

ORIGINAL
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ORDINANCE NO.: 2019-043

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article I, In General Sec. 23-1 Civil penalties for violations related to wastewater collection and treatment or water treatment and distribution; Article IV, Wastewater Service

BE IT ORDAINED by the Mayor and Council this 20th day of August, 2019, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article I, In General Sec. 23-1 Civil penalties for violations related to wastewater collection and treatment or water treatment and distribution; Article IV, Wastewater Service, are amended to read as follows:

ARTICLE I. IN GENERAL.

Sec. 23-1. Rule to show cause on civil penalties and hearings on administrative orders.

(a) *Rule to show cause.* Whenever the city manager shall have reasonable information that any person has violated any ordinance or regulation of the city relating to wastewater collection and treatment or water treatment and distribution, or that such person has violated any permit, permit condition or final determination of the city as required by state or federal law, he may issue a rule to show cause requiring the person to appear and show cause why civil penalties should not be imposed. A notice of the hearing shall be served at least ten (10) days prior to the hearing. If mailed, service of the notice is effective upon mailing.

(b) *Hearing on administrative orders.* Any person who has been issued an administrative order under this Chapter 23 may request a hearing by filing a request for hearing within fifteen calendar days of the date of issuance of the administrative order. The request shall be filed with the city clerk and shall include reference to the administrative order and the reasons for the request for a hearing.

(c) *Hearing officers; determination of penalties.* The city council shall from time to time designate by resolution hearing officers who shall conduct hearings and make determinations upon those matters identified in rules to show cause or administrative orders issued in accordance with this Chapter 23. For a rule to show cause, the hearing officer in each case shall determine whether penalties shall be imposed, and the amount of such penalties, subject to the limitations contained in S.C. Code 1976, § 6-11-285.

(d) *Hearing procedures.* The hearing procedures shall be conducted in accordance with the following procedures:
The hearing shall be conducted within 60 days of the filing of a rule to show cause or a request for review of an administrative order; provided, however, that a hearing shall be conducted for review of a cease and desist order or an administrative order for revocation of a permit within 15 days of filing a request for review with the city clerk;

The hearing officer shall observe the rules of evidence as applied in civil cases in the court of common pleas;

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

The hearing shall be recorded by a certified court reporter and may be transcribed at the request of any party at the expense of the requesting party.

The party requesting review of an administrative order shall bear the burden of proof to establish matters by a preponderance of the evidence, and the city shall bear the burden of proof in a rule to show case for the imposition of penalties;

The party having the burden of proof shall present its case first;

The hearing officer shall issue a written decision on the matters identified in the rule to show cause or administrative order with 30 days of the hearing;

A rule to show cause or request for review of an administrative order may be amended only by leave of the hearing officer;

Service of a rule to show cause, administrative order, request for review of an administrative, notice of hearing, and decision of the hearing officer under this section shall be by personal delivery or by first-class mail.

The city may promulgate regulations to establish hearing procedures not otherwise established in this section.

(e) The decision of a hearing officer under this section may be appealed to court of common pleas for Richland County as provided by law.

ARTICLE IV. WASTEWATER SERVICE

Sec. 23-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized representative of an industrial user means:

(1) A responsible corporate officer if the industrial user submitting the reports required by paragraph 23-105(n) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

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

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or

(3) a duly authorized representative of the individual designated in subparagraph (1) or (2) above if:

(i) The authorization is made in writing by the individual described in (1) or (2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authority is submitted to the control authority.

(4) If an authorization under subparagraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operations of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subparagraph (3) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

BOD means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter, in accordance with testing methods established under 40 CFR Part 136.

Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in S.C. Reg. 61-9.403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Color means the color of the light transmitted by the waste solution after removing the suspended material, including the pseudo-colloidal particles.

Control authority means the director of utilities or his duly authorized representative.

Day means a calendar day. Computation of time shall be in accordance with section 1-2.

Domestic waste means that liquid from bathrooms, shower rooms, toilet rooms, sinks, kitchens, laundry facilities located in residences, apartments, hotels, motels, restaurants, cafeterias, office buildings, schools and commercial establishments.

Industrial user or user means any user of the works POTW that discharges nondomestic waste.

Industrial discharge means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 or Section 48-1-90 of the South Carolina Pollution Control Act.

Industrial waste means any waste discharged into the POTW which is not domestic waste.

Instantaneous limit means 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 means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine, Research and Sanctuaries Act, and the South Carolina Pollution Control Act.

Local limit means a specific discharge limit developed and enforced by the city on industrial users to implement the general and specific discharge prohibitions listed in S.C. Reg. 61-9.403.5(a)(1) and (b).

Monthly average means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

National pretreatment standard, pretreatment standard, or standard means any regulation containing pollution discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Clean Water Act which applies to industrial users. This term includes local limits established pursuant to S.C. Reg. 61-9.403.5.

New source shall mean:

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

- (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (iii) 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;

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

(3) Construction of a new source as defined under this section has commenced if the owner or operator has:

- (i) 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
- (ii) 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.

Normal waste means that waste having a BOD concentration of 200 milligrams per liter or less, and suspended solids concentration of 200 milligrams per liter or less.

Pass through means a discharge which exits the POTW into water of the State or 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 violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person means any individual, firm, company, association, corporation, or municipal corporation other than the city.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. The stabilized pH of waste will be considered to be a pH which is within the specified pH limits after a sample of the waste has been subjected to aeration.

Properly shredded waste means the organic wastes resulting from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle being greater than one-half inch in any dimension.

Receiving stream and waters of the state mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof and which receive the discharge from a wastewater treatment plant or are formed by the effluent from a wastewater treatment plant.

Sanitary sewerage system or POTW means all or any part of the lateral sewers, collecting sewers, district sewers, intercepting sewers, wastewater pumping stations, waste treatment facilities and outfall sewers owned by the city and/or administered by the city.

Significant industrial user means:

- (1) Except as provided in subsection (3) and (4) below, any industrial user subject to categorical pretreatment standards; or
- (2) Except as provided in subsection (3) and (4) below, any other industrial user which:
 - (i) discharges an average 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters); or
 - (ii) contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity (BOD, TSS, etc.) of the treatment facilities; or
 - (iii) has a reasonable potential in the opinion of the control authority to adversely affect the operation of the POTW or to violate any pretreatment standard or requirement (in accordance with S.C. Reg. 61-9.403.8(f)(6)).
- (3) The control authority may determine that an industrial user subject to categorical pretreatment standards under S.C. Reg. 61-9.403.6 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 S.C. Reg. 61-9.403.12(q) together with any additional information necessary to support the certification statement; and
 - (iii) The industrial user never discharges any untreated, concentrated wastewater.
- (4) Upon a finding that an industrial user meeting the criteria in the paragraph above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with S.C. Reg. 61-9.403.8(f)(6), determine that such industrial user is not a significant industrial user.

Significant noncompliance means any of the following:

- (1) Chronic violations of discharge limits in which sixty-six percent or more of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement (as defined by S.C. Reg. 61-9.403.3), including instantaneous limits;
- (2) Technical review criteria violations in which thirty-three percent or more of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement (as defined by S.C. Reg. 61-9.403.3), including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass through (including endangering the health of city personnel or the public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under S.C. Reg. 61-9.403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug load or slug discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 23-102 of this article. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or industrial user permit conditions.

Strength of waste means the concentration, expressed in milligrams per liter of BOD, suspended solids or compounds (substances) contained in the liquid waste.

Suspended solids means solids that either float on the surface of or are suspended in water or liquid waste, and which are removable by laboratory filtration.

Unpolluted water or waste means any water or waste containing none of the following: free or emulsified grease or oil; acids or alkalines; phenols or other substances imparting taste and odor in receiving waters; toxic or poisonous substances in suspension,

colloidal state or solution; and noxious or odorous gases. Unpolluted water or waste shall contain not more than ten milligrams per liter of BOD. Unpolluted water or waste normally shall include:

- (1) The discharge from rain downspouts and drains.
- (2) The discharge from surface water and stormwater drains.
- (3) The discharge from air conditioning systems.
- (4) Cooling waters containing no free or emulsified greases or oils, no acids or alkalies, no phenols or other

substances imparting taste and odor in receiving waters, no toxic or poisonous substances (whether in suspension, in colloidal state or in solution), and no noxious or odorous gases.

Unpolluted water or waste shall also mean any water or waste judged by the South Carolina Department of Health and Environmental Control (SCDHEC) to be admissible to streams and watercourses under the jurisdiction of SCDHEC, and in accordance with the standard of water quality established by SCDHEC for the particular stream or watercourse into which such unpolluted water or waste is to be discharged.

Sec. 23-102. Prohibited discharges.

(a) No person shall discharge or cause to be discharged into any portion of the sanitary sewerage system, directly or indirectly, any waste which may violate any law or governmental regulation, may create interference or pass through, or have an adverse or harmful effect on the sanitary sewerage system, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, or public or private property, or which may otherwise endanger the public or the local environment or create a nuisance. Discharges of the following are prohibited:

- (1) Any gasoline, benzene, naphtha, acetone, solvent or fuel oil or any liquid, solid or gas that would cause flammable or explosive conditions, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR 261.21.
- (2) Any quantities of rainwater, stormwater, groundwater, street drainage, water from yard fountains, ponds or lawn sprays, or any other unpolluted water, except as provided in this article.
- (3) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations for any wastewater constituent.
- (4) Any wastes containing dissolved sulfides in amounts which would be hazardous, cause damage to the sanitary sewerage system, or create a public nuisance.
- (5) Any waste, liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (6) Any waste that will increase the temperature of the treatment plant influent to greater than 104 degrees Fahrenheit (40 degrees Celsius).
- (7) Any wastes requiring the introduction of an excessive quantity of chlorine or any other chemical compound for sewage treatment purposes which has potential to adversely affect the operation of the POTW or cause a violation of any requirement of the POTW's NPDES permit.
- (8) Any quantities of deionized water, steam condensate or distilled water.
- (9) Any waste producing discoloration of wastewater or treatment plant effluent.
- (10) Any waste containing substances that may precipitate, solidify or become viscous at temperatures between 50 degrees Fahrenheit (ten degrees Celsius) and 100 degrees Fahrenheit (38 degrees Celsius).
- (11) Any quantities of garbage or waste that are not ground sufficiently to pass through a one-half-inch screen.
- (12) Any quantity of blow-down or bleed water from cooling towers or other evaporative coolers exceeding one-third of the makeup water.
- (13) Any quantity of single pass cooling water, surface water, roof runoff and subsurface drainage unless specifically authorized by the control authority.
- (14) Recognizable portions of the human anatomy.
- (15) Any water or waste containing more than 100 milligrams per liter of fat, oil or grease.
- (16) Any waste that has not been properly shredded.
- (17) Any ashes, cinders, sand, mud, straw, shavings, lint, glass, rags, metals, feathers, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other solid or viscous substance capable of causing obstruction to flow in sewers or interference with proper operation of waste treatment facilities.
- (18) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0, or having properties capable of either causing damage or creating a hazard to structures, equipment and personnel of the sanitary sewerage system and waste treatment facilities.
- (19) Any waters or wastes having a BOD concentration in excess of 300 milligrams per liter, except as provided in this article.
- (20) Any waters or wastes having a suspended solids concentration in excess of 300 milligrams per liter, except as provided in this article.
- (21) Any waters or wastes containing contaminants, including oxygen-demanding pollutants, of such character or in such quantity as will not be amenable to the waste treatment processes, or will injure or interfere with the waste treatment processes, or will constitute a hazard to humans or animals, or will create a hazard in the stream or watercourse receiving the effluent from the waste treatment plant.

- (22) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required in the handling or treatment of such waste materials at the waste treatment plant.
- (23) Any noxious or malodorous gas or substance capable of creating a public nuisance, or any substance or compound which, when introduced into a reducing environment such as might exist in the sanitary sewerage system, might cause the evolution of a malodorous gas and thereby create a public nuisance.
- (24) Any pollutant which could result in the presence of toxic gases, vapors or fumes within the sanitary sewerage system in a quantity that may cause acute worker health and

Sec. 23-103. Discharge of industrial waste.

(a) *General.* It is the desire and intent of the city to cooperate with industry in the effort to improve quality, prevent impairment of quality, or maintain quality of streams in the Columbia area in accordance with water quality standards established by SCDHEC for the various streams and watercourses in the Columbia area. To this end, the city may permit the discharge of industrial waste into the sanitary sewerage system provided that:

- (1) Sewerage capacity is available on a basis compatible with the best overall use of the sewer;
- (2) The waste being discharged or proposed to be discharged is amenable to treatment by the processes employed in the wastewater treatment plants of the city;
- (3) The waste being discharged or proposed to be discharged will not cause damage to the sanitary sewerage system and/or wastewater treatment facilities, and will not constitute a hazard to humans and animals or be capable of creating a public nuisance;
- (4) The concentration of substances, compounds and elements in the waste being discharged or proposed to be discharged does not exceed the pretreatment standards; and
- (5) Any person now discharging or proposing to discharge waste shall fully comply with this article.

Applications for permits to discharge industrial waste into the sanitary sewerage system of the city will be reviewed by the control authority on this basis.

(b) *Required information.* Any person discharging or any person desiring to discharge industrial waste into the sanitary sewerage system shall submit with his application to the control authority a complete chemical analysis of the waste being discharged or proposed to be discharged, including concentrations of BOD and suspended solids contained therein. Such person shall also submit pertinent flow data, including rates and duration, a description of their operations, and a wastestream schematic. Should the waste from such person's operations be deemed to be unsuitable for discharge into the sanitary sewerage system because of objectionable character as defined by this article, because of concentration of elements or substances in excess of the limits established by the control authority, or because of flow characteristics incompatible with the best use of the receiving sewer, the control authority will not approve the discharge of such waste into the sanitary sewerage system until such person has employed, at his own expense, methods and processes of pretreatment as will render the waste suitable for discharge to the sanitary sewerage system in accordance with this article.

(c) *Criteria for approval.* The control authority will not specify, suggest or recommend equipment, structures or arrangements comprising the pretreatment processes. Approval of discharge of industrial waste by any person will be given only on the basis of performance of pretreatment processes (if pretreatment should be required). Approval given to any person for discharge of industrial waste, whether pretreated or not, into the sanitary sewerage system shall in no way relieve such person of the responsibility of full compliance with this article at all times.

(d) *Flow equalization.* To effectively utilize the capacity of the sanitary sewerage system and to facilitate operation of the wastewater treatment facilities, it may be desirable that discharge of industrial waste into the sanitary sewerage system be done at a uniform rate of flow over a period of 24 hours or by bulk discharge at specific periods of time. In order to accomplish this purpose, any person discharging or proposing to discharge industrial waste into the sanitary sewerage system shall provide, at his own expense, a holding tank from which such waste shall be discharged at a specified rate of flow over a 24-hour period. This requirement may be waived provided that:

- (1) The total daily waste flow from the establishment of such person does not exceed 50,000 gallons;
- (2) The maximum rate of discharge from the establishment does not exceed 100 gallons per minute; and
- (3) In all other respects, the discharge of such waste is in full compliance with this article.

(e) *Holding tank wastes.* Any person proposing to discharge any holding tank industrial wastes into the sanitary sewerage system must secure a permit in accordance with this article. A separate permit must be secured for each separate discharge unless it can be demonstrated that the wastewater is routinely produced and is of such quantity and quality as to be in compliance with the permit. It shall be the responsibility of the owner of the holding tank or other similar facility to secure the permit from the city.

(f) *Septic tank trucks.* Owners of septic tank trucks or of other methods of transportation utilized in the conveyance of wastes into the sanitary sewerage system, or their lessees, shall also secure a permit. The terms and conditions of the permit may include but shall not be limited to the following:

- (1) Maximum permissible composite concentration of wastewater constituents.

- (2) Limits on rate and time of discharge or requirements for flow regulation.
- (3) Requirements for inspection and sampling.
- (4) Requirements for recording, maintaining and reporting information concerning the origin of each tank truck load, and identification of industrial contributors to the load by permit number.
- (5) Prohibition of discharge of certain wastewater constituents.
- (6) Other conditions as deemed appropriate by the control authority to ensure compliance with this article.

(g) General guidelines. As stated in this section, the discharge of any industrial waste or pollutant by any person shall be considered to be an event unique to that person, and an individual application shall be made by any person discharging or proposing to discharge any industrial waste or pollutant into the sanitary sewerage system. For the general information of those persons discharging or proposing to discharge any industrial waste or pollutant into the sanitary sewerage system, the standards as set forth in this subsection shall apply to such discharge. All requirements as set forth under section 23-102 shall also be applicable, except as extended or modified in this section.

(1) Packinghouse waste. All hair, bristle, hides or parts of hides, bones, animal parts, paunch manure, viscera, grease (in excess of the concentration specified under section 23-102), stock feeds, grit, sand and straw shall be removed prior to discharge.

(2) Poultry processing waste. All feathers, parts of birds, bones, grit, sand, poultry feeds, viscera and grease (in excess of the concentration specified under section 23-102) shall be removed prior to discharge.

(3) Textile wastes. All lint, thread, pieces of cloth, latex and yarn shall be removed prior to discharge. Kiering and acid boiling wastes shall be cooled, neutralized and stabilized to comply with the limits specified in this article. Bleachery wastes shall be cooled, neutralized and stabilized to comply with the limits specified in this article. Sulfur dyeing wastes shall not be discharged to the sanitary sewerage system. Discharge of other dyeing wastes will be considered on a case-by-case basis.

(4) BOD. Concentration of BOD in the waste in excess of 300 milligrams per liter shall be subject to charges set forth in section 23-108, and concentration in excess of 500 milligrams per liter shall be subject to further review before approval by the control authority.

(5) Suspended solids. Concentration of suspended solids in the waste in excess of 300 milligrams per liter shall be subject to charges set forth in section 23-108, and concentration in excess of 500 milligrams per liter shall be subject to further review before approval by the control authority.

(6) Dissolved solids. Allowable concentrations of dissolved solids shall be based on evaluation of industrial allocation and shall be determined by the control authority on a case-by-case basis.

(7) Ceramic glazing wastes. Ceramic glazing wastes shall not be discharged into the sanitary sewerage system.

(8) Lime, alum and calcium sulfate sludges. Lime, alum and calcium sulfate sludges shall not be discharged into the sanitary sewerage system; provided, however, sludges generated by operations of water treatment plants owned and operated by governmental entities may be discharged subject to quantity limitations and permit conditions deemed appropriate by the control authority.

(9) Toxic materials. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving water of the sanitary sewerage system, or exceed the limitations established pursuant to section 23-104 shall be precipitated and removed from the waste flow prior to discharge to the sanitary sewerage system. Waste containing hexavalent chromium shall have chromium reduced to the trivalent state or further prior to discharge. Any discharge of hexavalent chromium is prohibited per section 23-102(a).

The omission of any particular waste from the standards outlined in this subsection does not imply that discharge of such waste to the sanitary sewerage system will be permitted. Any liquid waste of peculiar character and volume, or of toxic or unusual nature, shall be subject to review by the control authority and to standards deemed applicable by the control authority.

(h) Measurement of volume. The volume or quantity of industrial waste discharged by any person into the sanitary sewerage system shall be measured by one or more of the following methods:

(1) If the volume of water used by any person in his industrial or process operations is substantially the same as the volume purchased from the municipal waterworks system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(2) If, in the establishment of any person discharging industrial waste into the sanitary sewerage system, a substantial portion of the water purchased from the municipal waterworks system is used for domestic or commercial purposes (resulting in normal waste), for cooling purposes, or for other purposes that do not require the discharge of such used water to the sanitary sewerage system, such person may, at his own expense, install a meter of a design approved by the control authority on the waste line from his industrial and/or process operations. The volume of waste flow, as measured through the meter, shall be considered to be the volume of waste discharged to the sanitary sewerage system.

(3) If any person discharging or proposing to discharge industrial waste into the sanitary sewerage system does not secure his entire water supply requirements from the municipal waterworks system, such person shall, at his own expense, install a meter of a design approved by the control authority on the waste line from his industrial and/or process operations. The volume of waste flow, as measured through the meter, shall be considered to be the volume of waste discharged to the sanitary sewerage system.

(i) Construction and maintenance of control manhole. Any person discharging or proposing to discharge any industrial waste into the sanitary sewerage system shall construct, at his own expense, a control manhole on the waste line from his industrial and/or process operations for the purpose of facilitating observations, measurements and sampling of the industrial waste discharged from such person's establishment. The control manhole shall be constructed in a suitable and satisfactory location downstream from any pretreatment facilities, holding tanks or other approved works, and ahead of the point of discharge of such waste into the sanitary sewerage system. The design of the control manhole shall be in accordance with the requirements of the control authority. The control manhole shall be maintained by such person so as to be safe, accessible and in proper operating condition at all times.

(j) Exemption from requirement for control manhole. The requirement with respect to construction of a control manhole may be waived provided that:

- (1) Total daily waste flow from the establishment of such person does not exceed the equivalent of 25,000 gallons of sanitary waste;
- (2) The maximum rate of discharge from the establishment does not exceed 100 gallons per minute;
- (3) Access, means and facilities are provided within such person's establishment for the purpose of observing, measuring and sampling the waste flow from such person's establishment; and
- (4) The discharge of all such waste from the establishment is, in all other respects, in full compliance with this article.

Sec. 23-104. Local Limits.

Local Limits are established in Local Limits for Industrial Discharges of Wastewater (Regulation Part 32).

The maximum allowable headworks loading (MAHL) will be used to determine the maximum allowable industrial loading (MAIL), taking into account the contributions from the domestic sources, applying a safety factor and establishing a reserved capacity load for growth and analytical variability as deemed appropriate in the discretion of the control authority. User-specific limits for appropriate pollutants of concern shall be included in wastewater permits for industrial users based on the control authority's allocation on MAIL on a case-by-case basis depending on the individual industrial user's need for certain loading.

An Industrial Waste Survey (IWS) is required prior to an industrial user discharging wastewater to the sanitary sewerage system, when a request for a renewal is submitted, and when an industrial user makes a change to its waste stream. IWS information will be used to develop user-specific local limits as appropriate to ensure that the POTW's MAHLs are not exceeded for particular pollutants of concern. The control authority may establish local limits as concentration-based, mass-based, or both. All significant industrial users shall install and maintain an accurate flow measuring device at the compliance sampling point. The control authority, in its sole discretion, may require other industrial users to install and maintain an accurate flow measuring device at the compliance sampling point.

On a case-by-case basis, the control authority may, in its sole discretion, develop BMPs, by ordinance or in individual wastewater discharge permits, to implement Local Limits.

The control authority reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in this ordinance or the general and specific prohibitions in Section 23-102 of this ordinance, as is allowed by S.C. Reg. 61-9.403.4.

Sec. 23-105. Discharge permit required; issuance; conditions.

(a) Permit required. Any person desiring to deposit or discharge any industrial waste or other pollutant into the sanitary sewerage system or any person now discharging any industrial waste or other pollutant into the sanitary sewerage system shall make application to the control authority. The control authority will approve such application and issue a permit to discharge only when satisfactory evidence is submitted by the applicant to the control authority that the discharge of such industrial waste or other pollutants is in full compliance with this article.

(b) Application. In addition to the requirements and criteria set for in Section 23-103, persons seeking a permit shall complete and file with the control authority an application in the form prescribed by the control authority. The applicant shall submit, where appropriate:

- (1) The name, address and telephone number of the applicant and the owner of the premises from which industrial wastes are intended to be discharged.
- (2) Daily average volume of wastewater to be discharged.
- (3) Schedule of all industrial process waste flows produced before and after pretreatment, if any, at the premises, including the daily volume, and wastewater constituents and characteristics as determined by representative samples and analyses done by a qualified laboratory acceptable to the control authority and in accordance with 40 CFR 136 and amendments thereto.
- (4) Estimated time and duration of discharge within a 20 percent tolerance.
- (5) Estimated hourly peak wastewater flow rates, including daily, monthly and seasonal variations within a 20 percent tolerance.
- (6) Site and plumbing plans describing any pretreatment facilities and showing all connections to the sanitary sewerage system.
- (7) A description of activities, facilities and plant processes on the premises, including all process waste materials which are or could be discharged, but excluding proprietary information concerning processes and products.
- (8) Type or classes of products produced.

- (9) The average number of employees and normal hours of work.
- (10) Any other relevant information as may be deemed by the control authority to be necessary to evaluate the permit application.

(c) Failure to apply for permit. The responsibility for filing an application for a permit to discharge shall rest upon the person discharging or proposing to discharge industrial waste or other pollutants to the sanitary sewerage system. Should such person fail to file an application for a permit to discharge and should such person then be discharging any industrial waste or other pollutant to the sanitary sewerage system, the control authority shall, after 24 hours' notice has been given, cause such person's water service from the public water system to be discontinued, and water service will be restored at such person's expense only after he has complied with the provisions of this article. If such person does not use water exclusively from the public water system, the control authority shall, after 24 hours' notice has been given, cause such person's connection to the sanitary sewerage system to be severed, and such connection will be restored at such person's expense only after he has complied with the provisions this article. The control authority may discontinue water service without providing 24 hours' notice if the control authority determines, in its discretion, that the unpermitted discharge has the potential to cause a substantial interference or pass through or potential to cause damage to the sanitary sewerage system or rapid deterioration of the system structures.

(d) Discharging waste prior to approval of permit application. Should any person discharging or proposing to discharge any industrial waste or other pollutant into the sanitary sewerage system file an application with the control authority for a permit to discharge and should such person then be discharging any industrial waste or other pollutant to the sanitary sewerage system prior to the issuance of a permit for the discharge, the control authority may discontinue the person's water service in accordance with subsection (c) herein. The control authority, in its discretion, may authorize discharge of industrial waste into the sanitary sewerage system during the pendency of the permit application pursuant to a corrective action plan under an appropriate enforcement action.

(e) General permits. The control authority may, but is not required to, issue a general permit for any industrial sector which satisfies the criteria in S.C. Reg. 61-9.403.8(f)(iii)(A)(1). Industrial users seeking coverage under a general permit must submit an application in accordance with this section 23-105.

(f) Compliance with discharge standards. All permit holders shall make wastewater acceptable under the limitations established in this article and in their individual permits before discharging directly or indirectly into any part of the sanitary sewerage system. For existing industrial discharges, an appropriate compliance schedule may be included in the permit.

(g) Compliance with permit conditions. No permit holder shall discharge industrial wastewaters in excess of the quantity, rate of discharge, or quality conditions specified in the permit. Any person desiring to modify his discharge in a manner which would violate conditions of his permit shall notify the control authority in advance of such discharge and shall apply for an amended permit.

(h) Issuance. The control authority will evaluate the data furnished by the applicant and may require additional information. A proposed permit may be issued within 60 days after all data has been furnished to and accepted by the control authority. The applicant shall then be allowed a 30-day comment period. Upon the expiration of the comment period, or upon the expiration of 90 days from the date the data has been furnished and accepted, the control authority shall issue or deny a permit. A permit may contain appropriate restrictions that are more stringent than requirements and limitations set forth in this article; in such case such restrictions shall apply. Issuance of a permit shall not relieve the user from complying with all applicable laws, regulations and ordinances promulgated by other government authority, nor shall the issuance of a permit be construed as a representation by the city that the discharge permitted therein complies with all of such laws, regulations and ordinances.

(i) Restrictions. The restrictions in permits shall be uniformly enforced by the control authority, and may include but shall not be limited to the following:

- (1) The maximum permissible concentration or mass of wastewater constituents. Permit limits may include nutrient-based limits, such as total phosphorous, total nitrogen, and ammonia nitrogen.
- (2) Limits on rate and time of discharge, or requirements for flow regulation and equalization.
- (3) Requirements for inspection, flow metering and sampling facilities, and alternative sampling methods.
- (4) Pretreatment of industrial wastewater before discharge.
- (5) Provisions for intentional diversion of waste streams from any portion of the pretreatment facility.
- (6) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, flow metering, number, types and standards for tests, and reporting schedule.
- (7) Prohibition of discharge of certain wastewater constituents.
- (8) Requirement for submission of periodic discharge reports, to include information concerning volume, rate of flow, constituent concentrations, peak flow rates, hours of operation, number of employees or other information.
- (9) Requirements for the protection of the sanitary sewerage system.
- (10) Other conditions as deemed appropriate by the control authority to ensure compliance with this article.

(j) Term. Permits shall be issued for any specified period of time, not to exceed five years.

(k) Separate permit required for each connection; required conditions; transfer of permit. A separate permit shall be required for each wastewater connection discharging directly or indirectly into the sanitary sewerage system. Each permit must contain effluent limits, including best management practices, based on applicable pretreatment standards and requirements to control slug discharge, if determined by the control authority to be necessary. For each user having multiple connections at a single plant or facility, a single permit shall be required which may set forth specific effluent limitations and conditions for discharge from each separate connection. No permit is transferable.

(l) Pretreatment facilities. Any facilities required for pretreatment or equalization of wastewater prior to discharge into the sanitary sewerage system shall be provided and maintained at the permit holder's expense. Where pretreatment or equalization of wastewater flows is required by the control authority, plans, specifications and other pertinent data or information relating to such pretreatment or flow control facilities shall be filed with the control authority prior to the construction thereof. Plans and specifications for industrial pretreatment facilities must also be submitted to the state department of health and environmental control, industrial wastewater division, for review and approval prior to construction. Neither filing of the plans nor the issuance of a permit shall be construed to indicate that the control authority in any way vouches for or warrants the capabilities of any such plans, specifications or data in any manner. Subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without prior notice to the control authority.

(m) Surveys. For the purpose of maintaining an accurate, up-to-date industrial user inventory, the control authority may, at its discretion, require the submittal of a survey questionnaire from any nondomestic user.

(n) Reporting. Sewer users that become subject to new or revised categorical pretreatment standards are required to comply with the following requirements.

(1) Baseline Monitoring Reports

(i) 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 S.C. Reg. 61-9.403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed in paragraph ii, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in paragraph (ii), 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.

(ii) Industrial users described above shall submit the information set forth below.

1. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;
2. Permits. The user shall submit a list of any environmental control permits held by or for the facility;
3. Description of operations. The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operations(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the control authority from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined wastewater formulate of S.C. Reg. 61-9.403.6(e).

5. Measurement of pollutants.

- a. The user shall identify the pretreatment standards applicable to each regulated process.
- b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each of the user's regulated processes. Both daily maximum and average concentration (for mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance;
- c. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling techniques for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
- d. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of S.C. Reg. 61-9.403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with S.C. Reg. 61-9.403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority;

f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical methods procedures, including procedures suggested by the control authority or other parties;

g. The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

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

6. Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard; and

7. Signature and Report Certifications. All baseline monitoring reports must be certified in accordance with this section (n)(12) below and signed by an Authorized Representative of the user. A compliance certification must be signed by an Authorized Representative of the user.

(2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by section (1)(ii)(6) above:

(i) 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 industrial 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);

(ii) No increment referred to above shall exceed nine (9) months;

(iii) The user shall submit a progress report to the control authority 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 industrial user to return to the established schedule; and

(iv) In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(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 control authority a report containing the information described in section (1)(ii)(1) through (7) above. All compliance reports must be signed and certified in accordance with section (n)(12) below. All sampling will be done in conformance with section (1)(ii)(5)(f) above.

(4) Periodic Compliance Reports

(i) All significant industrial users must, at a frequency determined by the control authority submit no less than twice per year (January and July) reports indicating the nature, 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. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.

(ii) All periodic compliance reports must be signed and certified in accordance with section (n)(12) below.

(iii) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurements 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.

(iv) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by control authority, the results of this monitoring shall be included in the report.

(5) Reports of Changed Conditions. Each user must notify the control authority of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(i) The control authority 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 (b) above.

(ii) The control authority may issue an individual wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems

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

(ii) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (i) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(iii) Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from Unpermitted Users. All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the control authority in writing as the control authority may require.

(8) 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 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by EPA.

(9) Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(i) Except as indicated in Section 23-107, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous standards.

(ii) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(iii) For sampling required in support of baseline monitoring and 90-day compliance reports required by section (n)(1), (n)(2), and (n)(3) above, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, control authority may authorize a lower minimum. For the reports required by section (n)(4) above, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(10) Date of Receipt of Reports. 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.

(11) Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. 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 control authority, or where the user has been specifically notified of a longer retention period by control authority.

(12) Certification Statements. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance section (b); users submitting baseline monitoring reports under section (n)(1); users submitting reports on compliance with the categorical pretreatment standard deadlines under section (n)(3); and users submitting periodic compliance reports required by section (n)(4). The following certification statement must be signed by an Authorized Representative:

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.

Sec. 23-106. Right of entry of enforcement officers; right to exclude or limit wastes; compliance with state and federal standards.

(a) The control authority, the state department of health and environmental control and other duly authorized employees of the city and/or the state department of health and environmental control, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, examination and copying of records and testing of industrial waste and other pollutants in accordance with this chapter.

(b) The control authority may temporarily exclude from the sanitary sewerage system any industrial waste or other pollutant, whether pretreated or not, whenever in the opinion of the control authority such action is necessary for the purpose of determining the effects of such waste upon the sanitary sewerage system and the waste treatment facilities.

(c) The city council may exclude from the sanitary sewerage system any industrial waste or other pollutant, whether pretreated or not, whenever in the opinion of the city council such action is necessary to protect the sanitary sewerage system and the waste treatment facilities or to facilitate the operation of the sanitary sewerage system and the waste treatment facilities.

(d) The control authority is authorized to implement and enforce the requirements of this article, including, but not limited to, the implementation and enforcement of the program requirements set forth in S.C. Reg. 61-9.403.5 and 403.8. The city council may set limits on toxic and priority pollutants that are more stringent than state and federal requirements when it is necessary for the protection of the sanitary sewerage system and/or proper operation of the waste treatment facilities.

(e) Federal and state requirements and limitations on discharges shall apply in any case where they are more stringent than requirements and limitations as set forth in this article. All users must comply with applicable categorical pretreatment standards as set forth in 40 CFR chapter I, subchapter N.

Sec. 23-107. Determination of character and strength of wastes; accidental discharges; confidentiality of information; publication of names of noncomplying users.

(a) The industrial waste and/or other pollutants being discharged by any person into the sanitary sewerage system shall be subject to periodic inspection. A determination of character and strength of those wastes shall be made annually, or more often as may be deemed necessary, by the control authority or his authorized assistants.

(b) Samples shall be collected in such a manner as to be representative of the wastes being discharged. The laboratory methods followed in the examination of those wastes shall be those as set forth in 40 CFR 136 and amendments thereto.

(c) The determination of the character, strength or quantity of the wastes as made by the control authority or his authorized assistants shall be binding as a basis for computation of charges or for actions by the control authority. The person discharging such wastes may, however, conduct his own sampling and analytical program and submit to the control authority the results relating to character, strength and quantity of the wastes. In such cases, however, the securing of samples shall be in accordance with methods acceptable to the control authority, and the laboratory procedures followed in analyzing the samples shall be as specified in subsection (b) of this section. Acceptance or rejection of the results thus submitted shall be a right reserved for the control authority.

(d) The control authority may require any industrial user to construct and maintain a wastewater monitoring facility of a design or configuration acceptable and sufficient to accomplish monitoring requirements as set forth in the permit.

(e) The sampling, analysis and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by the control authority. The control authority may require the submission of all discharge monitoring results generated by testing methods described in 40 CFR 136. Flow measurement systems and all appropriate equipment shall be regularly calibrated in accordance with procedures acceptable to the control authority.

(f) Users shall notify the control authority immediately (within 24 hours) by telephone or in person upon discharging wastes in violation of this article accidentally or otherwise. Such notification shall be followed, within five days of the day of occurrence, by a detailed written statement to the control authority, describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. The control authority may require the user to conduct follow-up testing in accordance with methods described in 40 CFR 136 and submit the test results within a 30 days, as specified in S.C. Reg. 61-9.403.12(g)(2). Users are required to take all reasonable countermeasures to stop the discharge and to neutralize its effect, if possible. The control authority may require the user to provide protection from accidental discharge of prohibited materials or other wastes controlled by this article. If the user knows in advance of the need for a bypass, as defined in S.C. Reg. 61-9.403.17(a), the user shall submit prior notice to the control authority, if possible at least ten days before the date of the bypass.

(g) Should measurements or other investigations indicate that the industrial user has discharged wastewater, the constituents of which are significantly different in quantity or quality from those stated by the user, the control authority shall notify the user and require that the user furnish all information in his possession that is relevant.

(h) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System permit, the state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Discharge monitoring data or reports will in no instance be considered subject to withholding from public inspection.

(i) The control authority shall at least annually provide public notification, in the largest daily newspaper published in the metropolitan Columbia sewer service area, of industrial users which during the previous 12 months were, at least once, in significant noncompliance with any provision of this article or any condition or limitation of a permit issued in accordance with this article.

(j) In addition to the requirements of subsection (f) in this section, any user who discharges hazardous waste into the sanitary sewerage system shall notify the control authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any such discharge which, if otherwise disposed of, would be a hazardous waste under S.C. Reg. 61-79 Part 261. Such notification must include the name of the hazardous waste as set forth in S.C. Reg. 61-79 Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 23-105(n)(5) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this ordinance.

(1) Dischargers are exempt from the requirements of subsection (j), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in S.C. Reg. 61-79.261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in S.C. Reg. 61-79.261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(2) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(3) In the case of any notification made under this subsection (j), the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(4) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

Sec. 23-108. Liability for extra costs incurred by city; charge for excess BOD or suspended solids.

(a) Liability for costs associated with violation. Any person who violates any provision of this article, or any condition or limitation of a permit or plan approval related thereto, shall be financially responsible and liable to the city, in addition to normal service charge and surcharges for industrial wastes, for all costs incurred by the city associated with the violation of this article, including but not limited to the following:

- (1) Costs of mileage and labor incurred in detecting and correcting the violation.
- (2) Laboratory analysis costs associated with detecting and correcting the violation.
- (3) Additional treatment costs caused by the violation or associated with detecting and correcting the violation.
- (4) Repair and/or replacement of any part of the sanitary sewerage system damaged by the violation.
- (5) Any liability, damages, fines or penalties incurred by the city as a result of the violation.
- (6) Other costs as are associated with the detecting and correcting of the violation.

(b) Surcharge for excess BOD or suspended solids. If any person discharges into the sanitary sewerage system a waste containing BOD concentration or suspended solids in excess of 300 milligrams per liter, then such person shall pay an additional cost according to rates determined by the city council.

(c) Liability for additional expense in handling and treatment of waste. If any person discharges into the sanitary sewerage system a waste which, because of its particular or unusual character, imposes an unusual burden on the sanitary sewerage system and the waste treatment facilities, and causes the city to incur additional expenses in the handling (conveying) and treatment of the

waste by reason of (but not limited to) provision of additional personnel, provision of additional equipment or structures, increase in operating costs, and decrease in efficiency of treatment processes required by and resulting from the handling and treatment of the waste, then such person shall be charged for such additional expense over and above the other charges set forth in this section. The control authority shall determine whether any person is causing the city to incur such additional expense and, if so, the amount of such additional expense.

Sec. 23-109. Damaging or tampering with city equipment.

No person shall maliciously, willfully or negligently break, damage, destroy, deface, tamper with or remove any equipment or materials used by the city for the purpose of making waste examinations and waste flow measurements and left upon the premises of a person discharging wastes into the sanitary sewerage system. Only authorized persons will be allowed to uncover, adjust, maintain and remove such equipment and materials.

Sec. 23-110. Applicability of article; right of city to amend article.

This article shall apply to any person discharging or proposing to discharge waste into the sanitary sewerage system. This article shall not be considered as or construed to be a contract between the city and any person. The city hereby expressly reserves the right to amend, change or repeal this article at any time.

Sec. 23-111. Termination of water or wastewater service; revocation of discharge permit.

(a) The control authority may suspend or terminate water and/or wastewater service when:

- (1) When the conditions through the discharge of pollutants presents an imminent endangerment to the public or to the environment;
- (2) Materials damaging to the sanitary sewerage system or treatment processes are released by the discharger to the sewer system, causing rapid deterioration of these structures or interfering with property conveyance or treatment of wastewater;
- (3) It is determined that the industrial user is delivering into the sanitary sewerage system wastes that cannot be sufficiently treated, or require treatment that is not normally provided, or are a contributing cause of the city's inability to meet applicable NPDES effluent limitations for its wastewater treatment plants; or
- (4) The user discharges to the sanitary sewerage system without a permit in violation of Section 23-105;
- (5) The user violates the Fats, Oils, and Grease Management Regulation (Part 29); or
- (6) The user has repeatedly violated this article or its permit to such an extent that compliance with this article or the permit cannot, in the judgment of the control authority, reasonably be expected.

(b) Violation of any of the following conditions may result in the revocation of an industrial wastewater permit:

- (1) Failure of the industrial user to accurately and fully report the wastewater volume, constituents and characteristics used to report significant changes in wastewater volume, constituents or characteristics;
- (2) Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring;
- (3) Failure to pay any and all costs and fees as outlined in sections 23-105 and 23-108, a sewer user charge or other charges, penalties, costs and expenses;
- (4) Violation of any condition of the permit or of any of the then-current regulations or discharge prohibitions;
- (5) Failure to report spill or unauthorized discharges;
- (6) Failure to factually report the wastewater constituents and characteristics of the discharge;
- (7) Failure to report a significant change in operations, or wastewater constituents and characteristics;
- (8) Failure to install or deliberately altering monitoring equipment;
- (9) Failure to properly operated and maintain wastewater equipment;
- (10) Failure to meet a deadline in a compliance schedule;
- (11) Improper sampling;
- (12) Slug load discharge;
- (13) Dilution of wastewater in lieu of treatment;
- (14) Falsifying reports;
- (15) Discharge of wastewater prohibited by this Regulation; or
- (16) Significant noncompliance with schedules, pretreatment standards or requirements, or with any terms of a permit issued pursuant to this Ordinance.

(c) Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for and be granted a reinstatement of the terminated permit or a new permit, as the control authority may require, and pay all delinquent fees, charges and costs occasioned by the violation. Costs shall include all expenses, including general and administrative expenses, incurred by the city in revoking the permit and disconnecting the user from the sanitary sewerage system, and those incurred due to the violation as provided in this article. This shall be paid for by the user before any new permit will be issued. When all costs cannot be readily determined, the city may require and accept a deposit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined.

Sec. 23-112. Violations; administrative orders; penalties.

(a) Civil Penalties: Any person who violates the provisions of this Ordinance or the provisions of any permit or order issued pursuant to this Ordinance is subject to a civil penalty of up to \$2000 for each day of violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In the case of a monthly or long-term average discharge limit, the civil penalty may be assessed for each day during the period of the violation. Prior to imposition of a civil penalty, the city will issue a rule to show cause pursuant to Section 23-1.

(b) Administrative Orders: In addition to any other remedy available under this Section, the POTW may issue an administrative order (1) imposing a schedule to achieve compliance with this Ordinance or a permit issued pursuant to this Ordinance, (2) ordering a user to cease and desist activities, including the discharge of wastewater, in violation of this Ordinance or a permit issued pursuant to this Ordinance, (3) terminating water and sewer service, (4) revoking a permit issued pursuant to this Ordinance; or (5) ordering such other action as deemed necessary to address a violation of this Ordinance or a permit issued pursuant to this Ordinance.

Any person who has been issued an administrative order may request a hearing by filing a request for hearing within fifteen calendar days of the date of issuance of the administrative order. The request shall be filed with the city clerk and shall include reference to the administrative order and the reasons for the request for a hearing. The hearing shall be conducted in accordance with Section 23-1.

(c) Criminal Penalties: Any person who knowingly discharges waste into any portion of the system in violation of this article; or who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document or files required to be maintained pursuant to this article or any wastewater contribution permit; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device, shall be deemed guilty of a misdemeanor, punishable, upon conviction, in accordance with section 1-5, with a fine of not more than \$500 or imprisonment for not more than thirty days, or both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(d) Injunctive Relief: In addition to any other criminal or civil remedies that may be available under this Section, the POTW may bring a civil action to obtain an injunction against any person in violation of this Ordinance or any provision of a permit or order issued pursuant to this Ordinance.

Sec. 23-113. Bond or indemnity agreement.

In any and all instances where the city has reasonable cause to believe that any of the rules, regulations or provisions set forth in this article or that have otherwise been adopted by the city have been, may be or are being violated by any person discharging water into the sanitary sewerage system, the city may require such person to give bond or enter into an indemnity agreement in form acceptable to the city with sufficient surety to be approved by the city attorney to protect, indemnify and hold harmless the city from any loss, damage or expense that it may suffer or incur as a result of such noncompliance or violation by such person. In the event of failure to do so after ten days' notice by United States mail that such bond or agreement will be required, the use of the sanitary sewerage system by such person shall be denied or discontinued.

Sec. 23-114. Use of privies.

(a) The term "privy," as used in this section, includes any building, structure or facility of any kind, including portable toilet units, which are not connected to the sanitary sewerage system or to an approved septic tank.

(b) No person shall construct, install or maintain any privy within the city, except on a construction site for use by construction workers during the period for which a building permit has been issued by the city, or for special events of not more than 48 hours, or for outdoor recreational events.

(c) Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-5. Each day of violation shall constitute a separate offense.

Sec. 23-115. Discharge of septic tank waste.

(a) It shall be unlawful for any person to discharge solid or liquid waste into the sanitary sewerage system unless the standards of acceptable waste established by ordinance are met and the discharge is made through an approved connection. No material shall be discharged into the public sewer system except at an approved location with a permit issued by the director of utilities pursuant to Section 23-103(f).

(b) Hauled waste shall be deposited at an approved location at the wastewater treatment plant. Each depositor shall be approved by the director of issued a permit pursuant to Section 23-103(f). Discharge of wastewater transported from private utilities is prohibited.

Sec. 23-116. Use of septic tanks where public sewer is available.

It shall be unlawful for any person owning property within the city to maintain or use a septic tank where a public sewer is accessible for connection, subject to the following exception: Use of a septic tank in existence prior to the availability of a public sewer accessible for connection is permitted until such time as S.C. Reg. 61-56 requires connection to the public sewer. Such connection shall be made within 30 days after the owner of the property serviced by the septic tank is required to connect to a public sewer

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pursuant to S.C. Reg. 61-56. Installation of new septic tanks where a public sewer is accessible is strictly prohibited. Any violation of this section shall a misdemeanor, punishable, upon conviction, in accordance with section 1-5.

Sec. 23-117. Additional regulations.

Rules and regulations relating to discharge of waste into the sanitary sewerage system are not included in this codification. Copies of the rules and regulations are on file in the office of the city clerk.

Secs. 23-118—23-140. - Reserved.

Requested by:

Assistant City Manager Shealy

Approved by:


City Manager

Approved as to form:


City Attorney

Introduced: 8/6/2019
Final Reading: 8/20/2019


Mayor

ATTEST:


City Clerk