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass through or interference. These general prohibitions apply to all such users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State, or Local regulations or ordinances. When the General Manager determines that a User is discharging such wastewater, the General Manager shall advise the User of the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW. A user shall not discharge the following substances to the POTW:

- (1) Unpolluted waters such as infiltrations/inflow to any sanitary sewer, storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the General Manager. Uncontaminated cooling water may be discharged to the storm sewer under the jurisdiction of the CPW in accordance with applicable DHEC requirements.
- (2) 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 POTW or to the operation of the POTW. Wastewater shall not have a closed cup flashpoint of less than one hundred forty degrees Fahrenheit using test methods specified in 40 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, lubricating oil, and any other substances which the CPW, State, or EPA has notified the user is a fire hazard or a hazard to the system.
- (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure,

bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- (4) Wastewater having pH less than 5.0 units, unless other limits are approved by the General Manager, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- (5) Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW, or cause a violation of the POTW's NPDES permit.
- (6) Noxious liquids, gases, or solids which either singly or by interaction with other sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (7) Wastewater, liquid, or vapors having a temperature higher than one hundred fifty degrees Fahrenheit, or results in a temperature higher than one hundred four degrees Fahrenheit at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW and result in interference.
- (8) Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal and State regulations.
- (9) Wastewater which constitutes a slug discharge as defined herein.
- (10) Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW 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 use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (11) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interferences or pass-through.
- (12) Any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (13) Any trucked or hauled pollutants without prior written permission from the General Manager.

- (14) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the CPW's NPDES permit.
- (15) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the General Manager in a wastewater discharge permit.
- (17) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (18) Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations to cause excessive foaming in the POTW.

The CPW may establish limitations and requirements which are more stringent than those required by State or Federal regulations.

Section 4.2 – Conditionally Prohibited Discharges

Certain discharges may be prohibited in the event the General Manager determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, limbs, public property, or constitute a nuisance. The General Manager may revise the limitations established in this section if, in his opinion, different limitations are necessary to meet the above objectives. Wastewater as described below shall not be discharged to the POTW without the prior written approval of the General Manager.

- (1) Grease and Oils:
 - a. Wastewater containing more than 100 mg/l of Silica Gel Treated B-Hexane Extractable Material (SGT-HEM); Non-polar Material such as petroleum oil, cutting oils, coolants, or products of mineral oil origin.
 - b. Wastewater containing more than 200 mg/l of Polar Material including oil or grease of animal or vegetable origin. Analyses shall be performed in accordance with 40 CFR 136 – Guidelines Establishing Test Procedures for the analysis of Pollutants in the latest edition of 40 CFR. The difference between the N-Hexane Extractable Material (HEM) analysis and the SGT-HEM analysis will be considered Polar Material.
- (2) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the General Manager in compliance with applicable State or Federal regulations.
- (3) Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
- (4) Holding tank waste.

- (5) Wastewater with a pH less than 6.5 units or greater than 9.0 units.

Section 4.3 – National Categorical Pretreatment Standards or Local Limitations

Upon the promulgation of National Categorical Pretreatment Standards for an industrial subcategory, each National Categorical Pretreatment Standard, if more stringent than the corresponding limitation imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The General Manager shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12. CPW shall develop and set all limitations in accordance with applicable law and shall publish these limitations periodically. Compliance with categorical pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Specified pollutant limitation and compliance schedules shall be developed by the General Manager and made a part of the User's discharge permit. Compliance with National Categorical Pretreatment Standards or Local Limitations for new sources shall be required within ninety days of initiation of a discharge. These specific limits and definitions of duration and maximums shall be on file at CPW's office and available upon request. A current listing of the limitations developed and set by CPW is attached as Attachment "A" to this Ordinance. Future changes or additions to these limitations shall be developed, set and adopted by CPW and will be published by CPW, and when adopted by CPW be automatically incorporated into Attachment "A".

Section 4.4 – Limitations on Wastewater Strength and Flow Rate

No person shall discharge wastewater in excess of the concentration or mass limit set forth in National Categorical Pretreatment Standards or Local Limitations or their wastewater discharge permit. The General Manager shall establish permit limitations on a case-by-case basis in accordance with DHEC and EPA regulations and an approved headworks analysis. Where appropriate and allowed by applicable regulations, the General Manager may impose mass limitations on a discharge.

Section 4.5 – Revision of Limitations

The General Manager may impose limitations more stringent than the National Categorical Pretreatment Standards in wastewater discharge permits where it is necessary to comply with the objectives of this Ordinance.

Section 4.6 – Dilution Prohibition

Except where authorized by an applicable pretreatment standard, no user shall deliberately dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations developed by the CPW or State. This provision may be waived for National Categorical Pretreatment Standards or Local Limitations only if the standard or requirements specifically allow dilution and the General Manager determines the discharge would otherwise comply with the provisions of this Ordinance.

Section 4.7 – Accidental Discharge/Slug Control Plans

The General Manager may require an Industrial User to develop and implement an accidental discharge/slug control plan. Users 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 expense of the Owner. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the General Manager for review, and shall be approved before construction of the facility. No person who commences discharge to the POTW after the effective date of this Ordinance shall be permitted to discharge until accidental discharge procedures have been approved by the General Manager. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge or a slug load, it is the responsibility of the User to immediately notify the General Manager of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge or slug load, the User shall submit to the General Manager a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater disposal 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 Ordinance or other applicable law.

The accidental discharge/slug control plan when required shall be submitted to the General Manager containing at a minimum the following:

- a. Description of discharge practices, including non-routine batch discharges.
- b. Description of stored chemicals.
- c. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structure or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The General Manager at least once every two (2) years shall evaluate whether each Significant Industrial User needs such a plan.

Section 4.8 – Upset Provision, an Affirmative Defense

(1) Definition

For the purposes of this section, “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) Effect of an Upset

An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph 3 are met.

(3) Conditions Necessary for Demonstrating Upset

Any User which experiences an upset in operations which places the user in a temporary state of noncompliance shall comply with the requirements of 40 CFR 403.16 if the user seeks to establish an affirmative defense of upset. The following information must be given to the General Manager within twenty-four (24) hours of becoming aware of the upset (if given orally, written submission must follow up within five (5) days:

- (a) Description of the upset, the cause thereof and the expected impact on the user’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; and
- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(4) User Responsibility in Case of Upset

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

Section 4.9 – Notice of Process Change/Interruption of Operation

Notice by the user shall be given to the General Manager in advance or at the earliest possible time when normal operations of the industry as identified by the industry in its permit application will be interrupted for forty-eight hours or longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter characteristics of the wastewater.

Section 4.10- Pretreatment

4.10.1 – Pretreatment Measures

Users shall provide pretreatment as required to comply with this Ordinance or discharge permit, and shall achieve compliance with this Ordinance and all pretreatment standards within the specified time limitations. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained as the expense of the Owner. A permit to construct pretreatment facilities shall be obtained from DHEC. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the General Manager for review. Submittal of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the General Manger under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the General Manager and approved or permitted by DHEC prior to the initiation of the changes.

4.10.2 Additional Pretreatment Measures

- a. Whenever deemed necessary, the General Manager may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and /or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this Ordinance.
- b. A Significant Industrial user may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a period determined by the General Manager. The facility shall be a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulations of which shall be directed by the General Manager. A wastewater discharge permit may be issued solely for flow equalization.
- c. Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall be not be required for residential users. All interception units shall be of type and capacity approved by the General Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the Owner at his expense. All food service establishments must comply with the Grease Control Strategy contained in Attachment D of this Ordinance.
- d. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 4.11- Bypass, Affirmative Defense

Any user which bypasses treatment facilities as defined in 40 CFR 403.17 shall comply with the requirements of that section and applicable State and Federal regulations. An Industrial User may allow a bypass to occur only when it does not cause National Categorical Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, if possible at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the General Manager within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The General Manager may take enforcement action against an Industrial User for a bypass, except where the user establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The Industrial User submitted notices as required in this section.

The General Manager may approve an anticipated bypass, after considering its adverse effects if the General Manager determines that it will meet the conditions listed in this section.

Section 4.12 – Recovery of Preventive Expenses

When any discharge in the opinion of the General Manager appears to be in violation of Section 4, Prohibitions and Limitations on Wastewater Discharges, to the extent that the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the CPW may act to take preventative action. All costs and expenses, losses and damages, including the reasonable value or cost of the use of CPW personnel and equipment caused or incurred by the implementation of preventative measures shall be charged to and paid by the discharger.

SECTION 5 – REVENUE SYSTEM

Section 5.1 – Fees and Charges

Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of this Ordinance. These charges shall be developed, set and adopted by the CPW no less frequently than biennially in accordance with the User Charge System policies of the CPW and applicable Federal and State statutes. Charges may be developed for the following purposes:

- (1) Industrial monitoring, inspections, and surveillance procedures;
- (2) Reviewing accidental discharge procedures and construction;
- (3) Reviewing permit applications;
- (4) Reviewing appeals;
- (5) Special industrial discharges;
- (6) Recovering capital related expenditures or retiring bonded indebtedness;
- (7) Other charges including User charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system.
- (8) Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs expended for the system and/or its expansion.

Current fees and charges of CPW are shown upon Attachment B. Future charges and fees as are set and developed by CPW will be published by the CPW and when adopted by CPW be automatically incorporated into an Attachment B.

SECTION 6 – DISCHARGE PERMITS AND REPORTING

Section 6.1 – Wastewater Discharge Permits

(1) Application Requirements

Any person desiring to discharge industrial wastewater shall complete an official application and file it with the CPW. Approval shall be evidenced by written notice from the General Manager. The person shall provide all data required by the current official application, copies of which shall be obtained from the General Manager. The General Manager shall evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the General Manager may grant permission to discharge subject to the terms and conditions provided herein. The General Manager may issue a permit with specific limitations different from those listed in this Ordinance if he determines that the discharge will otherwise comply with the remaining provisions in this Ordinance. All significant Industrial Users shall obtain a permit to discharge to the POTW. Authorized representatives of significant Industrial Users shall sign the permit application. Significant Industrial Users which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength, or characteristic shall submit a new application prior to making the change or alteration.

Applicable persons and Users shall complete and submit an application, accompanied by any application fee in the amount prescribed, including the following information.

- (a) Name, address, and location (if different from the address) of the facility, name of the operator and owner;
- (b) Applicable SIC number (s) and a list of any environmental control permits held by or for the facility.
- (c) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance;
- (d) Time and duration of discharge;
- (e) Average daily wastewater discharge rates, including daily, monthly and seasonal variations if any;
- (f) Schematic site, floor, mechanical and plumbing plans, with details to show all drains, sewers, sewer connections, and appurtenances by the size, location and (if available) elevation (these must show point of discharge to the POTW);
- (g) Description of activities, facilities and plant processes on the premises unless subject to the confidentiality provisions of Section 6.4;
- (h) Where known , the nature and concentration of any pollutants in the wastewater which are limited by any local limitations, or National Categorical Pretreatment Standards, a statement regarding whether or not the person is complying or will comply with National Categorical Pretreatment Standards on a consistent basis and, if not, whether additional pretreatment or operational modifications are all requested to comply with applicable limitations in National Categorical Pretreatment Standards or Local Limitations;
- (i) If additional pretreatment or operational modifications will be required to comply with limitations or National Categorical Pretreatment Standards or Local Limitations, the shortest schedule by which the person will comply;
- (j) Were required by the General Manager or to develop pretreatment standards; each product produced by type, amount, process or processes and rate of production;
- (k) Where required by the General Manager or to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
- (m) Any other information as may be deemed by the General Manager to be necessary to evaluate the permit application.
- (n) Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

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

submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The General Manager shall review the application, conduct an on-site inspection of the plant and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the permit. If the tentative determination is to issue the permit, the General Manager shall draft the permit in accordance with the Ordinance and State regulations. A synopsis of the application shall be prepared by the General Manager for submission to the applicant, the DHEC, and to the public upon request. The contents of such shall include a sketch or detailed description of the process if not in violation of Section 6.4 on confidentiality and pretreatment facilities including the location of all points of discharge to the POTW and all compliance monitoring points. This shall also include the rate or frequency of the proposed discharge, average daily flow, average daily discharge in pounds or any limited pollutant and any pollutant identified in the application as known or suspected present, and the basis for the pretreatment limitations including the documentation of any calculations in applying National Categorical Pretreatment Standards or Local Limitations, and all other information required by the State. The user shall have thirty days from the receipt of the draft permit to review and comment on the draft permit. The General Manager shall issue the final permit at the end of the comment period.

(2) Hearings

Any person whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to request an Adjudicatory Hearing under the procedures provided in Section 8 and the Enforcement Management Strategy, Attachment “C”, mutatis mutandis, except insofar as that procedure relates to appeals from the decision of the hearing examiner. After a determination is made by the hearing examiner in any case other than an enforcement proceeding, any party may apply to the Commission for a review of the determination of the hearing examiner prior to a final decision in the matter by the Commission. However, application must be submitted in writing within fifteen (15) days of receipt of the determination stating specifically the grounds of objection to such determination. The Commission may on its own motion take up the review of the review of the determination of the hearing examiner at a regularly scheduled Commission meeting. On the basis of the complete record of proceedings and testimony and evidence presented before the hearing examiner, his or her determination shall be affirmed, modified, or set aside by the Commission in a final decision on the matter.

The Commission will review the determination of the hearing examiner in the following manner:

- a. Briefs may be submitted to the Commission by the parties but are not required unless specifically requested by the Commission.
- b. All briefs shall be submitted to the Commission at least fifteen (15) days prior to the scheduled meeting with ten (10) separate copies. Briefs shall state specifically the grounds for affirmation, modification, or denial of the determination of the hearing examiner. Reply (9) briefs may be filed five (5) days before the Commission meeting.

- c. Oral arguments shall be limited in duration to not more than one (1) hour, or as otherwise provided by the Commission, from each party in the hearing, including intervening parties.
- d. A full and complete record shall be kept of all proceedings and reported and transcribed by a qualified reporter furnished by the Authority. A copy of the transcript may be requested by any interested party, who shall pay the cost of preparing such transcript.
- e. The Commission, at its discretion may require a reopening of the adjudicatory hearing before the hearing examiner for the taking of additional testimony upon all issues or particular issues prior to its final decision on the determination of the hearing examiner.
- f. The Commission will make its decision upon the record presented by the hearing examiner alone, unless the Commission determines it needs additional evidence during its consideration. In such event a proper opportunity for rebuttal by the party will be granted.

Any party aggrieved by a final decision of the Commission, other than in an enforcement case, may appeal such decision to the Court of Common Pleas in the county in which the Commission is located under the same guidelines applied to state agencies which are set forth in S.C. Code Ann. §1-23-380.

(3) Permit Modifications

Within nine months of the promulgation of a National Categorical Pretreatment Standard, or adoption of a Local Limitation, the permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, or Local Limitation, has not previously submitted an application for a permit, the User shall apply for a permit within 180 days after the promulgation of the Pretreatment Standard. In addition, the User with an existing permit shall submit to the CPW within 180 days after the promulgation of applicable standard information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary.

Other modifications of permits shall be subject to the same procedural requirements as the issuance of permits except the following changes may be made upon thirty (30) days notice:

- a. modifications of the monitoring program contained in the permit;
- b. changes in the ownership of the discharge when no other change in the permit is indicated;
- c. a single modification of any compliance schedule not in the excess of four months; or

- d. modification of compliance schedules in permits for new sources where the new source will not discharge until process or pretreatment facilities are operational.
- e. modifications incorporating new or revised federal, state or local pretreatment standards or regulations; or
- f. other modifications determined necessary by the General Manager under the Regulations.

(4) Permit Conditions

The General Manager shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Ordinance, State, and Federal Regulations. Such conditions shall include, but not limited to the following:

- a. a statement of duration (in no case more than five years);
- b. a statement of non-transferability;
- c. applicable effluent limits based on National Categorical Standards or Local Limitations;
- d. applicable monitoring and reporting requirements;
- e. notification requirements for slug discharges as defined by 40 CFR Part 403.5(b);
- f. a statement of applicable penalties for violation of permit conditions; and
- g. a compliance schedule that outlines dates and actions for obtaining compliance with final limitations or other pretreatment requirements.

(5) Permit Duration

Permits may be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the permit.

(6) Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be transferred or sold to a new owner, new user, different premises, or a new or changed operation. In such event a new

application shall be submitted with full information. This application will be expedited if the new owner or operator certifies (1) that there is no immediate intent to change the facility's operation and process, and (2) the date the new owner or operator shall take over, and (3) acknowledgement is made that the new owner or operator has full responsibility for complying with the existing wastewater discharge permit.

Section 6.2 – Reporting Requirements for Permittee

- (1) Within 180 days after the effective date of a National Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6 whichever is later, existing Significant Industrial Users subject to such National Categorical Pretreatment Standards, shall be required to submit to the General Manager a report which contains the information required in 40 CFR 403.12 and applicable State and Federal Regulations. At least ninety days prior to commencement of discharge, new sources and sources that become Significant Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall be required to submit to the General Manager a report which contains the information required in 40 CFR 403.12. The General Manager shall require appropriate reporting from those Significant Industrial Users not subject to National Categorical Pretreatment Standards. Reports required by this Ordinance shall be signed by an authorized representative of the Significant Industrial User.
- (2) Within ninety (90) days following the date for final compliance with applicable National Categorical Pretreatment Standards or, in the case of a new source, following commencement of the discharge of wastewater into the POTW, any User subject to National Categorical Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information required in 40 CFR 403.12.
- (3) Any User subject to a National Categorical Pretreatment Standard, after the compliance date of such National Categorical Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the General Manager quarterly unless required more frequently in the National Categorical Pretreatment Standard or by the General Manager, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such National Categorical Pretreatment Standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. At the discretion of the General Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the General Manager may agree to alter the months during which the above reports are to be submitted. The General Manager may impose mass limitations on Users which are using dilution to meet applicable National Categorical Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the required periodic reports shall indicate the mass of pollutants regulated by National Categorical Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the required periodic reports shall indicate the mass of

pollutants regulated by National Categorical Pretreatment Standards in the discharge of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the General Manager, of pollutants contained therein which are limited by the permit or applicable National Categorical Pretreatment Standard.

- (4) All Users shall notify the General Manager immediately of discharges that could cause problems, including any slug discharges.
- (5) Sampling and analysis may be performed by the CPW in lieu of the User. If done by the CPW, the User shall be charged such fees or charges as are established by the CPW. Where the CPW performs the required sampling and analysis in lieu of the User, the User shall not be required to submit the compliance certification required under 40 CFR 403.12(b) (6) and 403.12(d). In addition, where the CPW itself collects all the information required for the report, including flow data, the User shall not be required to submit the report.
- (6) If sampling performed by a User indicates a violation, the User shall notify the General Manager 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 CPW within thirty (30) days after becoming aware of the violation, except the User may not be required to resample if the CPW performs or requires sampling of the discharge at a frequency of at least once per month, or the CPW performs sampling between the time when the user performs its initial sampling and the time when the User receives the results of this sampling.
- (7) If a User subject to these reporting requirements monitors any pollutant at the location(s) designated in the discharge permit more frequently than required by the General Manager, the results of this monitoring shall be included in the report.
- (8) The General Manager shall require appropriate reporting from those Users with discharges that are not subject to National Categorical Pretreatment Standards. Significant Industrial Users shall submit to the General Manager at least once every six months (on dates specified by the General Manager) a description of the nature, concentration, and flow of the pollutants required to be reported by the General Manager. This sampling and analysis may be performed by the CPW in lieu of the Non-Categorical Significant Industrial User. Where the CPW itself collects all the information required for the report, the Significant Industrial User shall not be required to submit the report.
- (9) Significant Industrial Users shall promptly notify the General Manager in advance of any substantial change in the volume or character of pollutants in their discharge in excess of the amounts allowed in the discharge described in the application or the permit, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12. Significant Industrial Users shall notify the General Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge of a substance, which if otherwise disposed of, would be hazardous

waste as set forth in 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the Significant Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Significant Industrial user: (1) an identification of the hazardous constituents contained in the wastes; (2) an estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month; and (3) an estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve months. Significant Industrial Users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Notification need to be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j).

The notification requirements does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e). Users are exempt from the requirements during a calendar month in which they discharge no more that fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the Significant Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

- (10) In case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify the General Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.
- (11) In the case of any notification, the Significant Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Notice

The reports and other documents required to be submitted or maintained under this section may be subject to the provisions of 18 USC Section 1001 relating to fraud and false statements; the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and the provisions of Section 309(c) regarding responsible officers.

Section 6.3 – User Records

User shall maintain and retain for three years all plant records as specified by the General Manager and afford the CPW access thereto. These records include, but not limited to, wastewater self

monitoring records, records related to compliance and National Categorical Pretreatment Standards, Local Limitations and other State and EPA required records.

Section 6.4 – Confidentiality

Information and data on a user obtained from reports, questionnaires, discharge applications and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the General Manager 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 the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. It shall, however, be made available upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, or others uses determined appropriate by the General Manager. The information shall be available for use by the State in judicial review or enforcement proceedings involving the person furnishing the information. Wastewater constituents and characteristics shall not be recognized as confidential information.

SECTION 7 – SAMPLING AND MONITORING

Section 7.1 – Right of Entry

Whenever it shall be necessary for the purposes of this Ordinance and upon presentation of proper credentials and identification, CPW, State, and EPA personnel shall be permitted to enter upon any property of Users for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, or testing in the area of the control structure. Any other User completing and filing an application to discharge wastewater shall thereby grant the CPW permission to enter his premises for said purposes. 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, CPW personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 7.2 – Compliance Determination

Compliance determinations with respect to prohibitions and limitations shall be made on the basis of composite and discrete samples of wastewater. Composite samples may be taken over a twenty-four hour period, or over a different time span, as determined necessary by the General Manager to meet the needs of specific circumstances.

Section 7.3 – Analysis of Industrial Wastewaters

All measurements, tests and analyses of the characteristics or properties of wastewater to which reference is made in this Ordinance shall be made in accordance with 40 CFR 136 and shall be performed by a qualified laboratory. In the event that there is no approved method in to CFR 136 for a particular parameter, testing shall be performed in accordance with Standard Methods, herein defined, or a method approved by the General Manager.

Section 7.4 – Sampling Frequency

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done at such intervals as the General Manager may designate. As a minimum the CPW shall conduct compliance sampling or to cause such sampling to be conducted by all Significant Industrial Users at least twice in every one year period.

Section 7.5 – Control Structure

When determined by the General Manager to be feasible, the Owner of any property served by a building sewer carrying industrial wastewater shall build a control structure in the building sewer from his premises just prior to the entrance of the building sewer into the public sewer suitable for sampling and measuring his wastewater. Plans for this structure shall be approved by the General Manager. There shall be ample room in or near such sampling facility to allow accurate flow measurement, sampling, and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Owner.

SECTION 8 – ENFORCEMENT

Section 8.1- Enforcement Management Strategy

The General Manager shall enforce the provisions of this regulation in accordance with the current CPW Enforcement Management Strategy, Attachment C in accordance with S.C. Code Ann. §6-11-285 and other applicable law.

Section 8.2 – Administrative Remedies

(1) Notification of Violation

Whenever the General Manager finds that any person has violated or is violating this Ordinance, a permit, or any prohibition, limitation or requirement contained in the Ordinance or permit, the General Manager may serve upon such a person an appropriate written notice stating the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The General Manager may require a response to the notice of violation. When required in the notice and within fifteen (15) days from the date of the notice, an explanation of the violation and a plan for the satisfactory correction thereof shall be submitted to the General Manager. Submission of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the notice of violation. The classification of violations under these regulations and permit are as follows: Warning of Minor Violation (WOMV), Notice of Violation (NOV), a Notice of Significant Noncompliance (NOSN) or a Notice of Revocation (NOR). Reference is made to Attachment C as to these procedures.

(2) Administrative Consent Order

The General Manager is empowered to enter into Administrative Consent Orders, assuring of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the violation. Such orders may be

negotiated in an Informal Conference. Such agreements shall include specific action to be taken by the person to correct the violation within a time period also specified by the Administrative Consent Order and contain other terms and conditions. Reference is made to Attachment C. A violation of an Administrative Consent Order shall constitute a violation or violations under this Ordinance.

(3) Notice to Show Cause at Adjudicatory Hearing

The General Manager may order any User who causes or is responsible for an unauthorized discharge or other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action should be taken. A notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, and the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken.

(4) Service

The notice of the hearing to the User shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the User.

(5) Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause Hearing

- a. Request for an Adjudicatory Hearing must be served on the CPW within fifteen (15) days following any final administrative action or decision by the CPW on any violation, application, permit, certificate or other licensing matter;
- b. A request for an informal conference prior to the show cause hearing may be made by a User but not to delay the hearing date. If the request is granted, an Informal Conference may be held by the General Manager or his designee to explore ways and means to obtain compliance by consent without the necessity of a formal Adjudicatory Hearing.

(6) Record

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

(7) Hearing Officer

A hearing officer or officers may be appointed by the General Manager to preside over the Adjudicatory Hearing. The hearing officer may be an employee of the CPW or be specially appointed for such purpose. He shall have no connection with the preparation or presentation of the evidence at the hearing.

(8) Procedure

The procedure for an Adjudicatory Hearing and other enforcement procedures are set forth in Attachment C, the Enforcement Management Strategy.

(9) Enforcement Orders

When the hearing officer finds that a User has violated or is violating the provisions, prohibitions or limitations of this Ordinance, or those contained in any permit issued hereunder, he may issue an order to cease and desist, and may direct those persons in violation to:

- a. comply forthwith;
- b. comply in accordance with a compliance time schedule set forth in the Order; or
- c. take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- d. prohibit or reduce the discharge;
- e. provide wastewater storage or flow equalization;
- f. make payment by the User to cover added costs of handling and treatment costs, and the administrative costs of the enforcement action;
- g. post performance bonds;
- h. act to take other steps to achieve compliance;
- i. pay fines and penalties
- j. pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the CPW for the hearing or enforcement procedure.

(10) Administrative Penalties:

A User may be fined up to two thousand dollars (\$2,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In case of monthly or long-term discharge limits, fines may be assessed for each day during the period of violation. The CPW shall have such remedies for the collection of such assessments as it has for collection of other service charges.

(11) Payment of Costs

Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater or discharges in excess of the limitations required under its permits or the regulations of the CPW.

(12) Emergency Suspensions

The General Manager may suspend or revoke a User's permission to discharge when such action is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or causes interference. Any User notified or revocation of permission to discharge shall immediately stop or eliminate its discharge. A hearing shall be held within fifteen days of the notice of revocation to determine whether the suspension may be lifted or the User's permit terminated. The User shall submit a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations to the General Manager prior to the date of the hearing. In the event of a failure of the person to comply voluntarily with the order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection. The General Manager may reinstate the permission to discharge upon proof of the elimination of the violations.

(13) Termination of Revocation of Permit

Any User, who violates the conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his permission to discharge revoked. The General Manager may revoke a permit for the following reasons:

- a. failure to factually report the wastewater constituents and characteristics of his discharge;
- b. failure to report significant changes in operations, or wastewater constituents and characteristics;
- c. refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- d. failure to meet effluent limits;
- e. tampering with or deliberately altering monitoring equipment;
- f. falsifying self-monitoring reports;
- g. changes in POTW NPDES Permit, receiving stream water quality standard, POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact the CPW's ability to accept industrial wastewater; or
- h. for causes necessitating an emergency suspension.

- i. discharge of wastewater prohibited by this Ordinance;
- j. significant noncompliance with schedules, pretreatment standards or requirements, of any terms of the wastewater discharge permit or the Ordinance;
- k. non-payment of sewer User charge or other charges, fines, costs and expenses.

A User whose permission to discharge has been revoked may apply for new permission to discharge and shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the CPW.

Section 8.3 – Judicial Remedies

Notwithstanding the administration procedure provided herein, when any person discharges wastewater into the wastewater disposal system contrary to the law of this State or the provisions of this Ordinance, or any order or permit issued hereunder, or otherwise violates applicable law or the provisions of this Ordinance or any order or permit issued hereunder, the General Manager may commence an action for appropriate legal or equitable relief in the Court of Common Pleas. The remedies provided by this regulation are not exclusive.

Section 8.4 – Injunctive Relief

The General Manager may, in the name of the CPW, file in Common Pleas Court, a suit seeking the issuance of an injunction damages, or other appropriate relief to enforce the provisions of this Ordinance or other applicable law or regulation and the determination of the hearing examiner. Suit may be brought on behalf of the CPW, at the same time or separately, to recover any and all damages suffered by the CPW as a result of any action or inaction of any User or other person causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the CPW. Such damages shall include, but not be limited to, claims for damages, takings, losses, expenses, costs, fines, penalties and attorney's fees for which the CPW may become liable or responsible and which arise out of or result from the User's noncompliance with its permit or the User's violation of State or Federal Pollution Control laws, rules or regulations.

Section 8.5 – Criminal Violations

Facts or circumstances which tend to indicate a criminal activity or action by any person may be reported to the proper State and Federal law enforcement agencies for prosecution.

Section 8.6 – Performance Bonds

The General Manager may refuse to reissue a permit to any User which has failed to comply with the provisions of this Ordinance or any order or previous permit issued hereunder unless such User first files with a satisfactory bond, payable to the CPW, in a sum not to exceed a value determined by the General Manager to be necessary to meet the costs of any scheduled improvements and to achieve consistent compliance.

Section 8.7 – Discontinuance of Sewer Service for Non-Payment

The General Manager shall have the right to discontinue sewer service to the property of a User of such service in the event of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been given notice of his right to be heard in person or by counsel on the question of discontinuation before the CPW or any person designated by the CPW after not less than five days written notice specifying the basis of the discontinuation. The CPW or its agents shall have the right to discontinue water service to the premises in the event of nonpayment of sewer service charges and also shall have a right of entry in and upon the premises and the right of ingress and egress to determine location of the service line, to uncover it and to dig it up for the purpose of digging up, sealing or plugging the service line.

Section 8.8 – Tenant Responsibility

Where an Industrial User of property leases the premises to a subsidiary or affiliate or other entity in which the industrial User has a direct or indirect interest, the tenant or Industrial User or both may be held responsible for compliance with the provisions of this Ordinance.

Section 8.9 – Vandalism

No person shall maliciously, willfully, or negligently break damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Section 8 above.

Section 8.10 – Publication of Industrial Users in Significant Noncompliance

The CPW shall publish annually, in the largest daily newspaper published in the area where the POTW is located, a list of the Industrial Users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. All records relating to compliance with National Categorical Pretreatment Standards shall be made available to DHEC and EPA. The term significant noncompliance shall mean:

1. Violations of wastewater discharge limits
 - a. Chronic violations. Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).
 - b. Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limits by more than the TRC in a six-month period.
 - c. Any other violation(s) of effluent limit (average or daily maximum) that the CPW believes has caused alone or in combination with other discharges,

interference or pass-through or endangered the health of the sewage treatment personnel or the public.

- d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
2. Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.
3. Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.
4. Failure to accurately report noncompliance.
5. Any other violation or group of violations that the CPW considers to be significant, including, without limitation, the failure to respond to a NOV for which a response was required to comply with a Consent Order or administrative orders.

SECTION 9 – GENERAL REQUIREMENTS

Section 9.1 – Application of Ordinance

This Ordinance shall apply to persons within the City of Greer and to persons outside the City who by contract with the CPW are Users of the CPW wastewater facilities. The General Manager shall implement and enforce the provisions of this Ordinance and the governing body of the CPW shall adopt such regulations as it deems necessary to implement the provisions and requirements of this Ordinance.

Section 9.2 – Use of System Constitutes Acceptance

The use of the wastewater treatment facilities of the CPW by any User shall constitute the User's consent to and agreement to comply with and abide by the terms and conditions of this Ordinance and the rules and regulations promulgated hereunder, including enforcement and penalty provisions.

Section 9.3 – Garbage Grinder

No commercial, institutional or industrial garbage grinder shall be installed or any discharge made from such grinder unless written permission has been granted by the General Manager.

SECTION 10 – 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 articles shall not be affected and shall continue in full force and effect.

SECTION 11 – CONFLICT

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

(The remainder of this page was intentionally left blank.)

SECTION 12 – EFFECTIVE DATE

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

I certify this is a true and exact copy of the Sewer Ordinance for the City of Greer.

First Reading was passed on the 11th day of September, 2007.

Second Reading was passed on the 25th day of September, 2007.

The Effective Date of the ordinance will be November 1st, 2007.

This Ordinance, Number 35-2007, was duly approved and adopted at a public meeting after appropriate notice on the 25th day of September, 2007.


I SO CERTIFY.

Date 3/26/08



Mayor

ATTEST:



City Clerk

ATTACHMENT A

GREER COMMISSION OF PUBLIC TVORKS

INDUSTRIAL WASTEWATER DISCHARGE LIMITATIONS

PARAMETER	DAILY MAXIMUM CONCENTRATION (MG/L)	MONTHLY AVERAGE CONCENTRATION (MG/L)
ARSENIC	0.014	0.009
CADMIUM	0.015	0.010
CHROMIUM (+6)	0.7	0.5
CHROMIUM (T)	1.0	0.70
COPPER	0.06	0.04
CYANIDE	0.2	0.13
LEAD	0.003	0.002
MERCURY	0.0003	0.0003
NICKEL	0.6	0.4
SELENIUM	0.045	0.030
SILVER	0.36	0.24
ZINC	0.6	0.4
PHENOL	10	7.0
BOD	300	200
COD	1200	800
TSS	300	200
TOTAL KJELDAHL NITROGEN	30	20

These industrial wastewater discharge limitations were adopted by the Greer Commission of Public Works Board of Commissioners on May 29, 2007 and shall be effective on March 26, 2008.

ATTACHMENT B

GREER COMMISSION OF PUBLIC WORKS

BASIC WASTEWATER TREATMENT CHARGES

SEWER SERVICE RATES

Residential And Small Commercial Inside City Limits: (Designated I.SS.)

Facility Charge	\$9.45 per month
Volume Charge (all gallons)	\$3.76 per 1000 gallons of metered water or wastewater

Residential And Small Commercial Outside City Limits: (Designated O.SS.)

Facility Charge	\$14.21 per month
Volume Charge (all gallons)	\$4.97 per 1000 gallons of metered water or wastewater

Commercial and Industrial Inside and Outside City Limits

Facility Charge	\$59.85 per month
Industrial Minimum Charge is based on full rate for actual discharge volume plus 1/3 the discharge rate for unused permitted capacity.	
Volume Charge	\$5.12 per 1000 gallons of metered water or wastewater

Industrial Surcharge for High Strength Wastewater:

BOD above 200 mg/l	\$0.15 per pound of excess BOD
TSS above 200 mg/l	\$0.15 per pound of excess TSS
Total Kjeldahl Nitrogen above 20 mg/l	\$0.15 per pound of excess TKN
Total Phosphorus above 10 mg/l	\$0.15 per pound of excess Total Phosphorus

ADMINISTRATIVE FEES

Low Volume Discharge	\$650.00 per year
Significant Discharger w/o Pretreatment	\$1,500.00 per year
Significant Discharger w/ Pretreatment	\$2,000.00 per year

* APPLICATION FEE - Direct cost of CPW's consultant review.

ATTACHMENT B (Continued)

NON-COMPLIANCE PENALTIES

Fats, Oil, and Grease Control Ordinance	L1 (Level 1) - \$50.00
	L2 (Level 2) - \$100.00
	L3 (Level 3) - \$150.00
	L4 (Level 4) - \$300.00
	L5 (Level 5) - \$500.00
	L6 (Level 6) - \$750.00
	L7 (Level 7) - \$1000.00

ATTACHMENT C

CITY OF GREER COMMISSION OF PUBLIC WORKS

ENFORCEMENT MANAGEMENT STRATEGY

This Enforcement Management Strategy has been developed by City of Greer Commission of Public Works (CPW) in coordination with the Federal and State requirements and with the CPW's Sewer Use Regulation. The intent is to give guidance to the staff regarding the methods and manner of enforcement and to provide information to Users who may become subject to enforcement proceedings.

(1) Duties

The General Manager has been empowered to enforce compliance with permits and regulations. Acting under the General Manager is the Pretreatment Manager. The Pretreatment Manager shall be responsible for implementing the Pretreatment Program. The Laboratory Section Manager shall be responsible for the sampling and analysis required in wastewater discharge permits to be performed by CPW. Analyses not performed by the laboratory staff shall be performed by a qualified laboratory. The Pretreatment Manager shall inform the General Manager of any violations of discharge limitations. The Pretreatment Manager shall be responsible for assuring that the Industrial Users comply with reporting requirements, and for enforcement actions. The Pretreatment Manager shall be responsible for all administrative actions such as the submissions of reports, industrial inspections, periodic survey update, and issuing permits. The Pretreatment Manager shall annually evaluate the Enforcement Program to assure it is effective and reasonable. A report on the findings of the evaluation shall be given to the General Manager.

(2) Enforcement Procedures

Once a violation is identified, the General Manager shall be advised of the nature of the violation. The Pretreatment Manager may demand monitoring in the event the violation was of a discharge limitation or which resulted in interference. The Pretreatment Manager shall notify the User of any violations and of any intended enforcement regarding the violation.

- a. The Warning of Minor Violation (WOMV) shall be in the form of a written Summary of Violations stamped Warning of Minor Violation. A WOMV shall be sent to the User and retained for record by the User. A WOMV does not require a response to the CPW but should prompt the User to take corrective action.
- b. The Notice of Violation (NOV) shall be in the form of a letter sent to the User within fifteen days after the violation is noted. The User shall respond, if required, within fifteen days of receipt to the NOV and state (1) the cause of the violation; and (2) what corrective action will be taken to prevent future violations. If the Pretreatment Manager does not receive a response, or receives an inadequate response to an NOV for which a response was required, a Notice of Significant Noncompliance shall then be issued.

- c. A Notice of Significant Noncompliance (NOSN) shall be sent to the User by certified mail within ten days of the determination of its need. The User shall respond within fifteen days of receipt of the NOSN and state (1) the cause of the violation; and (2) what corrective action will be taken to prevent future violations. The Pretreatment Manager may also require the User to propose and submit a schedule of compliance. If the User indicates that corrective action will take longer than ninety days, the Pretreatment Manager may ask the User to enter into a Consent Agreement.
- d. If a User fails to respond to a Notice of Significant Noncompliance, the Pretreatment Manager shall issue a Rule to Show Cause for an Adjudicatory Hearing and give notice of the relief, civil penalties, expenses, costs and fees to be sought at the Adjudicatory Hearing.
- e. If the violation is caused by a discharge that is of imminent danger to public health, or has resulted in observed damage to the wastewater system or receiving stream, then a Notice of Revocation (NOR) shall be sent immediately and may include a requirement to immediately cease the discharge. A hearing shall be held within fifteen days after the User is directed to cease the discharge.

(3) Classification of Violations

The classification of violations under these regulations and permit are as follows:

- a. A Warning of Minor Violation (WOMV) shall be given when there is any violation less than that under the criteria for requiring a Notice of Violation.
- b. A Notice of Violation (NOV) shall be given when there is any violation less than that under the criteria for a Notice of Significant Noncompliance (NOSN) and more than that under the criteria for a Warning of Minor Violation (WOMV).
- c. A Notice of Significant Noncompliance (NOSN) indicates a greater violation, including but not limited to, those violations which meet the following criteria:
 - 1. When a User has ignored and failed to respond to a NOV for which a response was required;
 - 2. When a User violates a compliance schedule milestone or reporting requirements;
 - 3. When there are chronic violations in which sixty-six percent or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum or monthly average limit for the same pollutant;

4. When there are Technical Review Criteria (TRC) violations in which thirty-three percent or more of all the measurements taken during a six-month period for the same pollutant equal or exceed the product of the daily maximum or monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, COD, TSS, fats, oils, and grease and TRC = 1.2 for all other pollutants except pH. A TRC violation for pH is any measurement less than 5.0 standard units, unless other limits are approved by the General Manager);
 5. When there is a violation of a limit (daily maximum or monthly average) that the General Manager determines has caused alone, or in combination with other discharges, interference or pass-through;
 - (a) which involves a failure to comply with compliance schedule milestones contained in permits, Consent Agreements, or Administrative Orders;
 - (b) which involves a failure to accurately report noncompliance;
 - (c) which has caused imminent danger to human health or welfare or to the environment;
 - (d) which involves a failure to comply with reporting requirements in discharge permits or with this Regulation or any applicable regulation;
 - (e) which results in the CPW exercising its emergency authority; or
 - (f) which the General Manager determines adversely affects the operation of the Pretreatment Program.
- d. A Notice of Revocation (NOR) shall be given orally if time does not permit written notice. However, such oral notice shall be subsequently documented as time is available. When practical, written notice shall be given. A NOR shall be given when a violation of a permit condition or limitation, or a violation of these regulations threatens to cause an interference with, or have an adverse impact upon, the operation of the facilities; or danger to human health, welfare, or the environment is imminent. A NOR shall result in the revocation of a User's permission to discharge. Any User notified of revocation of permission to discharge shall immediately stop or eliminate its discharge. A hearing shall be held within fifteen days of the NOR to determine whether the suspension may be lifted or the User's permit terminated. Prior to the date of the hearing the User shall submit to the General Manager a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations. In the event the User fails to comply voluntarily with the Order, the General Manager shall take such steps as deemed necessary including immediate severance of the sewer connection. The General Manager may reinstate permission to discharge upon proof of elimination of the violations.

(4). Termination of Permit

- a. Any User who violates the conditions of this Regulation, or applicable State and Federal regulations, is subject to having his permission to discharge

terminated. The General Manager may terminate a permit for the following reasons:

1. Failure to factually report the wastewater constituents and characteristics of the 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 and monitoring;
4. Violation of conditions of permit;
5. Tampering with, or deliberately altering, monitoring equipment;
6. Changes in POTW NPDES permit, receiving stream water quality standards. POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact the CPW's ability to accept industrial wastewater;
7. Causes necessitating an emergency suspension;
8. Discharge of wastewater prohibited by this Regulation;
9. Significant noncompliance; or
10. Non-payment of sewer User charge or other charges, fines, costs and expenses.

A User whose permission to discharge has been revoked may re-apply for permission to discharge and shall pay all delinquent fees, charges, penalties, any impact fees which may be established by the CPW and be effective at the date of the reapplication, and such other sums as may be due to the CPW.

(5) Informal Conference Prior to Hearing Date

Upon request, the Pretreatment Manager will schedule an informal conference with the User and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Agreement. The Consent Agreement may contain such other terms and conditions, including but not limited to, provisions for additional monitoring, full or partial cessation of discharge, interim limits, and payment of all administrative costs, expenses, attorney's fees and civil penalties.

(6) Failure to Comply with Consent Agreement

If a User fails to comply with a Consent Agreement, this failure shall constitute a separate and new violation and give rise to additional costs, fines and penalties, as well as grounds to seek other and different relief than that consented to in the original Consent Agreement.

(7) Publication of List of Significant Violators

Pretreatment Regulations require the CPW to publish, at least annually, in the Greenville News, a list of Users which were in Significant Noncompliance with

applicable pretreatment standards and requirements during the previous twelve months. The procedures for compiling the list of such Users is as follows:

- a. The Pretreatment Section shall prepare a compliance history from the CPW records for each individual Significant Industrial User (SIU).
- b. The compliance history so obtained for each SIU shall be reviewed to determine if a pattern of noncompliance exists or if the industry has been, or continues to be, in SNC. To the extent that an industry meets these criteria, it will be placed on the list for publication.

(8) Adjudicatory Hearings

Adjudicatory Hearing shall mean a hearing that is held pursuant to this regulation. Adjudicatory Hearings are trial-type proceedings where there is to be a determination made in a contested case pursuant to the power of the CPW.

Requests for an Adjudicatory Hearing shall be served on the CPW within fifteen days following any final administrative decision by the CPW on an application, permit, certificate or other licensing matter, or on a violation. Requests for Adjudicatory Hearings shall include the name of the requestor, his interest and the names of parties which he represents, the reasons for the request, the major issues which are proposed to be contested at the hearing, and a statement by the requestor agreeing to be subject to examination and cross-examination and to make any employee or consultant of such requestor, or other person represented by the requestor, available for examination and cross-examination at the expense of the requestor. The General Manager may grant or deny a request for an Adjudicatory Hearing on the basis of a consideration of whether the person making such a request has standing to seek a determination under the law and whether such request is a matter subject to an Adjudicatory Hearing under these regulations,

An initial pleading as used herein shall refer to the document by which an Adjudicatory Hearing may be commenced. A request may be considered an initial pleading. Every initial pleading shall, at a minimum, contain the following:

- a. A title which indicates the nature of the proceeding and the parties involved therein;
- b. The complete name and address of the party filing the pleadings and, if applicable, the organization or interest whom he represents;
- c. The legal authority and the jurisdictional basis for the hearing;
- d. A clear and concise statement of the issues upon which the pleading is maintained and identification of the particular regulation, standard, guideline, or provision of law which is the subject of the hearing. If the party is unable to state the matters in detail at the time of the initial pleading or other notice is served, such initial pleading or other notice may be limited

to a simple statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished to all parties;

- e. A prayer setting forth the relief sought;
- f. If the party filing the pleading is represented by counsel, the name and address of the attorney;
- g. A statement by the requestor agreeing to be subject to examination and cross-examination and to make any employee or consultant of such requestor available for examination and cross-examination at the expense of such requestor, or such person upon the request of the hearing examiner on his own motion, or on the motion of any party.

An answer to the initial pleading shall be served on the requestor within ten days after service of the document to which the answer is directed unless additional time is required pursuant to provisions of this section. Allegations contained in said initial pleading which are not specifically admitted by the party filing an answer are deemed denied. The answer shall contain, but not be limited to, the following:

1. A clear and concise statement identifying the party filing the answer and the matter to which the answer relates;
2. A clear and concise statement of all matters upon which the party filing the answer relies. There shall be no replies other than an answer.

Leave to file amendments to any pleading may be allowed or denied provided, however, leave to amend shall be freely given when justice requires it.

A party desiring to withdraw a pleading filed with the CPW or the hearing examiner shall file a motion for withdrawal. If any party has an objection thereto, he shall, within ten days after the receipt of the motion, serve a statement on the hearing examiner setting forth the reasons for his objection and serve a copy of the same on each part. In the absence of objections or a request for a hearing, a motion of withdrawal shall, within ten days after filing thereof, be deemed allowed. The hearing examiner shall then file an order of dismissal, with or without prejudice.

Service by the CPW or initial pleadings, complaints, orders, decisions, pleadings, motions, processes, and other documents shall be by personal delivery or by first-class mail. Service on the CPW shall be by serving and filing two copies of the paper with the Commission of Public Works, 301 McCall Street, Greer, South Carolina by personal service or by first-class mail upon all parties to the proceedings. A certificate of service shall accompany all papers when filed by any part and shall be filed within ten days after service is made.

The hearing examiner may, on motion, at any time during the course of any proceeding, permit such substitutions or additions of parties as justice may require. Third party interveners should meet the same standards as required of those intervening in matters before the Court of Common Pleas. The hearing examiner shall observe the rules of evidence observed by the Court of Common Pleas, with the exception that hearsay evidence may be admissible provided that it is deemed necessary to ascertain facts not reasonably susceptible of proof without such evidence.

All testimony shall be taken under oath and all parties shall have the right to cross-examination of the witness.

The hearing examiner and all other parties, through the hearing examiner, shall have the right to issue subpoenas requiring the attendance and testimony of witnesses and the production of any documents in question in the proceeding; provided, however, that where the issuance of such a subpoena is resisted or contested, the hearing examiner shall rule on the availability of the subpoena in that particular case.

A party may file a motion for the production or view of any object which relates to the subject matter of any proceeding then pending before the hearing examiner. The motion shall be granted where justice requires.

Any time during the course of the proceeding, the hearing examiner may order that testimony of a witness be taken by deposition. Application to take testimony by deposition shall be made by motion directed to the hearing examiner. Such motion shall set forth the reasons for desiring the deposition, the time when, the place where, the name and address of each witness, and the subject matter concerning which each witness is expected to testify. The hearing examiner shall allow the motion only upon showing that circumstances are such that the witness to be deposed cannot appear before the hearing examiner without substantial hardship being caused. If such hardship is financial in nature, any party may agree to reimburse the witness for expenses, including loss of wages incurred by appearing. In such cases, the motion to allow taking of a deposition shall therefore be denied. Motions for the taking of depositions shall not be allowed if the depositions result in any undue burden to another party or in any undue delay of the proceeding. If the motion is allowed, the hearing examiner shall give at least five days notice of the taking of the depositions to all parties. Depositions shall be taken orally before a person having power to administer oaths. Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine.

Objections to questions shall be in short form stating the grounds of objections relied upon. The questions asked, the answers thereto, and all objections shall be reduced to writing and certified by the officer before whom the deposition is taken. Said officer shall forward the deposition to the hearing examiner. Subject to appropriate rulings on evidence, the testimony taken as deposition shall be included in the record of the Hearing as if the testimony contained therein had been given by the witness in the presence of the hearing examiner. After notice is served for taking a deposition, upon motion, made prior to the date set for such taking by any party or by the person to be examined, the hearing examiner may, for good cause shown, order that the deposition shall not be taken; that certain matters shall not be inquired into; or that the scope of the examination shall be limited to certain matters. The hearing examiner may make any other order necessary to protect the party or witness from harassment or oppression.

The parties may by stipulation in writing file with the hearing examiner at any stage of the proceeding, or orally made at that hearing, agree upon any pertinent facts in the proceedings. Contested cases may be resolved by informal disposition through means of stipulation, agreed settlement, consent order (with or without a financial penalty), or default.

On the basis of the evidence presented, the hearing examiner shall issue the determination. The hearing examiner shall deliver by certified mail to the parties a copy of the decision.

After a determination is made by the hearing examiner, any party may apply to the CPW for a review of the determination of the hearing examiner. However, application must be submitted in writing within fifteen days of receipt of the determination stating specifically the grounds of objection to such determination. The CPW may on its own motion take up the review of the determination of the hearing examiner at a regularly scheduled CPW meeting. On the basis of the completed record of proceedings and testimony and evidence presented before the hearing examiner, the determination shall be affirmed, modified, reopened, or set aside by the CPW.

(9) Administrative Penalties

In addition to other penalties, charges, sanctions or restrictions, revocations or limitations as may be provided in the Sewer Use Regulation, a User may be fined up to two thousand dollars (\$2,000.00) for each offense. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. The CPW shall have such remedies for the collection of such assessments as it has for collection of other service charges.

ATTACHMENT D

PART 1

FATS, OIL, AND GREASE (FOG) CONTROL ORDINANCE FOR FOOD SERVICE ESTABLISHMENTS

A. Scope and purpose

The objective of this FOG Ordinance is to aid in preventing the introduction and accumulation of fats, oils, and greases into the municipal wastewater system which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food Service Establishments and other industrial or commercial establishments generating wastewater containing fats, oils, or greases are subject to this FOG Ordinance. This Ordinance regulates such users by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof and policies adopted by the General Manager.

B. Definitions

The definitions contained in Section 1.2 of the City of Greer Sewer Use and Pretreatment Ordinance and the following definitions, when used in this section, shall apply.

CPW means the Greer Commission of Public Works.

Fats, oil, and grease means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG".

FOG Ordinance or Ordinance means the City of Greer Sewer Use and Pretreatment Ordinance, Attachment D, Part 1 (Fats, Oil, and Grease Control Ordinance for Food Service Establishments).

FOG Policy or Policy means the written plan and procedures by which the General Manager implements and enforces the FOG control and management program established herein. The Policy applies to FOG program violations and matters of program noncompliance. Penalties for specific and programmatic infractions are addressed in the Policy and set forth in Attachment B of the Sewer Use and Pretreatment Ordinance.

Food Service Establishments (FSE) means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs, and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing to be reused. Also included are those establishments that engage in the preparation of precooked and frozen food materials and meat cutting activities. FSEs that discharge wastewater containing grease to the CPW sanitary sewer system include, but are not limited to, the following: restaurants, grocery stores, meat markets, hotels, factory and office building

cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

General Manager means the person designated by the CPW to manage the activities and responsibilities of the CPW, or his duly authorized representative.

Grease Hauler means any third party not in the employment of the User that performs maintenance, repair, and other services on a User's grease interceptor at the User's directive.

Grease trap, grease interceptor, or interceptor means a device for separating waterborne greases from wastewater and retaining such greases prior to the wastewater exiting the interceptor and entering the sanitary sewer collection and treatment system. Grease interceptors also serve to collect solids that settle, generated by and from activities that subject Users to this section, prior to the water exiting the interceptor and entering the sanitary sewer collection and treatment system.

Minimum design capability means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases and settled solids from grease-laden wastewaters prior to discharge to the public sanitary sewer.

Permit means program confirmation approval documentation issued by the General Manager. The User is required to keep the Permit on premises and produce it upon request of the General Manager.

Sewer Use and Pretreatment Ordinance means the City of Greer Sewer Use and Pretreatment Ordinance.

User means the responsible person or entity for the FSE's operations as shown below:

The owner or proprietor of an individually owned FSE.

The franchise owner when an FSE is part of a franchise.

The corporate representative when an FSE is owned by a corporation.

The owner or person who assumes control of the grease interceptor or the property on which the grease interceptor is located when two or more FSEs share a common grease interceptor.

C. Grease interceptor installation, maintenance, record keeping, and grease removal

1. Grease interceptors shall be installed and maintained, at the User's expense, when a User operates an FSE. All grease interceptors shall be of a type, design, and capacity approved by the General Manager in accordance with the FOG Policy and shall be readily and easily accessible for maintenance and repair, including cleaning, and for CPW inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor. At a minimum, the FOG Policy shall require:
 - i. A minimum hydraulic retention time of 24 minutes at actual peak flow between the influent and effluent baffles, with fifty percent (50%) of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived materials to rise and accumulate.

- ii. Removal of any accumulated grease and solids as required, but at intervals of no longer than three (3) months, at the User's expense, or in accordance with a valid program modification or other General Manager's requirements.
 - iii. Operate and maintain the grease interceptor to achieve and consistently maintain fats, oil, and grease in the interceptor.
 - iv. External underground grease interceptors shall be used unless a variance is granted.
 - v. The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the General Manager. The use of automatic grease removal systems is permissible only upon prior written approval of the General Manager.
 - vi. The General Manager may make determinations of grease interceptor adequacy, needs, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding grease interceptor performance and facility site and building plan review by all regulatory reviewing agencies, and may require repairs to, or modification or replacement of grease interceptors.
 - vii. All FSEs must have a permit setting forth terms and conditions of compliance with this Ordinance and the FOG Policy.
2. The User shall retain, onsite, for a minimum of three (3) years, a written record of grease interceptor maintenance in form and with information required by the FOG Policy. Records will be available for inspection by the General Manager at all times and shall include but are not limited to:
- a. FSE name and physical location
 - b. Date and time of grease interceptor service
 - c. Name of grease interceptor service company
 - d. Established service frequency and type of service: full pump-out, partial pump-out, on-site treatment (type of nature of operations)
 - e. Number and size of each grease interceptor serviced at FSE location
 - f. Approximate amount, per best professional judgment of contract service provider, of grease and solids removed from each grease interceptor
 - g. Destination of removed wastes, food solids, and wastewater disposal
 - h. Signature and date of FSE and Grease Hauler confirming service completion
 - i. Such other information as required by the General Manager

3. Access manholes shall have an installed diameter of 24 inches, a maximum weight of 50 pounds, and shall be provided over each inlet and outlet sanitary tee. The access penetrations, commonly referred to as “risers”, into the grease interceptor shall also be, at a minimum, 24 inches in diameter. Access openings for baffle tees shall be 6 to 8 inches in diameter. The access manholes for inlet and outlet sanitary tees and access openings for baffle tees shall extend at least to finished grade and shall be designed and maintained to prevent water inflow or infiltration. The access manholes for inlet and outlet tees and access openings for baffle tees shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
4. A User may request a modification or variance to the following requirements of this Ordinance. Such request for a variance shall be in writing and shall provide the information set forth below along with any other information required by the FOG Policy.
 - a. The User’s grease interceptor pumping frequency, maintenance, or service procedures. The General Manager may modify the three-month grease interceptor pump-out frequency or other service procedures when the User provides data and performance criteria relative to the overall effectiveness of a proposed alternative and such can be substantiated by the General Manager.
 - b. External underground interceptor. If conditions exist on the establishment site that limits the ability to locate an external underground grease interceptor, the User may request a variance for interior location for the interceptor. Such request shall explain the facts justifying the interior location and suggested ways to accomplish the goals of this Ordinance. The User shall set forth the location of the CPW or sewer sub-district sewer main and easement in relation to available exterior space outside the building along with the existing plumbing layout at or on a site.
 - c. On a case-by-case basis, an existing Food Service Establishment may request, in writing, an exemption to CPW’s requirement to install a grease interceptor under the following conditions:
 - i. The FSE shall submit and obtain approval, by the General Manager, of a Best Management Plan for the control and disposal of grease.
 - ii. The FSE shall implement an appropriate source reclamation and/or recycling program to avoid excessive discharge of grease to the public sewer.
 - iii. The FSE must have a record of no adverse impact on the public sewer within twelve months of seeking the exemption. Any exemption granted will be considered void should the FSE cause adverse impact on the public sewer due to grease. Additionally, the General Manager reserves the right to rescind any exemption and require the installation of a grease interceptor as needed and in accordance with this Ordinance.
 - iv. FSEs that are granted an exemption will be subject to routine inspections to verify compliance and will be subject to related fees as provided in Attachment B of the Sewer Use and Pretreatment Ordinance.

- v. FSEs that do not prepare fried or grilled foods and do not dispose of food waste to the sewer may apply, in writing, for an exemption from the requirements of the CPW's FOG Control Ordinance. In general, these Users must have menus limited to precooked meats or other foods that, in the opinion of the General Manager, do not have a reasonable potential to discharge fats, oil, or grease in sufficient quantities to cause a problem with collection sewers or the treatment plant. The General Manager reserves the right to rescind this exemption and require the installation of a grease interceptor as needed if the FSE causes an adverse impact on the public sewer due to grease.

Any variance, including special terms and conditions, must be approved by the General Manager in written form before implementation by the User or the User's designated service provider.

D. Grease Hauler Permits and Registration

Grease haulers shall be registered and permitted by the CPW prior to collecting, pumping, or hauling grease interceptor wastes from FSEs connected to the CPW's sewer system. Service vehicles and equipment shall have onboard, at all times, a certificate of approval for the operations and methods used, issued by the General Manager. Records shall be kept by grease haulers related to grease interceptor pumping for each FSE serviced along with documentation for each trip to a grease disposal facility. Grease haulers shall be required to designate the location of grease disposal sites and only dispose grease at approved facilities. The FOG Policy may require financial assurance by Grease Haulers.

E. Fines

In addition to any fine or penalty authorized by the Sewer Use and Pretreatment Ordinance and applicable law, the General Manager may impose fines upon violators of the FOG Ordinance and the FOG Policy for amounts set forth in Attachment B of the Sewer Use and Pretreatment Ordinance. Violators are also responsible for all remediation and clean-up costs.

F. FOG Policy

The FOG Policy is adopted with this Ordinance. The General Manager is authorized to make amendments to the FOG Policy provided that any major amendments shall be approved by the CPW Board of Commissioners.

G. Severability

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

H. Conflict

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

**ATTACHMENT D
PART 2**

**FATS, OIL, AND GREASE (FOG) CONTROL POLICY
FOR FOOD SERVICE ESTABLISHMENTS**

Section 1: Purpose and Objectives

The objective of this Policy is to aid in the administration of Attachment D, Part 1 (Fats, Oil, and Grease Control Ordinance) designed to reduce the introduction and accumulation of fats, oils, and greases into the municipal wastewater collection system.

This Policy establishes uniform permitting, maintenance and monitoring requirements for controlling the discharge of grease from food service facilities discharging into the wastewater collection system and for regulation of commercial grease haulers operating within the Greer Commission of Public Works' (CPW's) wastewater collection system.

Section 2: Definitions

The definitions contained in Section 1.2 of the City of Greer Sewer Use and Pretreatment Ordinance and the following definitions, when used in this section, shall apply.

CPW means the Greer Commission of Public Works.

Fats, oil, and grease means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG".

FOG Management Program (FMP) official means a member of the staff of the CPW's FOG management program, appointed by the General Manager to implement the FOG management program.

FOG Policy or Policy means the written plan and procedures by which the General Manager implements and enforces the FOG control and management program established herein. The Policy applies to FOG program violations and matters of program noncompliance. Penalties for specific and programmatic infractions are addressed in the Policy and set forth in Attachment B of the Sewer Use and Pretreatment Ordinance.

Food Service Establishments (FSE) means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs, and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling (all

methods), boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing to be reused. Also included are those establishments that engage in the preparation of precooked and frozen food materials and meat cutting activities. FSEs that discharge wastewater containing grease to the CPW sanitary sewer system include, but are not limited to, the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

Food Service Establishment Owner or Owner means:

The owner or proprietor of an individually owned FSE.

The franchise owner when an FSE is part of a franchise,

The corporate representative when an FSE is owned by a corporation.

The owner or person who assumes control of the grease interceptor or the property on which the grease interceptor is located when two or more FSEs share a common grease interceptor.

General Manager means the person designated by the CPW to manage the activities and responsibilities of the CPW, or his duly authorized representative.

Gray water means all of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.

Grease discharge permit (GDP) means a permit issued by the CPW authorizing the discharge of wastewater to the wastewater collection system from an FSE.

Grease hauler means a person and/or company that collects the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide grease interceptor maintenance services to an FSE.

Grease hauler permit (GHP) means a permit issued by the CPW authorizing a grease hauler to collect grease and to operate a grease hauling business in the CPW sewer service area.

Grease interceptor means a device located underground and outside of an FSE designed to collect, contain or remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Grease interceptors shall be in conformance with the provisions of the South Carolina Plumbing Code.

Grease removal device (GRD) refers generically to grease traps and grease interceptors.

Grease trap means a device located inside an FSE, usually under a sink, designed to collect, contain, or remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Grease traps shall be in conformance with the provisions of this policy and the South Carolina Plumbing Code.

Sewer Use and Pretreatment Ordinance means the City of Greer Sewer Use and Pretreatment Ordinance.

Registered hauler means a grease hauler registered and permitted with the GMP official in accordance with this policy.

Section 3: General Requirements

3.1 Applicability

The administrative, operational, and general requirements of this Policy are applicable to all FSEs, new or existing. All FSEs shall have grease removal and handling equipment approved by the CPW. Establishments whose Grease Removal Device (GRD) is not in accordance with standards shall be given a compliance schedule with a deadline not to exceed six (6) months from the initial notification date to bring the equipment into compliance or install adequate equipment approved by the CPW. The FMP official shall provide assistance in the facilitation of the FSE's FOG training. In addition, educational materials shall be available through the FOG management program.

3.2 Grease Traps and Interceptors

A. Design and Structural Criteria for Exterior Grease Interceptors

All GRD plans and specifications must be reviewed and approved by the General Manager prior to installation. Prior to placing any new GRD into operation, the GMP official shall inspect the GRD to assure compliance of the approved GRD. Grease Interceptors shall conform to the following general criteria when being designed and constructed:

1. Grease interceptors for FSEs such as restaurants, cafeterias, food courts, and industrial or institutional kitchen operations shall be sized based on a minimum capacity of 20 gallons per seat (or bed, in the case of hospitals, rest homes, or other care facilities, if more applicable), except that no grease interceptor shall be smaller than 1,500 gallons unless approved by the General Manager. Common grease interceptors shall be sized using the same criteria and taking into account all seats in the food court or similar establishment. No single chamber of a grease interceptor shall exceed 2,500 gallons in capacity, and FSEs requiring interceptors exceeding 2,500 gallons shall install multiple units in series to comply with these requirements. Approved EPA or SCDHEC methodology for sizing grease interceptors may be used in lieu of the above criteria, at the General Manager's discretion. Grease interceptor configuration shall be in accordance with the diagrams provided in this attachment.
2. Grease interceptors for bakeries, establishments with meat cutting facilities, and other related establishments shall be sized based on a capacity as determined using minimum and maximum hydraulic detention times (based on the approximate discharge over eight hours) of ten minutes and thirty minutes, respectively, except that no grease interceptor shall be smaller than 1,500 gallons unless approved by the General Manager. As indicated above, establishments requiring interceptors exceeding 2,500 gallons shall install multiple units. Users that meet the definition of Significant Industrial User shall comply with the applicable provisions of the Sewer Use and Pretreatment Ordinance.
3. Refrigerator drain lines, beverage dispenser drain lines, dishwasher drain lines, hand sinks, and similar drains not ordinarily receiving significant quantities of grease shall not be connected to nor discharge through a grease interceptor unless otherwise approved by the General Manager. Infrequently used floor drains whose interceptors may have a tendency to "dry out" and produce odor shall not be connected to a grease interceptor. Showers, toilets, washing machines, baths, or sinks used only for vegetable washing shall not be connected to nor discharge through a grease

interceptor. Holding tank waste shall not be discharged to a grease interceptor. Grease interceptors shall be located to be easily accessible for cleaning and inspection.

4. A 24-minute retention time under peak flow conditions.
5. Interior baffles to distribute flows will extend six (6) inches above water line but cannot flood the inlet pipe.
6. Minimum 2:1 length to width ratio.
7. Low velocity flow near outlet.
8. Baffle will be located a distance from inlet wall of 2/3 of the total length of the interceptor
9. Nine (9) inches of freeboard at grease interceptor top.
10. Each grease interceptor shall have inlet and outlet tees. The outlet tee shall extend 67% into the liquid depth. The inlet tee shall extend 40% into the liquid depth. Inlet tees must not be plugged at the top of the sanitary tee and must be a minimum of four (4) inches in diameter. Outlet tees must not be plugged at the top of the sanitary tee and must be six (6) inches in diameter. Baffle tees must not be plugged at the top of the sanitary tee and must be six (6) inches in diameter.
11. Access openings over the inlet, outlet, and baffle tees within the grease interceptor.
12. Inlet and outlet access openings shall be twenty-four (24) inches in diameter. Access openings for baffle tees shall be 6 to 8 inches in diameter. All openings shall contain pick holes. All covers shall be constructed of cast iron or equivalent traffic bearing material. Manholes and covers must extend to the finished grade and shall be installed to exclude the entrance of surface or storm water into the interceptor.
13. Full size cleanouts shall be installed on the inlet and outlet sides of the interceptor and extended to grade.
14. Grease interceptors must be vented in accordance with the Plumbing Code with a minimum 2" diameter vent piping. Vent connections may be made through the top of the interceptor, in which case the bottom of the vent shall extend no closer than 6" to the static water level, or may be made through the side of the interceptor's access opening.
15. Grease interceptors shall receive kitchen wastes only. Kitchen wastes include pre-wash sinks, pot sinks, prep sinks, mop sinks, can wash, and floor drains.
16. Grease interceptors shall be located in a non-traffic area if possible.
17. Grease interceptors shall not be located near dumpsters or other garbage containment areas if possible.
18. Minimum concrete compressive strength of 3,500 psi.
19. Joints should be properly sealed to prevent infiltration or exfiltration.

20. ASTM C-890 will be used for establishing Minimum Structural Design Loading. Grease interceptors must meet a minimum structural design of 150-pounds/square foot for non-traffic installations. For vehicular traffic conditions, the grease interceptor shall be designed to withstand an AASHTO H-20 wheel load.
21. Grease interceptors shall meet the following standards: ASTM C-1227 for Septic Tanks, C-913 for Pre-cast Concrete Water and Wastewater Structures, ACI-318 for Design and ASTM C-890 for establishing Minimum Structural Design Loading.
22. Grease interceptors made of polyethylene or fiberglass tanks shall be able to withstand the appropriate loading (traffic or non-traffic) or perform under a vacuum test to simulate loading and include 12,000 psi ultimate tensile strength, 19,000 psi flexural strength, and 800,000 psi flexural modulus of elasticity as per ASTM D790. Tanks shall be listed and labeled.
23. A South Carolina Professional Engineer will specifically design cast-in-place or masonry tanks.
24. All grease interceptors shall be installed by a licensed Plumbing Contractor and shall be maintained by the FSE at the FSE's expense so as to be in continuously effective operation.
25. Details and installation shall comply with the requirements of local building inspection or health department codes. Prior to commencement of construction or installation, the User shall secure applicable local building, plumbing, and other permits.
26. The User shall notify the General Manager or his authorized representative at least 48 hours prior to backfilling the grease interceptor and piping to request a final inspection of the installation. The General Manager or his authorized representative may halt the completion of the installation or notify the local building inspector if the installation does not meet all requirements.

B. Interior Grease Traps

In cases where circumstances will not allow for the installation of an outdoor in-ground grease interceptor and only with the approval of the General Manager, the FSE may be allowed to install an indoor GRD through the variance process.

The FSE shall submit an application for a variance on a form provided by the CPW. The application shall include a description of the circumstances which prevent the installation of an outdoor in-ground grease interceptor. The application shall:

- (i) give a description of the FSE (i.e., hours of operation, type of food sold and average number of customers served on a weekly basis);
- (ii) describe the type of food preparation process(es) for the business;
- (iii) describe the type of proposed interior grease trap; and
- (iv) describe the processes and procedures used to ensure FOG does not exit the grease trap into the CPW's sewer system.

If approved, the GRD variance shall be in force until:

- (i) a change in ownership of the FSE occurs;
- (ii) evidence demonstrates that a GRD is no longer necessary;
- (iii) evidence demonstrates that the GRD is not keeping FOG out of the CPW’s wastewater system; and/or
- (iv) the kitchen or facility is remodeled.

GRD’s shall be designed in general compliance with the following chart:

RECOMMENDED RATINGS FOR COMMERCIAL GREASE TRAPS			
“Under-the-Counter” Package Unit Grease Traps			
<u>Type of Fixture</u>	<u>Flow Rate</u> (gpm)	<u>Grease Retention Capacity</u> <u>Rating</u> (lb)	<u>Capacity Per Fixture</u> <u>Connected to</u> <u>Trap</u> (gal)
Restaurant Kitchen Sink	15	30	50
Single-compartment Scullery Sink	20	40	50
Double-compartment Scullery Sink	25	50	62.5
2 Single-compartment Sinks	25	50	62.5
2 Double-compartment Sinks	35	70	87.5
Dishwashers for Restaurant: Up to 30 gallon Water capacity	15	30	50
Up to 50 gallon Water capacity	25	50	62.5
Up to 100 gallon Water capacity	40	80	100

Section 4: Alternative grease removal devices or technologies

The installation and use of alternative devices and technologies, such as automatic grease removal systems, shall require prior written approval by the General Manager. Approval shall be based upon demonstrated (proven) removal efficiencies and reliability of operation. The General Manager may approve these types

of devices on a case-by-case basis depending upon manufacturer's specifications. The FSE may be required to furnish analytical data which demonstrates that grease discharge concentrations to the CPW's wastewater collection system will not exceed the established limitations.

The use of biological or other additives as a grease degradation or conditioning agent is permissible only with the General Manager's prior written approval. Any FSE using biological or other additives shall maintain the trap or interceptor in such a manner that attainment of any grease wastewater action level, solids blanket, or grease cap criteria, goal or directive, as measured from the grease interceptor outlet or interior, is consistently achieved. MSDSs and any other applicable information concerning the composition, recommended frequency of use, and mode of action of the proposed additive shall be sent to the CPW together with a written statement outlining the proposed use of the additive(s). Permission to use any specific additive may be withdrawn by the General Manager at any time.

Flushing an interceptor with hot water, or the use of chemicals or other agents to dissolve or emulsify grease and allow it to flow into the wastewater collection system is a violation of this Policy.

Section 5: Inspection, Pumping, Cleaning, and Maintenance

A. Inspection

All FSEs shall be inspected as follows:

1. Inspections by CPW: The FMP official shall complete inspections of FSEs on both an unscheduled and unannounced basis or on a scheduled basis, after a GDP has been issued, to verify continued compliance with the requirements of this Policy. An inspection of the grease interceptor/trap shall be conducted, measurement of the level of the interceptor/trap contents shall be obtained, and samples shall be collected as necessary. Inspection of all equipment, food processing, and storage areas shall be conducted. A review of all processes that generate wastewater discharged from the facility through the grease interceptor/trap shall be completed. Also, the FMP official shall inspect the interceptor/trap maintenance logbook and file, and any other pertinent data. Additionally, the FMP official shall determine if all Best Management Practices agreed upon and noted in the permit issued to the facility have been implemented. The FMP official shall record all observations in a written report. Any deficiencies shall be noted, including but not limited to:
 - a. Failure to properly maintain the grease interceptor or trap in accordance with the provisions of the grease discharge permit and this Policy.
 - b. Failure to report changes in operations, or wastewater constituents and characteristics.
 - c. Failure to report pumping activities or maintain copies of manifest forms or receipts.
 - d. Failure to maintain required logs, files, or records.
 - e. Failure to allow access for the FMP official to conduct inspection or monitoring activities.
 - f. Failure to obtain or renew the grease discharge permit in a timely manner.

- g. Any other inconsistency with the program that requires correction by the FSE.
- h. Inability of the existing grease interceptor or grease trap to prevent the discharge of grease into the sewer system, as evidenced by the build-up of grease downstream of the grease interceptor or grease trap.

If any deficiencies are recorded by the FMP official during an inspection, the FMP official shall issue a written notice requiring corrections within Thirty (30) calendar days, and a tentative date for a re-inspection shall be established.

- 2. Re-inspections by CPW: The FMP official shall re-inspect any FSE which received a deficiency notice after the original inspection. A re-inspection shall be performed after a minimum of Thirty (30) calendar days have elapsed since the original inspection (unless an earlier time is requested by the FSE) to allow sufficient time for corrective action to be completed by the FSE. The FMP official shall inspect any repairs or other deficiencies and shall provide written notice of compliance or non-compliance as the case may be. In the event of continuing non-compliance, successive re-inspections will be scheduled.
- 3. Self-inspections by FSE: Grease interceptors/traps shall be inspected and maintained by FSE personnel on a weekly basis until sufficient data logs of the inspections indicate a decrease in frequency is warranted.

B. Pumping, Cleaning, and Maintenance

Grease Interceptor Pumping Frequency: Each FSE shall have its grease interceptor(s) pumped at a minimum of once every three months. In addition to the required quarterly pumping, each FSE shall determine any additional frequency at which its grease interceptor(s) shall be pumped according to the following criteria:

- 1. When the floatable grease layer exceeds fifteen inches in depth as measured by an approved dipping method, or;
- 2. When the settleable solids layer exceeds fifteen inches in depth as measured by an approved dipping method, or;
- 3. When the total volume of captured grease and solid material displaces more than 50 percent of the capacity of the interceptor as calculated using an approved dipping method, or;
- 4. When the interceptor is not retaining/capturing fats, oils, and greases.

Each FSE shall be responsible for the cost of installing, inspecting, pumping, cleaning, and maintaining its grease interceptor. Since the FSE is liable for the condition of its pretreatment devices, it is recommended that FSE personnel witness all cleaning and maintenance activities to verify that the grease interceptor is being fully cleaned and properly maintained. All FSEs that have grease interceptors shall utilize a grease hauler that has been permitted by the CPW for pumping services. Pumping services shall include the initial complete removal of all contents, including floating

materials, wastewater, and bottom sludges and solids from the interceptor. The following are pumping practices required of registered waste haulers:

Step 1. Record grease level readings using an appropriate dipping method (sludge judge reading, etc.).

Step 2. Skim the entire grease cap and debris from the top of the grease interceptor. The grease interceptor may need to be agitated slightly to loosen the grease cap.

Step 3. Place the vacuum tube all the way into the grease interceptor to withdraw any solids from the bottom.

Step 4. Vacuum water out of the grease interceptor.

Step 5. Scrape excessive solids from the walls, floors, baffles, and all piping. Then, use a fresh water source to hose down the grease interceptor. Do not allow solids to be released into the sewer.

Step 6. Vacuum the contents out of the grease interceptor. Make sure the grease interceptor is completely clean.

Step 7. Verify that the sanitary “Tees” on the inlet side, outlet side, and baffles of the grease interceptor are not clogged, loose, or missing.

Step 8. Verify that the baffle is secure and in place.

Step 9. Inspect the grease interceptor for any cracks or other defects.

Step 10. Allow the FSE contact to inspect the cleaning for FSE approval.

Step 11. Verify that lids are securely and properly seated after completion of pumping.

Step 12. Provide a copy of the waste hauler manifest to the FSE.

It shall be the responsibility of each FSE to inspect its grease interceptor during the pumping procedure to ensure that the grease interceptor is properly cleaned out and that all fittings and fixtures inside the grease interceptor are in working condition and functioning properly.

Decanting Prohibition:

The return of gray water back into the grease interceptor from which the wastes were removed is prohibited.

C. Variance for required pumping frequency

Variance procedure: If an FSE determines that quarterly pumping of its grease interceptor is unnecessary in order to remain in compliance with the criteria contained in Section 5B, the FSE may make written application to the General Manager for a variance from the quarterly pumping requirements. The variance procedure shall be as follows:

1. The FSE shall submit an application for a variance on a form provided by the CPW. The application shall include the next date and time the FSE intends to have its interceptor pumped and cleaned and an affidavit from the applicant stating that it shall permit no further pumping or cleaning of the interceptor until the CPW has completed its evaluation and notified the applicant of the appropriate pumping frequency.
2. An FMP official shall inspect the interceptor on the specified date and time during or after the pump-out procedure.
3. If the interceptor is found to be in good working condition during the initial inspection, the FMP official shall re-inspect the grease interceptor approximately 30 days after the initial inspection.
4. After the initial re-inspection, the FMP official shall inspect the interceptor at intervals of approximately every 14 working days to determine the grease and solids level using a dipping method approved by the CPW.
5. During the series of subsequent re-inspections, if the level of grease reaches fifteen inches or the level of solids reaches fifteen inches the FMP official shall use the number of days from the initial pumping date to the final re-inspection date as the new pumping frequency requirement to be included in the variance granted.
6. If, at a re-inspection, the level of grease exceeds fifteen inches or the level of solids exceeds fifteen inches the FMP official shall use the number of days from the initial pumping date to the previous re-inspection date as the new pumping frequency requirement to be included in the variance granted.
7. Where two or more grease interceptors are located at the same FSE on different laterals, one variance application process shall apply to both interceptors and different variances may be determined for each interceptor.
8. Where two or more interceptors are connected in series on the same lateral, one variance application process shall apply to all interceptors. The two or more interceptors shall all be initially pumped on the same day and the variance for the first interceptor shall be determined when the grease or solids criteria are reached. The first interceptor shall not be pumped at this time and the second interceptor shall continue to be monitored until either the grease or solids criteria are reached. This process shall continue until the grease or solids criteria has been reached at the last interceptor in the series. At this time all interceptors must be pumped and the new variances for each interceptor will be issued.
9. If there is any evidence that the interceptor has been tampered with or pumped out during the variance procedure, the procedure will be declared null and void and a new application will be required from the FSE to re-start the procedure.
10. The determined variance shall be effective until there is either:
 - (i) a change in ownership of the FSE;
 - (ii) evidence demonstrates that more frequent pumping is necessary; or

- (iii) extensive remodeling of the kitchen or facility occurs which requires a municipal or county plumbing permit to be issued.

11. In any event, pump-out and cleaning of an interceptor shall be required at least once every 180 days.
12. Failure to provide complete pump-out of a grease interceptor at the required interval may result in revocation of the approved variance.
13. In the event any pre-existing data has been approved by the General Manager, it may be used during the variance process.

D. Disposal Requirements

Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes or at a location designated by the CPW for such purposes. Neither grease nor solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line, or any portion of the CPW's wastewater collection system or water reclamation facilities without prior written permission from the General Manager.

Section 6: Right of Entry

- A.** The CPW, or its designee, shall have right-of-entry on or upon the property of any FSE subject to this Policy for the purpose of inspection, determination of compliance, enforcement action, investigation of complaints, or investigation of alleged violations of this Policy. The CPW shall be provided ready access to all parts of the premises for the purpose of inspection, monitoring, sampling, establishing limits, records examination and copying, and the performance of any other duties which the General Manager reasonably deems necessary to determine compliance with this Policy.
- B.** Where security measures are in place which require proper identification and clearance before entry onto the premises, the property owner or commercial enterprise shall make necessary arrangements with its security staff so that, upon presentation of proper credentials, CPW personnel will be permitted to enter without delay for the purpose of inspecting the site, investigating complaints, or investigating alleged violations of this Policy.
- C.** The CPW shall have the right to set up on the property such devices as are necessary to conduct sampling and/or metering and shall have the power to require written statements, certificates, certifications, or the filing of reports related to complaints or alleged violations of this Policy.
- D.** All grease removal devices (GRD) shall be easily accessible and shall not be obstructed by landscaping, parked cars, or other obstructions. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the responsible party at the written or verbal request of the CPW. The cost of clearing such access shall be borne by the responsible party.

Section 7 Records Maintenance and Retention:

A. Record keeping:

Each FSE shall maintain a logbook in which a record of all interceptor maintenance is entered, including the date and time of the maintenance, details of any repairs required, dates of repair completion, and any other records pertaining to the interceptor. This logbook shall be made available for review upon request by the FMP official. Each FSE shall also maintain a file on-site which contains the following information:

1. The as-built drawings of the plumbing system, if available. If as-built drawings are not available, other drawings of sufficient detail which depict the plumbing layout of the FSE.
2. A copy of the current grease discharge permit.
3. Log of maintenance, pumping or cleaning activities.
4. Receipts from grease haulers
5. Grease hauler information.

The FSE shall retain, onsite, for a minimum of three (3) years, a written record of grease interceptor maintenance. These records shall include but not be limited to:

1. FSE name and physical location.
2. Date and time of grease interceptor service.
3. Name and signature of grease hauler performing said service.
4. Established service frequency and type of service: full pump-out, partial pump-out, on-site treatment (type and nature of operation).
5. Number and size of each grease interceptor serviced at FSE location.
6. Total volume of waste removed from each grease interceptor.
7. Destination of removed wastes, food solids, and wastewater disposal.
8. Signature and date of FSE personnel confirming service completion.
9. Such other information as required by the FMP official.

These records shall be available at all times for inspection and review by the FMP official. Failure to maintain complete records or to provide such records to the FMP official, upon request, constitutes a violation of this Policy.

B. FSEs May Authorize Registered Haulers to Act on Their Behalf:

An FSE may authorize a grease hauler to act on its behalf regarding inspection, disposal and, records maintenance requirements of this section, provided the grease hauler has registered with the CPW and meets the following conditions:

1. The grease hauler has a current permit with the CPW and provides a list of every FSE authorizing the grease hauler to perform inspection, disposal, and record keeping requirements.
2. The grease hauler agrees to maintain all records regarding all maintenance activities for a period of three years and to make such records available for review by the FMP official.
3. The grease hauler maintains reports detailing interceptor cleaning for each FSE along with a statement attesting to the accuracy of the information contained in the records. Records shall include the following information:
 - a. Estimated depth of grease and solids removed from the interceptor.
 - b. Any defects in the grease interceptor.
 - c. Date of pump-out.
 - d. Capacity of interceptor tank.
4. An FSE that has authorized a registered grease hauler to act on its behalf is not relieved of its responsibilities pursuant to this Policy. However, in the event deficiencies are noted, the FMP official will attempt to first contact the registered hauler and request that the deficiencies be corrected.

C. CPW Performance Indicators.

The FMP official shall maintain records of blockages to assist in determining the effectiveness of the FOG Ordinance and this Policy.

Section 8: FSE Permit Applications:

A. Permitting requirements for FSEs.

All FSEs shall be required to apply for and obtain a Grease Discharge Permit (GDP) from the CPW. The GDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by Federal, State, or local law. It shall be a violation of this Policy for any FSE identified by the CPW to discharge wastewater containing fats, oil, and grease to the CPW's wastewater collection system without a current GDP.

B. Application form:

The CPW shall provide GDP application forms to FSEs. Application forms shall be mailed at least one hundred eighty (180) days before the GDP expiration date to FSE owners previously identified by

the CPW. Each FSE that is required to obtain a GDP must submit a completed application form for the address shown on the form within thirty (30) days receipt of the form for previously identified FSEs and newly identified FSEs. A new FSE must obtain a GDP before a Certificate of Occupancy can be issued. A new FSE should submit an application early in the zoning phase to allow sufficient time for the CPW to complete the permitting process. Each application shall include the following information:

1. Name, mailing address, physical address, and telephone number of the FSE owner, and the name of a representative duly authorized to act on behalf of the FSE.
2. A description of any commercial or industrial activities, facilities, and processes present on the premises, including a list of all equipment, raw materials, and chemicals used or stored at the facility. Material Safety Data Sheets (MSDS) of all such chemicals must be included.
3. A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors, and appurtenances on the FSE's premises if known or if it may be readily ascertained.
4. Number of employees, number and times of shifts, and hours and days of facility operation.
5. Copies of recent water bills.
6. Details of all grease interceptor or grease trap maintenance within the past year.
7. A signed statement from the FSE owner declaring that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this Policy, as well as any other applicable Federal, State, or local regulations governing the FSE.
8. Any other information determined by the FMP official to be necessary in order to evaluate the GDP application.

C. Pre-permit inspection procedure.

1. Once a completed application form has been received, the FSE will be inspected prior to the issuance of the individual GDP. During the pre-permit inspection, the information contained in the application form will be verified, the average daily potable water use will be calculated, and the grease interceptor or trap will be inspected. General GDPs may be issued in accordance with Section 9(2) below prior to pre-permit inspections if there is a back-log of inspections, which is anticipated during the first year of implementation of this Policy.
2. If all information is verified and the grease interceptor or trap is in proper working condition in accordance with the requirements of this Policy, a GDP will be issued together with a copy of the CPW's "Best Management Practices (BMP) for Handling and Disposing of Fats, Oil, and Grease (FOG)" policy.
3. If the grease interceptor or trap requires any maintenance or repairs, or if incorrect information has been given, the FMP official shall provide a written notice to correct any deficiencies, including a required time schedule for corrective actions to be completed prior to a second pre-

permit inspection. A minimum of 30 calendar days will be allowed for corrective actions to be completed. Second pre-permit inspections shall be performed after the 30 calendar day minimum time period has elapsed.

4. A decision to approve or reject a permit application shall be made within 60 days after the date of the last pre-permit inspection in which the applicant's facility is in compliance. If the permit application is accepted, a permit shall be issued within 60 days after the date of the last pre-permit inspection in which the applicant's facility is in compliance.

Section 9: FSE Grease discharge permit:

General Provisions. The following criteria shall apply to all GDPs:

Except for General GDPs described in subsection 2 below, each GDP shall be valid for five (5) years from its effective date.

1. The GDP must be displayed in a conspicuous place where it can be seen by the staff of the FSE and a copy of the GDP must be kept in the records file.
2. General GDPs without facility-specific terms and conditions may be issued prior to a pre-permit FSE facility inspection. General GDPs may be revoked or replaced with an individual GDP after inspection of the FSE.
3. The GDP shall be issued to a specific user for a specific operation. GDPs will vary in content and requirements depending on the class of the FSE and the type of grease removal device(s) installed. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP.
4. An application for renewal of a GDP shall be submitted at least 60 days prior to the expiration date of the existing GDP by each applicant wishing to continue to discharge into the wastewater collection system. Failure to submit applications in a timely manner shall constitute a violation of this Policy.
5. The terms and conditions of the GDP are subject to modification during the term of the permit, if any limitation or requirement in this program is modified. The FSE shall be informed of any proposed change(s) in the issued permit at least 60 days prior to the effective date of the change(s). Any change(s) or new condition(s) in the GDP shall include a reasonable schedule for achieving compliance.

Section 10 Grease Hauler Regulation Program:

A. Administration and permitting of grease haulers:

Any person, firm, or business interested in collecting, pumping, or hauling grease interceptor wastes from FSEs connected to the CPW's wastewater collection system must possess a current license from the SC Department of Health and Environmental Control Division of Onsite Wastewater Systems to maintain grease interceptors and haul grease waste. Additionally, any person described above shall be

required to apply for and obtain a CPW Grease Hauler Permit. In addition, registration must be obtained from the CPW for each vehicle used by the grease hauler in hauling operations. It shall be a violation of this Policy for any grease hauler to clean or pump out grease interceptors on the CPW's system without a current GHP.

B. Application form:

To obtain a GHP, a grease hauler must submit a completed GHP application form to the CPW. The grease hauler shall be issued a GHP within 30 working days of the CPW's receipt of a properly completed application form. The grease hauler shall obtain a GHP prior to providing grease hauling services within the CPW's wastewater collection system service area. Each application shall include the following information:

1. Name of applicant. If the applicant is a partnership, corporation or other business entity, the name of an individual who is legally authorized to act on behalf of the organization must be provided.
2. Applicant's address and telephone number, including information for person(s) to contact at times other than normal business hours.
3. The type, license tag number, and capacity of each vehicle that will be used to pump or haul liquid wastes from grease interceptors. New or replacement equipment acquired subsequent to the application shall be reported to the CPW prior to use.
4. A copy of any other current permits or licenses if the hauler pumps or hauls septic tank waste or portable toilet wastes.
5. Financial assurance in the amount of \$10,000.00 in a form acceptable to the CPW such as a bond or letter of credit. Such assurance shall remain in effect for the life of the permit. This assurance shall be used to guarantee disposal costs, fines, and the costs of any damages that may result from a grease hauler discharging in violation of this Policy.
6. A list of the disposal facilities that the applicant intends to use.
7. A signed statement that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this Policy, as well as any other applicable Federal, State, or local regulations.
8. Any other information determined by the General Manager to be necessary to evaluate the GHP application.

C. Grease Hauler Permits (GHP):

Each GHP shall be valid for five (5) years from its effective date and may include special conditions as required by the General Manager. The GHP shall be in addition to any other permits, registrations, or occupational licenses which may be required by Federal, State, and local agencies having lawful jurisdiction. The GHP is not transferable.

1. Permit contents. All approved GHPs shall include a statement of the duration of the permit, including the effective and expiration dates; identification of all approved vehicles and the liquid wastes which may be hauled by each; standard conditions related to permit renewal and permit revision; and any applicable special conditions. Special conditions may include, but are not limited to the following:
 - a. Requirement(s) that:
 - i. All grease interceptors shall be pumped completely empty. Excessive solids shall be scraped from the walls and baffles, and inlet, outlet, and baffle ports shall be cleared. No grease or solids may be re-introduced into the interceptor.
 - ii. No grease or gray water will be accepted at any CPW-owned facility and the permittee shall contract with other private or public facilities to properly dispose of the grease and food solids.
 - iii. The grease hauler shall comply with all Federal, State, and local regulations concerning the pumping of grease interceptors and the hauling and disposal of grease interceptor contents.
 - iv. The grease hauler agrees to notify the CPW of any business that no longer accepts grease pumping contents (i.e., payment issues, etc.).
 - v. The grease hauler shall attend compliance review workshops and any other workshops regarding the requirements of this Policy and it shall certify that it has instructed all drivers and other appropriate personnel responsible for cleaning interceptors or submitting reports.
 - b. Any other requirement or statement that the CPW believes to be necessary to meet the intent of this Policy.

D. Permit Renewal:

An application for GHP renewal shall be submitted on the appropriate permit renewal form at least 60 days prior to the expiration date of the current GHP by each applicant wishing to provide grease hauling services to permitted FSEs located in the CPW's sewer service area.

E. Spill Reporting:

Any accident, spill, or other discharge of grease or gray water which occurs either within the CPW sewer service area or within a sewer sub-district whose sewer lines connect to CPW sewer lines shall be reported to the CPW by the grease hauler as soon as possible but not longer than 24 hours after the incident. The grease hauler shall comply with all procedures contained in Federal, State, and local regulations. The grease hauler shall be responsible for all clean-up procedures and costs.

F. Record Keeping:

Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and grease disposal from their customers located in the CPW wastewater collection service area. Records are required for each trip to a disposal facility to include the vehicle, date, amount of grease, and name of disposal facility. These records shall remain available for a period of at least three years. Failure to provide information to the CPW within ten days of a written request is a violation of this Policy and may result in revocation of a permit. The CPW may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this Policy. Repeated failure of a registered hauler to submit required or requested reports in a timely manner or the repeated submission of inaccurate or incomplete reports will result in the removal of that hauler from the registered hauler list.

G. Vehicle inspection:

Grease haulers shall submit to inspection of all CPW- registered vehicles. A CPW registration confirmation form shall be conspicuously displayed on all CPW-registered vehicles.

H. Disposal:

Grease haulers must certify that grease was disposed of in accordance with the provisions of this Policy. Waste removed from each grease interceptor shall be disposed of at a facility permitted to receive such waste or at a location designated by the CPW for such purposes. Neither grease nor solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line, or any portion of the CPW's wastewater collection system or water reclamation facilities without prior written permission from the FMP official. A violation of this section shall result in immediate revocation of the GHP in addition to other enforcement actions as required.

Section 11 ENFORCEMENT:

A. Administrative Enforcement Activities.

The CPW is authorized, but not limited to, taking the following actions in response to noncompliance with the Fats, Oils and Grease Policy:

1. Written Warning of Violation

2. Written Notice of Violation

3. Enforcement Meeting

- a. Administrative Order [AO]
- b. Initiation of Self-Monitoring
- c. Employee Training Requirement
- d. Consent Order (may contain Schedule of Compliance)

4. Administrative Fines. Penalties as set forth and established in Attachment B of the Sewer Use and Pretreatment Ordinance.

5. Payment of Remediation/Clean-Up Costs and/or Cost Recovery

6. Termination of Sewer and/or Water Service [TOS]

B. Enforcement Strategy.

<u>Violation</u>	<u>Enforcement Action and Penalty</u>
Not maintaining, on premises, grease interceptor maintenance records, and/or required FOG Control Ordinance documents within timeframe specified by this Policy.	1st Notice - WOV 2nd Notice – NOV, L1 3rd Notice – NOV, L3 4th Notice - EM
Not meeting stipulated deadlines, milestones, conditions, or directives.	1st Notice - WOV 2nd Notice – NOV, L1 3rd Notice – NOV, L4 4th Notice – EM
Failure to maintain grease interceptor per Policy requirements or Department directive.	1st Notice - WOV 2nd Notice – NOV, L4 3rd Notice – NOV, L5 4th Notice - EM
Failure to implement or follow required Best Management Practice(s).	1st Notice - WOV 2nd Notice – NOV, L1 3rd Notice – NOV, L2 4th Notice - EM
Failure of property owner/management to comply with notification requirement to convey grease	NOV with notice to correct

interceptor maintenance requirements
to new tenant, new property
management, or new owner.

Enforcement Actions

WOV – Warning of Violation

NOV – Notice of Violation

EM – Enforcement Meeting

Penalties*

L1 (Level 1)

L2 (Level 2)

L3 (Level 3)

L4 (Level 4)

L5 (Level 5)

L6 (Level 6)

L7 (Level 7)

*For fines, see Sewer Use and Pretreatment Ordinance, Attachment B

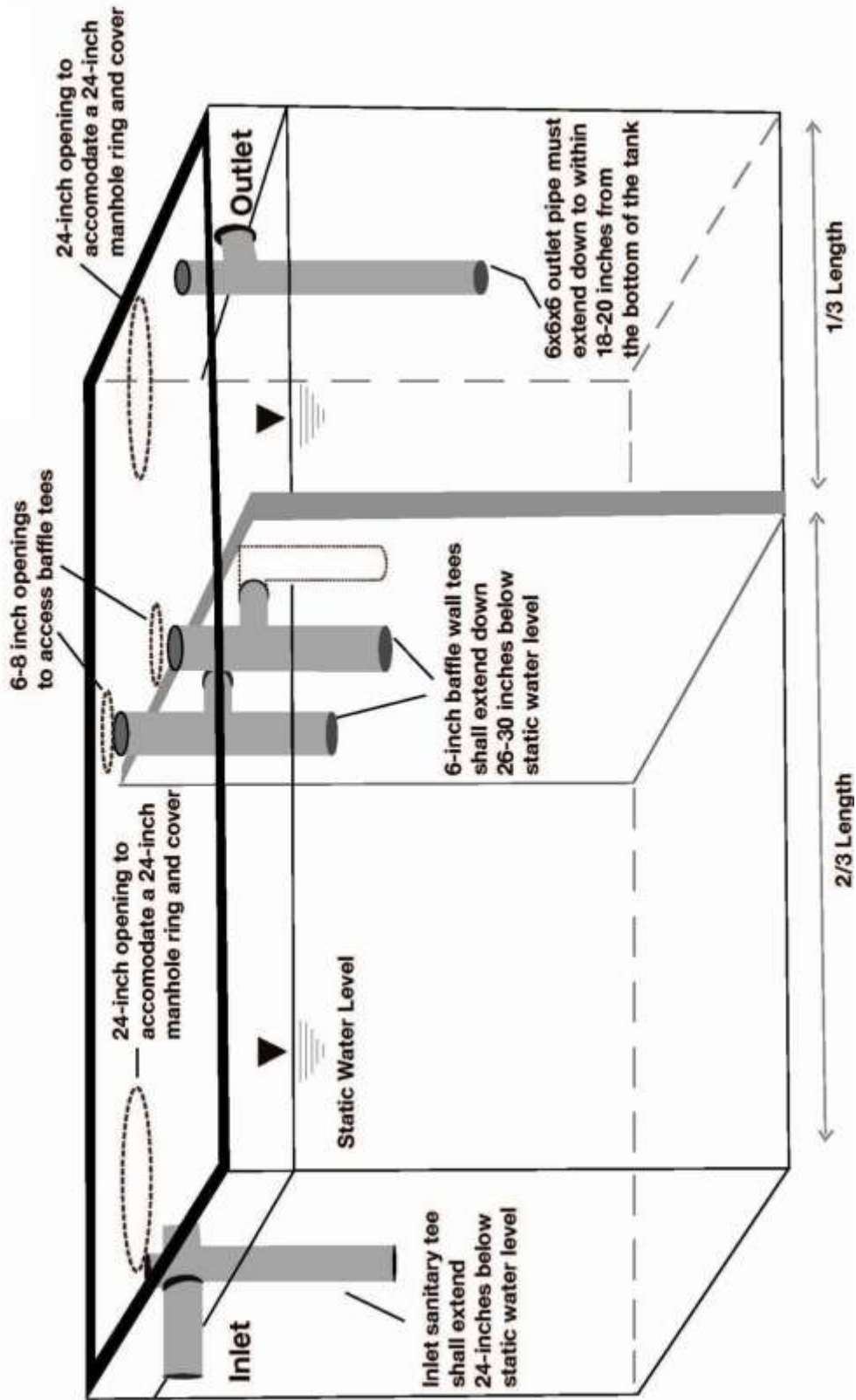
C.Recovery of costs.

When a discharge of waste causes an obstruction, damage, loss, or any other impairment to any CPW facility or property, or any expense of whatever character or nature to the CPW, the General Manager may assess the expenses incurred by the CPW to clear the obstruction, repair damage to the facility or property, repair any other damage, or recover any loss of any kind or nature suffered by the CPW. The General Manager shall file a claim with the FSE or any other responsible person or entity, seeking reimbursement for any and all expenses, damages, or losses suffered by the CPW. If the claim is ignored or denied, the General Manager shall direct the CPW’s attorney to take such measures as shall be appropriate to recover any expense or to correct other damages or losses suffered by the CPW.

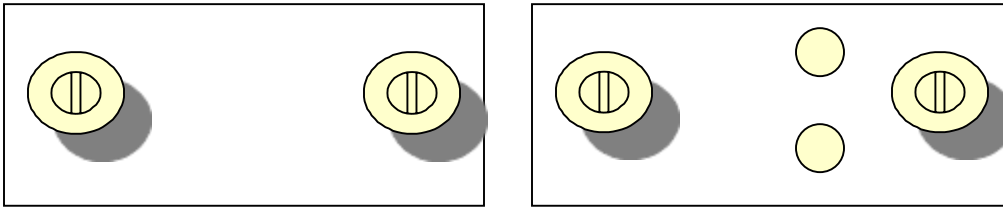
D.Remedies nonexclusive.

The remedies provided for in this Policy are not exclusive. The CPW may take any, all, or any combination of these actions against a person violating this Policy. Enforcement of violations will generally be in accordance with this Policy. However, the CPW may take other action against any person when circumstances warrant. Further, the CPW is empowered to take more than one enforcement action against any person in violation of this Policy.

Single Tank Grease Interceptor Diagram

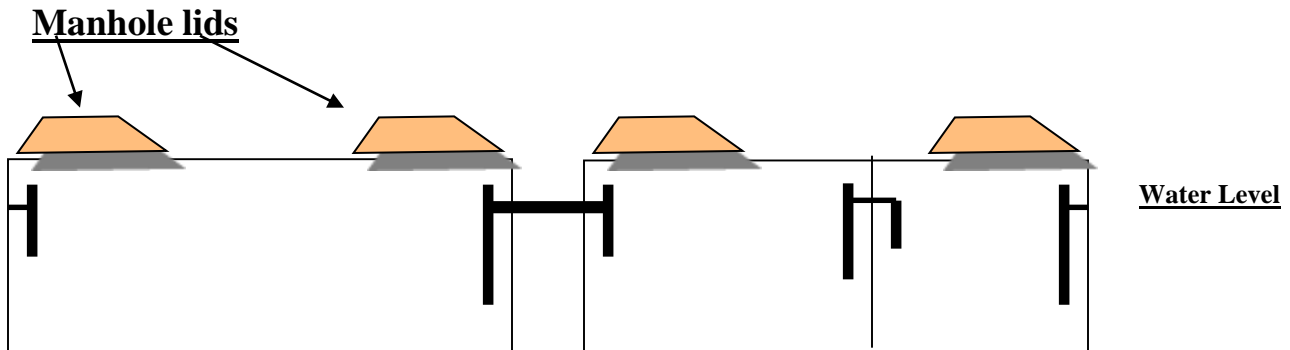


Two Tank Grease Interceptor Diagram Top Outside View



Manhole covers must be positioned over inlet and outlet piping for each tank

Side View

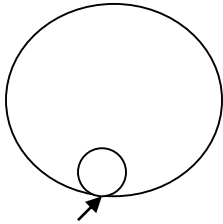


Note: Not to Scale

1st Tank – Un baffled – 24” manhole rings and covers over both inlet and outlet piping. Inlet tee shall extend down 24” below static water level. Outlet tee shall extend down to within 18-20” from the bottom of the tank.

2nd Tank – Baffled – 24” manhole rings and covers over both inlet and outlet piping, 6-8” openings and covers over baffle tees. Inlet tee shall extend 24” below static water level. Outlet baffle wall tees shall extend down 26-30” below static water level. Inlet baffle wall tees shall extend 24” below static water level. Outlet tee on 2nd tank must be 6”x 6”x6”, shall extend down to within 18-20” from the bottom of the tank.

**Top View of All Manhole Openings
For Single Tank and Two Tank Grease Interceptors**



Tee must be fully visible but close to manhole wall

Top of Tee