

CITY OF GREER

SEWER USE AND PRETREATMENT ORDINANCE

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**DIAGRAMS**

ONE TANK  
TWO TANK

CITY OF GREER

ORDINANCE NO. 2-2015, 28-2015

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

Recent developments in both federal and state law have created increasing and more stringent requirements upon public wastewater treatment facilities and demand compliance with severe sanctions and penalties. The purpose of this Ordinance is to update requirements and to bring the Ordinance into compliance with 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 statutes and regulations.

The Ordinance sets forth uniform requirements for discharges to the POTW and enables the Commission of Public Works (CPW) to comply with all applicable State and Federal laws and the Pretreatment Regulations (40 CFR Part 403 and R61-9 Section 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; and (4) To protect CPW personnel and the general public; (5) To promote economic growth including residential and industrial development; (6) To provide for equitable distribution of the cost of the wastewater disposal system; and (7) To enable the CPW to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject. This Ordinance 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.)

Approval Authority South Carolina Department of Health and Environmental Control (SCDHEC) has delegated authority from USEPA to administer the Industrial Pretreatment Program in South Carolina. Therefore, SCDHEC is the Approval Authority for South Carolina.

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

- (1) If the User is a corporation:
  - (a) The president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manger in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship; a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

Billable Biochemical Oxygen Demand shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater as given 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 as given 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 as given 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 as given 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.

Best Management Practices or BMPs shall mean the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.1 and 4.2. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

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.

Categorical Pretreatment Standard or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and SC R61-9 403 Appendix C.

Categorical Industrial User shall mean an Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.

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.

Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

CPW shall mean the Greer Commission of Public Works.

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

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

Daily Average shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar month.

Daily Average Limit shall mean the average allowable discharge limit of a pollutant during a calendar month. Where a Daily Average Limit is expressed in units of mass, the daily average discharge is determined from the total mass of all daily discharges measured during a calendar month divided by the number of measurements taken that month. Where a Daily Average Limit is expressed in terms of a concentration, the daily average discharge is the arithmetic average of the pollutant concentrations from all measurements taken that month.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

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.

Existing Source shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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.

Grab Sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not exceed fifteen (15) minutes.

Headworks 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 402 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.

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. [Note: If the POTW would like the flexibility to measure compliance with either a single grab sample or sample representative of the discharge day, the POTW should establish both Daily Maximum and Instantaneous Limits.]

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 or 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 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, infections 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.

Monthly Average shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure,

facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
    - (i) Any placement, assembly, or installation of facilities or equipment; or
    - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

North American Industrial Classification System (NAICS) shall mean a classification pursuant to the current edition of the North American Industrial Classification System Manual.

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.

Ordinance - shall mean the City of Greer Sewer Use and Pretreatment Ordinance.

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) and SC R-61-9 Section 403.6(e).

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than Pretreatment Standards imposed on an Industrial User.

Pretreatment Standards or Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

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

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.1 of this Ordinance.

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 (33 U.S.C. section 1292), which is owned by the CPW. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant, 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.

Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

Shall is mandatory and requires compliance: May is permissive.

Significant Industrial User shall mean any User of the sanitary sewer system that:

- (1) All Industrial Users subject to Categorical Pretreatment Standards under section 403.6 and 40 CFR chapter I, subchapter N; and either
  - a. Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or
  - c. Is designated as such by the CPW on the basis that the Industrial User has a reasonable potential for adversely affecting the CPW's wastewater sewer or treatment works operation, or quality of treatment works effluent or sludge or for violating any Pretreatment Standard or requirement.
- (2) The CPW may determine that an Industrial User subject to categorical Pretreatment Standards under South Carolina Regulation 61-9, Section 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - a. The Industrial User, prior to the CPW's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - b. The Industrial User annually submits the certification statement required in South Carolina Regulation 61-9, Section 403.12(q) together with any additional information necessary to support the certification statement; and
  - c. The Industrial User never discharges any untreated, concentrated wastewater.
- (3) Upon a finding that an Industrial User meeting the criteria in paragraph (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the CPW may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with South Carolina Regulation 61-9.403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

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 or Slug Discharge shall mean any discharges at a flow rate or concentration, which could cause a violation of the prohibited discharges standards in Section 4.1 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard Industrial Classification (SIC) 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:

BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
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
LVD	Low Volume Discharger
mg/L	Milligrams Per Liter
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
PCA	State Pollution Control Act
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SC R61-9	SCDHEC Water Pollution Control Permits: R61-9
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
USC	United States Code

#### Section 1.4 Administration

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized Greer Commission of Public Works employee.

## **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) PVC (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

### (a) 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.

### (b) 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 the 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 Fats, Oil, and Grease Control requirements 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 Governing County, Municipality, or SCDHEC. 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 a stabilized pH lower than 5.5 or greater than 12.5 or having properties capable of either causing damage or creating a hazard to equipment or personnel of the sanitary sewer system. Any wastewater having a stabilized pH lower than 6.0 or higher than 10.0 is prohibited, except as may be allowed under an industrial discharge permit approved by the General Manger (In no case will a stabilized pH lower than 5.5 or greater than 12.5 be permitted).
- (5) Wastewater containing pollutants including oxygen-demanding pollutants (BOD, etc.) 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 causes a violation of the POTW's NPDES Permit.
- (6) Noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are 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 ore 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) Wastewater with color that causes interference or prevents the POTW from complying with the NPDES permit or other Federal or State Regulations

- (14) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (15) Any medical wastes, except as specifically authorized by the General Manager in a wastewater discharge permit.
- (16) Any wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (17) 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 N-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 136. The difference between the N-Hexane Extractable Material (HEM) analysis and the SGT-HEM analysis will be considered Polar Material.
  - c. Wastewater containing substances which may solidify or become viscous at a temperature between 32 and 150 degrees Fahrenheit.
- (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.
- (6) Any trucked or hauled pollutants without prior written permission from the General Manager.

#### 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 and SC R61-9 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".

The General Manager may allow for a Categorical User to request a variance from an applicable Categorical Standard or local limitation. The request may be allowed when factors relating to a Categorical User are fundamentally different from the factors considered during the development of a categorical Pretreatment Standard applicable to the Categorical User. A revised standard may be allowed as follows:

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manger may impose equivalent concentration or mass limits in accordance with paragraphs 4 and 5 of this Section.
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, The General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e) and SC R61-9 Section 403.6 (f).

4. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that CPW convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manger. CPW may establish equivalent mass limits only if the Industrial User meets all the conditions set forth as follows:

a. To be eligible for equivalent mass limits, the Industrial User must:

i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

iii. Provide sufficient information to establish the facility's total actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

v. Have consistently complied with all applicable categorical Pretreatment Standards during the period, at least three years, prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

iii. Continue to record the facility's production rates and notify the General Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 4.3(4)(iii) of this Section. Upon notification of a revised production rate, the General Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 4.3(4)(a)(i) of this Section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the General Manager:

i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily

Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

ii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

iii May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 4.6 below. The Industrial User must also be in compliance with Section 4.11 regarding the prohibition of bypass.

5. The General Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits [SC R61-9 Section 403.6 (d)(5)] for purposes of calculating limitations applicable to individual Industrial Users. When converting such limits to concentration limits, the concentrations in the applicable subparts of 40 CFR Parts 414, 419, and 455 shall be applied. Also, documentation shall be provided that dilution is not being substituted for treatment as prohibited under Section 4.6 of this Ordinance. The conversion is at the discretion of the General Manager.

6. Once included in its permit, the Industrial User must comply with the equivalent limitations in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived

7. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

8. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

9. The General Manager, at his discretion may reduce or waive categorical Pretreatment Standards if an Industrial User subject to the categorical Pretreatment Standards is determined to be a Non-Significant Categorical User. The General Manager may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:



- a. The Industrial User, prior to the General Manager's finding, has consistently complied with all applicable categorical and Pretreatment Standards and Requirements;
- b. The Industrial User annually submits the required certification statement and any necessary supporting information; and
- c. The Industrial User never discharges any untreated, concentrated wastewater.

#### 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 or change at its facility affecting potential for a 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, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The General Manager will evaluate within one (1) year of a User being designated a Significant Industrial User, whether the User needs a plan, and thereafter at least once every three years.

#### Section 4.8 – Upset Provision, An Affirmative Defense

(a) 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, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) 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 (c) are met.

(c) 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 and SC R61-9 Section 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:

- (1) Description of the upset, the cause thereof and the expected impact on the User's compliance status;
- (2) 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
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(d) 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 its property and at its expense, a suitable storage and flow control facility to insure equalization of flow over a period determined by the General Manager. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation 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, repaired and replaced as needed, by the Owner at his expense.
- 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 and SC R61-9 Section 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 4.13 – Hauled Wastewater

- A. Greer CPW does not accept Hauled Wastewater at any of its facilities without prior written permission from the General Manger.

### **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 mailing address) of the facility, name of the operator and owner;
- (b) Applicable NAICS 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, in gallons per day;
- (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 including location for monitoring all discharges (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 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) Where required by the General Manager or in order to develop pretreatment standards; a brief description of 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; and
- (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:

1. Briefs may be submitted to the Commission by the parties but are not required unless specifically requested by the Commission.
2. 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 briefs may be filed five (5) days before the Commission meeting.

3. 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.
4. A full and complete record shall be kept of all proceedings and reported and transcribed by a qualified reporter furnished by the CPW. A copy of the transcript may be requested by any interested party, who shall pay the cost of preparing such transcript.
5. 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.
6. 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 an 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 be 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), and SC R61-9 Section 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 and SC R61-9 Section 403.6 (b) whichever is later, existing Significant Industrial Users (currently discharging to or scheduled to discharge to the POTW) 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 SC R61-9 Section 403.12(b) 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 and SC R61-9 Section 403.12(b). A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. 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 and SC R61-9 Section 403.12(b).
- (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 no less than twice per year 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 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) The General Manager may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. The authorization is subject to the following conditions:
- (a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  - (b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
  - (c) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - (d) The request for a monitoring waiver must be signed by a duly authorized representative and include the certification statement in Section 6.3 below.
  - (e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - (f) Any grant of the monitoring waiver by the General Manger must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the General Manager for 3 years after expiration of the waiver.
  - (g) Upon approval of the monitoring waiver and revision of the User's permit by the General Manger, the Industrial User must certify on each report with the statement in Section 6.3 below, that there has been no increase in the pollutant in its wastewater due to activities of the Industrial User.
  - (h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must

immediately: Comply with the monitoring requirements of paragraph 3 above, or other more frequent monitoring requirements imposed by the General Manger and notify the General Manager.

- (i) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards such as baseline monitoring reports and 90-day report of final compliance with the Pretreatment Standard, except as otherwise specified in the categorical Pretreatment Standard. The waiver is not available when the combined wastestream formula is applied except where a single categorical wastestream is combined only with sanitary wastewater.
- (5) All Users shall notify the General Manager immediately of discharges that could cause problems, including any slug discharges.
- (6) 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) and SC R61-9 Section 403.12(b) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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 and SC R61-9 Section 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 be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j) and SC R61-9 Section 403.12(j)

The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e) and SC R61-9 Section 403.12 (b), (d) and (e). Users are exempt from the requirements during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of 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.

- (11) In case of any 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.
- (12) 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 – Certification Statements

#### (1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver

The following certification statement is required to be signed and submitted by Users submitting permit applications, baseline monitoring reports, reports on compliance with the Categorical Pretreatment Standard deadlines, periodic compliance reports, and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative as defined in Section 1.2:

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

#### (2) Certification of Pollutants Not Present

Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report.

### Section 6.4 – 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 6.5 – Confidentiality

Information and data on a User obtained from reports, questionnaires, discharge applications/permits and monitoring programs and from inspections and sampling activities 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 under applicable State law. Any such request must be asserted at the time of submission of the information or data. 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 immediately upon written request to governmental agencies for uses related to this Ordinance, the NPDES Permit, or other 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 and other effluent data shall not be recognized as confidential information and shall be available to the public without restriction.

## **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, testing in the area of the control structure, and the performance of any additional duties. 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 its premises, the User shall make necessary arrangements with its 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. The General Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations. The General Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manger and shall not be replaced. The costs of clearing such access shall be born by the User. Unreasonable delays in allowing the General Manger access to the User's premises shall be a violation of this Ordinance.

### **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 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, any provision of this Ordinance, an individual discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve upon such a User 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. 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 User 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), Notice of Significant Noncompliance (NOSN), and 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 User responsible for the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall include specific action to be taken by the User 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 Hearing

The General Manager may order a User which has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the General Manager and show cause why the proposed enforcement action should not 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 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:

When the General Manger finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, 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, after informal notice 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 of revocation of permission to discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order the General Manger may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. 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. 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 volume, 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 the POTW's 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 compliance 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 section are not exclusive and filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against the User.

The General Manager may seek the issuance of an injunction, 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 who 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, losses, expenses, costs, fines, penalties and attorney's fees 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.

Damages include but are not limited to the maximum civil penalty of \$2,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The General Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the CPW. In determining the amount of civil liability, all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

#### Section 8.4 – 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 8.5 – 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 8.6 – 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 8.7 – 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 8.8 – 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 8.9 – 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 in a six-month period that exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including same Daily Maximum Limit, Daily Average Limit, or Instantaneous Limit.
  - b) Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Daily Maximum Limit, the same Daily Average Limit, or Instantaneous Limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
  - c) Any other violation of a Pretreatment Standard or Requirement including Daily Maximum Limit, Daily Average Limit, Instantaneous Limit, or narrative standard that the General Manager believes has caused, alone or in combination with other discharges, interference or pass-through including endangering 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. Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
3. Failure to provide any required 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 General Manager considers to be significant, including, without limitation, a violation of Best Management Practices, 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.



**SECTION 12 – EFFECTIVE DATE**

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

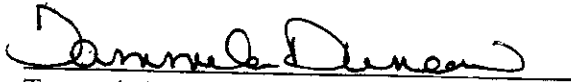
First Reading PASSED this the 27<sup>th</sup> day of October 2015.  
Second Reading PASSED this the 10<sup>th</sup> day of November 2015.

APPROVED AND ADOPTED this the 10<sup>th</sup> day of November 2015.

ATTEST:



Richard W. Danner, Mayor



Tammela Duncan, Municipal Clerk