

**LAURENS COUNTY WATER AND SEWER  
COMMISSION**

**SEWER USE  
and  
PRETREATMENT  
REGULATIONS**

**Approved**

**April 28, 2009**

**SEWER USE AND PRETREATMENT REGULATIONS**  
**Laurens County Water & Sewer Commission**

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## **SECTION 1 -- GENERAL PROVISIONS**

### **1.1 Purpose and Policy**

These Regulations set forth uniform requirements for users of the Publicly Owned Treatment Works for the Laurens County Water and Sewer Commission, South Carolina, and enable the LCWSC to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) together with the South Carolina Pollution Control Act. The objectives of these Regulations are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; to this end, any connection made to the LCWSC Sewer System served and connected to a metered public water system or an approved effluent flow measuring device; and
- F. To enable the LCWSC 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.

These Regulations shall apply to all users of the Publicly Owned Treatment Works. The Regulations authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establishes administrative review procedures; require user reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **1.2 Administration**

Except as otherwise provided herein, the Executive Director of the LCWSC shall administer, implement, and enforce the provisions of these Regulations. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to other LCWSC personnel.

### **1.3 Abbreviations**

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

ANSI	American National Standards Institute
AO	Administrative Order
ASCE	American Society of Civil Engineers
ASTM	American Society for Testing of Materials
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DHEC	South Carolina Department of Health and Environmental Control
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
LCWSC	Laurens County Water and Sewer Commission
mg/l	milligrams per liter
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSC	Notice to Show Cause
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
S.C.	State of South Carolina
SIC	Standard Industrial Classification
SNC	Significant Non-compliance
TSS	Total Suspended Solids
U.S.C.	United States Code
WPCF	Water Pollution Control Federation

#### 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated.

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

**Administrative Order (AO).** An official order issued by the LCWSC, usually pursuant to a violation of permit conditions, without the involvement of a court.

**Approval Authority.** The State Director of the Water Facilities Permitting Division, or this person's delegated representative, of the South Carolina Department of Health and Environmental Control.

#### **Authorized Representative of the User.**

A. If the user is a corporation:

- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents

has been assigned or delegated to the manager in accordance with corporate procedures.

- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the LCWSC.

**Biochemical Oxygen Demand or BOD.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Centigrade, usually expressed as a concentration (e.g., mg/l). Billable BOD shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/l or as otherwise might be changed and shown on Attachment A.

**Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. (Also referred to as National Categorical Pretreatment Standards).

**Cease and Desist Order.** An administrative order directing a user to immediately halt illegal or unauthorized discharges.

**Chemical Oxygen Demand or COD.** The total amount of oxygen required to oxidize the organic matter in a waste as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. Billable COD shall mean the discharge in pounds of COD calculated using the billable flow and concentration of COD in the wastewater in excess of three times the billable BOD, or as otherwise might be changed and shown on Attachment A.

**Civil Penalty.** A punitive monetary award granted by a court to the LCWSC against a noncompliant user.

**Color.** The color value obtained by the ADMI calorimetric method as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

**Compliance Order.** An administrative order directing a non-compliant user to achieve or restore compliance by a date specified in the order.

**Compliance Schedule.** A schedule of the required activities (also called milestones) necessary for a user to achieve compliance with all pretreatment program requirements.

**Consent Decree.** A court supervised settlement agreement, the violation of which may be considered contempt of court.

**Consent Order.** An administrative order embodying a legally enforceable agreement between the

LCWSC and the non-compliant user designed to restore the user to compliance status.

**Cooling Water.** The water used for air conditioning, refrigeration, or other cooling applications.

**Direct Discharge.** The discharge of wastewater directly to the waters of the State.

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

**Executive Director.** The person designated by the LCWSC to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these Regulations, or a duly authorized representative.

**Existing Source.** 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.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

**Garbage.** 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.

**Good Faith Effort or Progress.** Prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.

**Grab Sample.** An individual discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding fifteen (15) minutes and retained separately for analysis. Instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity.

**Headworks Analysis.** An evaluation of the capability of the POTW to receive pollutants performed in accordance with DHEC and EPA regulations.

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

**Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

**Industrial User.** A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

**Infiltration/Inflow.** 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 manholes. 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 Maximum Allowable Discharge Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**Interference.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the LCWSC's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**Laurens County Water and Sewer Commission (LCWSC).** The Laurens County Water and Sewer Commission, South Carolina.

**Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**National Pollutant Discharge Elimination System or NPDES Permit.** A permit issued for discharge to the navigable waters of the United States.

**New Source.**

- A. 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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- B. 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 (A)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (1) Begun, or caused to begin, as part of a continuous onsite construction program
    - (a) any placement, assembly, or installation of facilities or equipment; or
    - (b) 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
  - (2) 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.

**Non-contact Cooling Water.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**Notice of Violation (NOV).** Verbal, written, or any other means of notification that violation has occurred.

**Notice to Show Cause (NSC).** Written notification specifying the time and place for a Show Cause Hearing as required in Section 12.3 of these Regulations.

**Pass Through.** A discharge which exits the POTW into waters of the United States 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 LCWSC's NPDES permit, including an increase in the magnitude or duration of a violation.

**Penalty.** A punitive monetary charge unrelated to actual treatment costs which is assessed by the LCWSC rather than by a court.

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

**pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.

**Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and

certain characteristics of wastewater (e.g., pH, temperature, TSS, and turbidity, color, BOD, COD, toxicity, or odor).

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

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

**Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

**Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.1 of these Regulations.

**Publicly Owned Treatment Works or POTW.** A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the LCWSC. 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.

**Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**Sewage.** Human excrement and gray water (household showers, dish washing operations, etc.).

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

**Significant Industrial User.** (1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means: (i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); 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 is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)). (2) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 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: (i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; (ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and (iii) The Industrial User never discharges any untreated concentrated wastewater. (3)

Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

**Significant Non-compliance (SNC).** Violations of wastewater discharge permit conditions, pretreatment standards or requirements as defined in Section 11 of these Regulations.

**Slug Load or Slug.** Any discharge of wastewater which:

- a. In concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer the 15 minutes, more than 5 times the average 24 hr concentration of flows during normal operation, or
- b. Is of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

**Standard Industrial Classification (SIC) Code.** A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

**Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

**Total Ammonia Nitrogen.** The sum of inorganic nitrogen content of a wastewater as prescribed by 40 CFR Part 136, or equivalent methods approved by EPA.

**Total Kjeldahl Nitrogen.** The sum of organic nitrogen and ammonia nitrogen content of a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.

**Total Phosphorus.** The sum of the dissolved and suspended organic and inorganic phosphorus content of a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.

**Total Suspended Solids.** 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 filtering. Billable total suspended solids shall mean the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 mg/l, or as otherwise might be changed and shown on Attachment A.

**Toxic Pollutant or Substance.** 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 combinations of those pollutants, listed as toxics in regulations promulgated by the EPA under the provisions of 307 (33 U.S.C. 1317) of the Act, or other acts.

**User, Bulk User, or Industrial User.** Any person who directly or indirectly discharges, causes or permits the discharge of wastewater to the POTW.

**Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or

untreated, which are contributed to the POTW.

**Wastewater Treatment Plant or Treatment Plant.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

## **SECTION 2 -- USE OF PUBLIC SEWERS**

### **2.1 Permits Required**

Prior to connection to the Wastewater Disposal System, the applicant shall obtain approval from the LCWSC. Application shall be made in writing on forms provided by the LCWSC. 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 at least ninety (90) days prior to expiration of the current permit. Current connection policies are shown in the Sewer Connection and Extension Policies in Attachment B. Future policies will be developed and approved for inclusion in Attachment B.

### **2.2 Responsibility for Costs**

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

### **2.3 Sewer Material**

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

- A. Vitrified clay pipe complying with ASTM C200 and with compression type, flexible joint conforming to ASTM C425.
- B. Ductile iron pipe with a mechanical or push-on joint as described in ANSI A21.11.
- C. ABS (acrylonirile - butadiene - styrene) pipe and fittings conforming to ASTM D2661.
- D. PVC (polyvinyl chloride) pipe and fittings conforming to minimum requirements of ASTM D3034, heavy wall, joint quality to conform with ASTM C425.
- E. Other materials specifically approved in writing by the Executive Director.

### **2.4 Certain Connections Prohibited**

- A. Connection 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. Connection Not Allowed To Storm Sewers. The discharge of sanitary wastewater into a storm sewer under the jurisdiction of the LCWSC is prohibited.

### **2.5 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.

## **2.6 Use of Old Building Sewers**

Old building sewers may be used in connection with any new buildings only when they are found, upon examination and testing by the LCWSC, to meet all requirements of these Regulations. The property owner shall bear all expenses for this testing.

## **2.7 Compliance with Other Regulations**

The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing and back filling shall conform to the building code, plumbing code, and all other regulations of the LCWSC or Laurens 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 of 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 Executive Director reserves the right to determine which testing procedure shall be used for a given installation.

## **2.8 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 Executive Director and discharged to the building sewer. The connection of the building sewer into the public sewer shall conform to the requirements of applicable building and plumbing codes and other applicable rules and regulations of the LCWSC as noted in Attachment B. All connections shall be made gas tight and watertight. Any connection to a public sewer shall be approved by the Executive Director prior to connection. Any deviation from the prescribed procedures and materials must be approved by the Executive Director before installation.

## **2.9 Supervision of Building Sewer Connection**

The applicant for the building sewer permit shall notify the LCWSC when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the LCWSC. 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 LCWSC. Construction shall comply with the provisions of PL 91-596, the Occupational Health and Safety Act of 1970.

## **2.10 Special Interceptors**

Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of the Executive Director, 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 Executive Director 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/her 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 appropriate means of the captured material and shall

maintain records of the dates and means of disposal which are subject to review by the LCWSC, Laurens County, or the State. Any removal and hauling of collected materials shall be performed according to applicable local, State, and Federal regulations.

### **2.11 General Guidance**

LCWSC 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.

### **2.12 Abandoned Connections**

Any user connected to the LCWSC system desiring to abandon the sewer connection pipe by such acts as abandoning or moving the building or home being served, shall notify LCWSC a minimum of 10 days prior to abandonment. The abandoned sewer connection shall be properly sealed and capped to prevent entrance of extraneous surface water runoff or ground water drainage and to prevent the discharge of untreated sewage upon the ground or other surface(s). The installation of the cap shall be under the supervision of LCWSC personnel.

### **2.13 Connection Constitutes Consent**

Connection to the LCWSC system shall constitute consent and agreement by the user to be bound by and to abide with all of the LCWSC's rules and regulations.



## **SECTION 3 -- PRIVATE WASTEWATER DISPOSAL**

### **3.1 Responsibility for Construction and Operation**

Where a public sanitary sewer is not available according to the provisions of these Regulations, building sewers shall be connected to private wastewater disposal systems subject to the requirements of Laurens County or DHEC. Where the Owner desires the LCWSC to assume responsibility for the operation and maintenance of new treatment works, trunk lines, or lift stations, all such facilities shall be designed and constructed in accordance with the LCWSC 's requirements and shall be subject to their review and approval and be in compliance with any applicable DHEC requirements. The LCWSC, subject to LCWSC 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. Current sewer extension policies are shown in Sewer Connection and Extension Policies in Attachment B. Future policies will be developed and approved for inclusion as Attachment B.

### **3.2 Requirements of Other Authorities**

No requirement 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 -- GENERAL SEWER USE REQUIREMENTS

### 4.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
  - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
  - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
  - (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
  - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
  - (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- C. Certain discharges may be prohibited in the event the Executive Director determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, limbs, public property, or constitute a nuisance. The Executive Director may revise the limitations established in the section if, in his/her opinion, different limitations are necessary to meet the above objectives. Wastewater described below shall not be discharged to the POTW without prior written approval of the Executive Director.
- (1) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- (2) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the LCWSC's NPDES permit;
  - (3) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
  - (4) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condense, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Executive Director;
  - (5) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  - (6) Medical wastes, except as specifically authorized by the Executive Director in a wastewater discharge permit;
  - (7) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
  - (8) Detergents, surfactants, or other substances which may cause excessive foaming in the POTW;
- D. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

#### **4.2 National Categorical Pretreatment Standards**

Upon the promulgation of National Categorical Pretreatment Standards for an industrial sub-category, each National Categorical Pretreatment Standard, if more stringent than the corresponding limitation imposed under these Regulations for sources in that sub-category, shall immediately supersede the limitations imposed under these Regulations. The Executive Director shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. The Executive Director 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. Specific pollutant limitation and compliance schedules shall be developed by the Executive Director and made a part of the user's discharge permit. Current copies of each user's discharge permit will be on file at the LCWSC office and available upon request. Future changes or additions to the discharge permit(s) will be developed, set and adopted by the LCWSC as necessary. Compliance with National Categorical Pretreatment Standards or Local Limitations for new sources shall be required within ninety (90) days of initiation of a discharge.

#### **4.3 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 Executive Director 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 Executive Director may impose mass limitations on a discharge.

#### **4.4 Revision of Limitations**

The Executive Director 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 these Regulations.

#### **4.5 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 LCWSC 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 Executive Director determines the discharge would otherwise comply with the provisions of these Regulations.

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

The Executive Director 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 these Regulations. 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 Executive Director for review, and shall be approved before construction of the facility. No person who commences discharge to the POTW after the effective date of these Regulations shall be permitted to discharge until accidental discharge procedures have been approved by the Executive Director. 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 these Regulations. In the case of an accidental discharge or slug load, it is the responsibility of the user to immediately notify the Executive Director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five (5) days following an accidental discharge or slug load, the user shall submit to the Executive Director 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 these Regulations or other applicable law.

The accidental discharge/slug control plan when required shall be submitted to the Executive Director 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 Executive Director (LCWSC) of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days.
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, the handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and or measures and equipment for emergency response.

#### **4.7 Hauled Wastewater**

Septic tank waste may be introduced into the POTW only at locations designated by the Executive Director, and at such times as are established by the Executive Director. Such waste shall not violate other sections of these Regulations or any other requirements established by the LCWSC. The Executive Director may require septic tank waste haulers to obtain wastewater discharge permits.

## **SECTION 5 -- REVENUE SYSTEM**

### **5.1 Fees and Charges**

Fees shall be assessed to users for discharges to the POTW and for executing or enforcing the provisions of these Regulations. Charges may be developed for the following purposes:

- A. Industrial monitoring, inspections, and surveillance procedures;
- B. Reviewing accidental discharge procedures and construction;
- C. Reviewing permit applications, appeals, and special industrial discharges;
- D. Recovering capital related expenditures;
- E. 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; and
- F. 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 are shown in Attachment A. Future charges and fees will be developed and approved for inclusion in Attachment A.

### **5.2 Pretreatment Charges and Fees**

The LCWSC may adopt reasonable fees for reimbursement of costs of setting up and operating the LCWSC's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the LCWSC may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Regulations and are separate from all other fees, fines, and penalties chargeable by the LCWSC.

Current fees and charges are shown in Attachment A. Future charges and fees will be developed and approved for inclusion in Attachment A.

## **SECTION 6 -- WASTEWATER DISCHARGE PERMIT APPLICATION**

### **6.1 Wastewater Analysis**

When requested by the Executive Director, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Executive Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

### **6.2 Wastewater Discharge Permit Requirement**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Executive Director, except that a significant industrial user that has filed a timely application pursuant to Section 6.3 of these Regulations may continue to discharge for the time period specified therein.
- B. The Executive Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of these Regulations.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 11 through 14 of these Regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

### **6.3 Wastewater Discharge Permitting: Existing Connections**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these Regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Executive Director for a wastewater discharge permit in accordance with Section 6.5 of these Regulations, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of these Regulations except in accordance with a wastewater discharge permit issued by the Executive Director.

### **6.4 Wastewater Discharge Permitting: New Connections**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 6.5 of these Regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

### **6.5 Wastewater Discharge Permit Application Contents**

All users required to obtain a wastewater discharge permit must submit a permit application. The Executive Director may require all users to submit as part of an application the following information:

- A. All information required by Section 8.1(B) of these regulations;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time, duration and estimated pollutant characteristics/components of discharges; and
- H. Any other information as may be deemed necessary by the Executive Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

## **6.6 Application Signatories and Certification**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

## **6.7 Wastewater Discharge Permit Decisions**

The Executive Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Executive Director will determine whether or not to issue a wastewater discharge permit. The Executive Director may deny any application for a wastewater discharge permit.



## **SECTION 7 -- WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

### **7.1 Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Executive Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Where pretreatment facilities are required for the user to meet wastewater discharge permit limitations, the user is responsible for obtaining a DHEC permit to construct prior to initiation of any construction or modifications on the pretreatment facilities in accordance with current state regulations. Issuance of a wastewater discharge permit by the LCWSC shall not be construed to represent approval by any other Federal, State, or local agency.

### **7.2 Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Executive Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the LCWSC in accordance with Section 7.4 of these Regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Executive Director to ensure compliance with these Regulations, and State and Federal laws, rules, and regulations.

### **7.3 Wastewater Discharge Permit Modification**

The Executive Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the LCWSC's POTW, LCWSC personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or

- I. To reflect a transfer of the facility ownership or operation to a new owner or operator. Modification for this purpose may not be allowed unless the permit is transferable as provided in Section 7.4 of these Regulations.

Major modifications to wastewater discharge permits require approval from DHEC prior to approval by the Executive Director.

#### **7.4 Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Executive Director and the Executive Director approves the wastewater discharge permit transfer. The notice to the Executive Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

#### **7.5 Wastewater Discharge Permit Revocation**

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

- A. Failure to notify the Executive Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Executive Director of changed conditions pursuant to Section 8.5 of these Regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Executive Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;

- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Regulations.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

#### **7.6 Wastewater Discharge Permit Reissuance**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 6.5 of these Regulations, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. This complete permit application shall include a detailed description of each user's current wastewater discharge characteristics.

#### **7.7 Regulation of Waste Received from Other Jurisdictions**

An industrial user located outside the jurisdiction of the LCWSC may discharge industrial waste to the LCWSC's system if they enter into a legal agreement with the LCWSC whereby the user agrees to be bound by the terms of these Regulations.

The LCWSC may accept wastewater discharges from other governmental jurisdictions following ratification of a legally binding intermunicipal agreement. At a minimum, all other governmental bodies must agree to be bound by the terms of these Regulations. Further, the other governmental body shall agree to issue wastewater discharge permits to industrial users which are no less stringent than the LCWSC's. Wastewater discharge permits issued by other governmental bodies will be modified and updated as necessary to conform with all changes, modifications, and updates in the LCWSC's requirements, rules, and regulations.

## SECTION 8 -- REPORTING REQUIREMENTS

### 8.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Executive Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Executive Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of Pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process. Local limits will apply when they are more stringent than the categorical pretreatment standards.
    - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Executive Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.10 of these Regulations.
    - (c) Sampling must be performed in accordance with procedures set out in Section 8.11 of these Regulations.
  - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent

basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Proposed Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this proposed schedule shall not be later than the compliance date established for the applicable pretreatment standard. The proposed compliance schedule pursuant to this section must meet the requirements set out in Section 8.2 of these Regulations.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 6.6 of these Regulations.

## **8.2 Compliance Schedule Progress Reports**

The Executive Director shall review, modify if necessary, and approve the Proposed Compliance Schedule prepared in accordance with Section 8.1(B)(7) of these Regulations. The following conditions shall apply to the Approved Compliance Schedule:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Executive Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Executive Director.

## **8.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Executive Director a report containing the information described in Section 8.1(B)(4-6) of these Regulations. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.6 of these Regulations.

#### **8.4 Periodic Compliance Reports**

- A. All significant industrial users shall, at a frequency determined by the Executive Director but in no case less than twice (2) per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 6.6 of these Regulations.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Executive Director, using the procedures prescribed in Section 8.11 of these Regulations, the results of this monitoring shall be included in the report.

#### **8.5 Reports of Changed Conditions**

Each user must notify the Executive Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Executive Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of these Regulations.
- B. The Executive Director may issue a wastewater discharge permit under Section 6.7 of these Regulations or modify an existing wastewater discharge permit under Section 7.3 of these Regulations in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### **8.6 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Executive Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Executive Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to these Regulations.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising

employees whom to call in the event of a discharge described in paragraph A, above.

Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

### **8.7 Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Executive Director as the Executive Director may require.

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

If sampling performed by an Industrial User indicates a violation, the user shall notify the Executive Director (LCWSC) 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 Control Authority within 30 days after becoming aware of the violation.

### **8.9 Discharge of Hazardous Waste**

No user shall be allowed to dispose of any waste material determined to be hazardous wastes as defined under 40 CFR Part 261 into the POTW or the collection sewer system.

### **8.10 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

If a user monitors any pollutants more frequently than required by the industrial discharge permit, using test procedures prescribed in 40 CFR Part 136, or amendments thereto, or otherwise approved by EPA, or as specified in the discharge permit, the results of such monitoring shall be reported to the LCWSC.

### **8.11 Sample Collection**

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Executive Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

### **8.12 Timing**

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



### **8.13 Record Keeping**

Users subject to the reporting requirements of these Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the LCWSC, or where the user has been specifically notified of a longer retention period by the Executive Director.

## SECTION 9 -- COMPLIANCE MONITORING

### 9.1 Right of Entry: Inspection and Sampling

The Executive Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of these Regulations and any wastewater discharge permit or order issued hereunder. Users shall allow the Executive Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Executive Director 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.
- C. The Executive Director 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 at least annually, unless required more frequently by the Executive Director, to ensure their accuracy.
- D. 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 Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Executive Director access to the user's premises shall be a violation of these Regulations.

### 9.2 Search Warrants

If the Executive Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the LCWSC designed to verify compliance with these Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Executive Director may seek issuance of a search warrant from the Circuit Court.

## **SECTION 10 -- CONFIDENTIAL INFORMATION**

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

## **SECTION 11 -- PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Executive Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) 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 as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Director's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 12 -- ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **12.1 Notification of Violation**

When the Executive Director finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Executive Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Executive Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **12.2 Consent Orders**

The Executive Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 12.4 and 12.5 of these Regulations and shall be judicially enforceable.

### **12.3 Show Cause Hearing**

The Executive Director may order a user which has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Executive Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

### **12.4 Compliance Orders**

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

## **12.5 Cease and Desist Orders**

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

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **12.6 Administrative Fines**

- A. When the Executive Director finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may assess a penalty in an amount up to two thousand dollars (\$2,000.00). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalties shall be assessed for each day during the period of violation.
- B. Unpaid charges and penalties shall, after ninety (90) calendar days, be assessed an additional penalty of one and one-half percent ( 1½ %) of the unpaid balance, and interest shall accrue thereafter at a rate of one-half percent ( ½ %) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such penalties must file a written request for the Executive Director to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the fine. Where a request has merit, the Executive Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Executive Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

## **12.7 Emergency Suspensions**

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

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Executive Director 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. The Executive Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Executive Director that the period of endangerment has passed, unless the termination proceedings in Section 12.8 of these Regulations are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Executive Director prior to the date of any show cause or termination hearing under Sections 12.3 or 12.8 of these Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

### **12.8 Termination of Discharge**

In addition to the provisions in Section 7.5 of these Regulations, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 4 of these Regulations.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 12.3 of these Regulations why the proposed action should not be taken. Exercise of this option by the Executive Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

## **SECTION 13 -- JUDICIAL ENFORCEMENT REMEDIES**

### **13.1 Injunctive Relief**

When the Executive Director finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director may petition the Court of Common Pleas through the LCWSC's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these Regulations on activities of the user. The Executive Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **13.2 Civil Penalties**

As required by Section 2.13 of these Regulations, all users connecting to the LCWSC system consent and agree to be bound by and abide with all of the LCWSC's rules and regulations including the imposition of civil penalties listed herein.

- A. A user who has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the LCWSC for a maximum civil penalty of two thousand dollars (\$2,000.00) 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.
- B. The Executive Director 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 LCWSC.
- C. In determining the amount of civil liability, the Court shall take into account 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.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **13.3 Criminal Prosecution**

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. Such activity may include:

- A. A user who willfully or negligently violates any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage.
- C. A user who knowingly makes any false statements, representations, or certifications in any



application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to these Regulations.

#### **13.4 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 13.

#### **13.5 Remedies Nonexclusive**

The remedies provided for in these Regulations are not exclusive. The Executive Director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the LCWSC's enforcement response plan. However, the Executive Director may take other action against any user when the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any non-compliant user.

## **SECTION 14 -- SUPPLEMENTAL ENFORCEMENT ACTION**

### **14.1 Performance Bonds**

The Executive Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the LCWSC, in a sum not to exceed a value determined by the Executive Director to be necessary to achieve consistent compliance.

### **14.2 Liability Insurance**

The Executive Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### **14.3 Water Supply Severance**

Whenever a user has violated or continues to violate any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

### **14.4 Informant Rewards**

The Executive Director may pay up to one thousand dollars (\$1,000.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative fine levied against the user, the Executive Director may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars (\$5,000.00).

### **14.5 Contractor Listing**

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the LCWSC. Existing contracts for the sale of goods or services to the LCWSC held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Executive Director.

## SECTION 15 -- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

### 15.1 Upset

- A. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user has submitted the following information to the Executive Director and to the District Office of DHEC within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### 15.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 4.1(A) of these Regulations or the specific prohibitions in Sections 4.1(B)(3) through 4.1(B)(7) and Sections 4.1(C)(1) through 4.1(C)(8) of these Regulations if it can prove

that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the LCWSC was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **15.3 Bypass**

- A. For the purposes of this section,
  - (1) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. Notification
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Executive Director, at least ten (10) days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the Executive Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Executive Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Enforcement
  - (1) Bypass is prohibited, and the Executive Director may take an enforcement action against a user for a bypass, unless

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

## **SECTION 16 -- MISCELLANEOUS PROVISIONS**

### **16.1 Severability**

If any provision of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

## **SECTION 17 -- EFFECTIVE DATE**

These Regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

**ATTACHMENT A**

**SEWER SERVICE AND PRETREATMENT CHARGES  
LAURENS COUNTY WATER AND SEWER COMMISSION**



***ALL RATES AND FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE. PLEASE CONTACT  
LCWSC FOR CURRENT RATES AND FEES.***

**ATTACHMENT B**

**SEWER CONNECTION AND EXTENSION POLICIES  
LAURENS COUNTY WATER AND SEWER COMMISSION**

## **SEWER CONNECTION AND EXTENSION POLICIES**

### **SECTION B.1 - TAPS**

- B.1.1** No person is allowed to make, to undertake to make, or to cause to be made, any connection to the sewer without first having made application, paid fees and received approval from LCWSC. The LCWSC shall reserve the right to inspect and grant permission for all connections to the wastewater system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be as specified in Attachment A to LCWSC's Sewer Use and Pretreatment Regulations.
- B.1.2** All sewer taps shall conform to the requirements of the LCWSC in location, size, type, materials and method used. The tap shall be accomplished only by a plumber licensed by any municipality within a 50-mile radius of Laurens County, South Carolina, and authorized by the LCWSC. It shall become the responsibility of each person requesting connection to the public sewer to notify the LCWSC and arrange for final inspection of the connection before placing it in use.
- B.1.3** The physical tap connecting the person's sewer shall be made to the LCWSC's collection system pipe. The physical tap made to LCWSC trunk lines shall be made to manholes.

### **SECTION B.2 - EXTENSIONS**

- B.2.1** Any entity proposing to build local or lateral sanitary sewers or extensions to connect directly or indirectly into the LCWSC's sanitary wastewater system shall have its plans and specifications prepared by a Registered Professional Engineer who is licensed to practice in the State of South Carolina.
- B.2.2** The following administrative procedures shall be followed:
- (a) submit preliminary construction plans to the LCWSC in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of wastewater, relationship with and connection to the LCWSC's system, and total development plans;
  - (b) receive preliminary acceptance from the LCWSC and other jurisdictional agencies;
  - (c) prepare construction drawings and documents for LCWSC acceptance;
  - (d) secure all other necessary agency approvals of construction drawings and contract documents;
  - (e) upon receipt of required approvals, proceed with construction, notifying the LCWSC of construction schedules;
  - (f) provide the LCWSC with permission for on-site inspection during construction; and
  - (g) furnish the LCWSC with a certificate of completion, instrument of conveyance, warranty and such other legal documents as may be required for reimbursement and similar provisions.
- B.2.3** Construction of the proposed wastewater system shall be accomplished by a contractor licensed under the laws of the State of South Carolina.

- B.2.4** Public bids must be received and tabulated for any portion of the proposed system which qualifies for reimbursement from the LCWSC. These tabulated bids must be submitted to and approved by the LCWSC before award of construction contracts.
- B.2.5** Upon completion of construction, the Engineer employed by the property owner shall inspect and furnish to the LCWSC at no cost to the LCWSC, his/her certificate of completion indicating that the subject wastewater system has been constructed in accordance with the approved plans and specifications, and shall provide two copies of "As Constructed" drawings.
- B.2.6** The owner or his/her authorized agent shall submit a Warranty which is a legal instrument in which the Owner warrants the materials, equipment, and construction of the system for 12 months. The Owner shall further warrant to the LCWSC that all fees have been paid by him/her such that there is no outstanding indebtedness remaining and holding the LCWSC harmless in each instance.
- B.2.7** All known sewer taps shall be made during construction and the location of all taps shall be recorded in the "As Constructed" drawings.
- B.2.8** All wastewater system extensions must be compatible with present and future plans and needs of the LCWSC.
- B.2.9** When all other requirements of this ordinance have been met and approved the Owner shall prepare and submit to the LCWSC an Instrument of Conveyance, conveying the constructed system to the Commission at no cost to the LCWSC and the system shall thereafter be owned, operated and maintained by the LCWSC as provided for the LCWSC's Sewer Use and Pretreatment Regulations. The Instrument of Conveyance shall also include permanent easements and rights of way fully described and duly recorded at the appropriate authority.

### **SECTION B.3 - PRETREATMENT**

- B.3.1** Any person who is now discharging any wastewater into the public sewers may be required to make written application to the LCWSC giving complete information as to the nature and characteristics of the wastewater as determined by an analysis of a composite sample of the waste made by an SCDHEC certified independent laboratory.
- B.3.2** Any person who should wish to make such connection and discharge such wastewater as described above, shall make written application to the LCWSC and may be required to furnish the LCWSC a complete analysis of a composite sample of the wastewater as determined by an SCDHEC certified independent laboratory, in addition to compliance with all other sections of this policy.
- B.3.3** Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of LCWSC. No construction of such facilities shall be commenced until such approval is obtained in writing from the LCWSC and the SCDHEC.
- B.3.4** Whenever the waste characteristics of wastewater being discharged by any person exceed the requirements of the LCWSC's Sewer Use and Pretreatment Regulations, or where necessary in the opinion of the LCWSC, the person discharging the wastewater shall construct or cause to be constructed at no expense to the LCWSC such preliminary handling or treatment as may be required.

- B.3.5** Where necessary in the opinion of the LCWSC and whenever the total volume of wastewater to be discharged by any person in any one day shall exceed 10,000 gallons, such person shall be required, at no expense to the LCWSC to construct holding or storage tanks in order to equalize the discharge over a 24 hour period. Such tanks shall be so equipped as to thoroughly mix the wastewater so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the wastewater to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be given the LCWSC. Notice shall be given to the LCWSC when normal operations of the discharge will be interrupted for 24 hours, or longer, and when and in what quantities wastes will be available for discharge.
- B.3.6** Where preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the LCWSC.

#### **SECTION B.4 - BILLING**

- B.4.1** The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the appropriate water authority, or by average flows determined by the LCWSC. In the event that a system which discharges in excess of 1,000 gallons per day into the sanitary sewer system produces evidence satisfactory to the LCWSC that greater than 10 percent of this water does not reach the LCWSC, the user may apply for a reduced percentage of total water consumption to be used in computing sewer charges.
- B.4.2** Any person discharging wastewater into the sanitary sewers of the LCWSC must procure all of his water supply from metered sources recognized and accepted by the LCWSC.
- B.4.3** It shall be unlawful for any person to re-connect a sewer when the same has been cut off for non-compliance with LCWSC regulations, or any other reason, until specifically approved in writing by the LCWSC. Said approval shall be contingent upon satisfaction of all articles of this ordinance including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.

## **SECTION B.5 - CONTROL OF WASTEWATER**

- B.5.1** In the event of imminent danger to the public health and safety, the LCWSC and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the wastewater system including, but not limited to, the right to close down any sewer or portion of the wastewater system for the purpose of making connections, alterations, or repairs. During such event the LCWSC will make every effort to minimize inconvenience and return the service to full operation as quickly as possible.
- B.5.2** All persons using the public sewer shall be responsible for any stoppage or damage caused by abuse of the wastewater system through the sewer connection of that person and shall be held accountable for all expenses incurred by the LCWSC or other property owners as a result of the abuse.