

ORIGINAL
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ORDINANCE NO.: 2021-029

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 Sec. 23-101 Definitions, Sec. 23-102 Prohibited discharges, Sec. 23-105 Discharge permit required; issuance; conditions and Article V, Water and Sewer Rates Sec. 23-150 Discharge of hauled waste

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, Sec. 23-101 Definitions, Sec. 23-102 Prohibited discharges, Sec. 23-105 Discharge permit required; issuance; conditions and Article V, Water and Sewer Rates, Sec. 23-150 Discharge of hauled waste are amended to read as follows:

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 alkalis, 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.

Zero discharge industrial user means an industrial user which manages or disposes of non-domestic waste without discharge to the POTW, but has the potential to discharge and/or spill non-domestic waste by one of the following means:

- (1) drains in the manufacturing process area that are connected to the sewer system and that may discharge waste in the case of spills, washdowns, etc.;
- (2) tanks containing regulated wastewater or chemicals that contain overflow or emergency bypass hookups to the sewer system;
- (3) any structure, piping, treatment system design, etc. that the Industrial Pretreatment division identifies as a possible route for discharge of regulated (process) wastewater; or
- (4) floor drains that are not permanently plugged and tamper proof.

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 safety problems.
- (25) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the control authority in compliance with applicable State or Federal regulations.
- (26) Any trucked or hauled pollutants, except as discharge points designated by the control authority in accordance with Section 23-115 of this ordinance.
- (27) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for the reclamation process. In no case shall a substance discharged cause interference.
- (28) Any sludges, screenings or residues from the pretreatment of industrial wastes.
- (29) Any medical wastes, except as specifically authorized by the control authority in a wastewater discharge permit.
- (30) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the sanitary sewerage system.
- (31) Any material that would be identified as hazardous waste according to S.C. Reg. 61-79 Part 261 if not disposed of in a sewer except as may be specifically authorized by the control authority.
- (32) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in S.C. Reg. 61-68.
- (33) Wastewater which causes, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (34) Any wastes containing detergents, surface active ingredients, or other substances which may cause excessive foaming in the sanitary sewerage system.
- (35) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the sanitary sewerage system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
- (36) Any discharge in violation of the Fats, Oils, and Grease Management Regulation (Parts 29 and 30).
 - (b) No person shall discharge harmful quantities of hazardous substances as defined in 40 CFR chapter I, subchapter D, Parts 116 and 117, or in excess of the amounts set forth in Local Limits for Industrial Discharges of Wastewater (Part 32) promulgated pursuant to section 23-104.
 - (c) No statement contained in this section shall be construed as preventing the execution of a contract, special agreement or arrangement between the city and any person whereby an industrial waste or pollutant of unusual strength or character may be admitted into the sanitary sewerage system by the city after approved pretreatment of such waste by the person desiring to discharge waste into the sanitary sewerage system, or the assessment of special charges for the use of the sanitary sewerage system.

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 and zero discharge industrial users.** 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. Upon request by the city, a zero discharge industrial user shall submit an survey questionnaire to the city to include the means by which the zero discharge industrial user will manage non-domestic waste without discharge to the POTW. The survey questionnaire must be certified in accordance with section (n)(12) below and signed by an authorized representative of the user. In its discretion, the city may issue a permit to a zero discharge industrial user. If a permit is not issued to a zero discharge industrial user, the city may require an annual statement and documentation to demonstrate that the zero discharge industrial user is managing non-domestic waste without discharge to the POTW. If required, this annual statement must be certified in accordance with section (n)(12) below and signed by an authorized representative of the 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 formula 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 and deposited in a mail collection box or facility serviced by the United States Postal Service, postage prepaid. For reports, which are not mailed, postage prepaid, into a mail collection box or 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. 23-150. - Discharge of hauled waste.

(a) Hauled waste shall be deposited at an approved location at the wastewater treatment plant. The following fees shall be paid ~~prior to~~ for the discharge of each load:

Gallons	Portable Toilet, Septic Tank and Grease Trap Wastes	Contaminated Groundwater
1—500	\$60.00	\$121.00
501—1,000	72.00	144.00
1,101—1,500	84.00	168.00
1,501—2,000	96.00	192.00
2,001—2,500	108.00	216.00

2,501—3,000	120.00	240.00
3,001—3,500	132.00	264.00
3,501 or more	\$12.00 per 500 gallons or any portion thereof over 3,500 gallons	\$24.00 per 500 gallons or any portion thereof over 3,500 gallons

(b) Wastewater discharges having a stabilized pH lower than 6.0 or higher than 9.0 shall be subject to an additional pH adjustment charge or shall be prohibited as follows:

Less than 3.0Prohibited

From 3.0 to 4.9\$10.00

From 5.0 to 5.95.00

From 6.0 to 9.0No charge


From 9.1 to 10.05.00

From 10.1 to 12.010.00

Greater than 12.0Prohibited

Requested by:

Assistant City Manager Shealy



 Mayor

Approved by:



 City Manager

Approved as to form:



 City Attorney

ATTEST:



 City Clerk

Introduced: 4/20/2021
 Final Reading: 5/4/2021