

City of Inman
Sewer Use Ordinance

July 2015

Chapter 10

Sewer System

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CHAPTER 10

SEWER SYSTEM

ARTICLE I – GENERAL PROVISIONS

SECTION 10-1: Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Inman and enables the City of Inman to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code section 1251 *et seq.*), the General Pretreatment Regulations (40 CFR Part 403), and the South Carolina Pretreatment Regulations (SC R61-9.403).

The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the City of Inman to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

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

SECTION 10-2: Administration

- A. Except as otherwise provided herein, the Pretreatment Coordinator / Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the waste treatment plant operator may be delegated by the waste treatment plant operator to other City of Inman personnel. The City may designate the duties of the pretreatment program to a consultant for administration with approval of the Superintendent.
- B. Comply with requirements of Article V of this Ordinance.

SECTION 10-3: Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BMP - Best Management Practice
- BMR - Baseline Monitoring Report
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- IU - Industrial User

- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SCDHEC - South Carolina Department of Health and Environmental Control
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- TSS - Total Suspended Solids
- U.S.C. - United States Code

SECTION 10-4: Definitions

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

- A. Act or “the Act” – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 *et seq.*
- B. Approval Authority – The South Carolina Department of Health and Environmental Control (DHEC).
- C. Authorized Representative of the User
 - (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management

decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 thru 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- D. Biochemical Oxygen Demand or BOD – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this ordinance. BMPs 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.
- F. Building Sewer – Shall mean the pipe or pipes connecting a building or other facility to the sewer system of the City of Inman.
- G. Categorical Pretreatment Standard or Categorical Standard – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with

Sections 307 (b) and (c) of the Act (33 U.S.C. ss 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- H. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- I. Chemical Oxygen Demand (COD) – The amount of oxygen required to oxidize the organic and sometimes inorganic matter in water or wastewater usually expressed in milligrams per liter. The COD test does not measure the oxygen required to convert ammonia to nitrites and nitrites to nitrates and thus is assumed to be equal to the ultimate first-stage biochemical oxygen demand.
- J. City – The City of Inman, South Carolina.
- K. Control Authority. The City of Inman.
- L. Control Manhole or Monitoring Manhole – A manhole giving access to a building sewer at some point before the building sewer connects with the sewer system of the city.
- M. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- N. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- O. Domestic Waste – The 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. It also includes similar wastes from industries when separated from industrial waste.
- P. Environmental Protection Agency or EPA – The U.S. Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator or other duty authorized official of said agency.

- Q. Existing Source – Any source or discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act. Any source of discharge that is not a “New Source.”
- R. Garbage – Shall mean animal and vegetable wastes and residue from the preparation, cooking and dispensing of food, and from the handling, processing, storage and sale of food products and produce.
- S. Grab Sample – A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- T. Indirect Discharge or Discharge – The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- U. Instantaneous Maximum Allowable Discharge Limit – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- V. Interference – A discharge which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research, and Sanctuaries Act.
- W. Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and in SC R61-9.403.5(a)(1) and (b).

- X. Medical Waste – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- Y. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- Z. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

AA. New Source

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building , structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is 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) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as a part of a continuous onsite construction program.
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contract 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.
- BB. Noncontact Cooling Water – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- CC. NPDES – Shall mean National Pollution Discharge Elimination System.
- DD. Pass Through – A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit, including an increase in the magnitude or duration of a violation.
- EE. Person – Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- FF. pH – A measure of the acidity or alkalinity of a solution, expressed in standard units.

- GG. Pollutant – Dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- HH. Pollution – The man-made or man- induced alteration of the chemical, biological, and radiological integrity of water.
- II. Pretreatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by applicable pretreatment standard.
- JJ. Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- KK. Pretreatment Standard or Standards – Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- LL. Prohibited Discharge Standards or Prohibited Discharges – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.21 of this ordinance.
- MM. Publicly Owned Treatment Works or POTW – A “treatment works” as defined by Section 212 of the Act (33 U.S.C. Section 1292) 40 CFR 403.3(q) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- NN. Sanitary Sewer System – Shall mean and include all or any part of the lateral sewers, collecting sewers, intercepting sewers, wastewater pumping stations, wastewater treatment facilities, and outfall sewers owned or administered by the City of Inman.

- OO. Septic Tank Waste – Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- PP. Sewage – Human excrement and gray water (household showers, dishwashing operations, etc.)
- QQ. Significant Industrial User – A significant industrial user is;
- (1) A user subject to categorical pretreatment standards; or
 - (2) An industrial user that:
 - (a) Discharges an average of twenty- five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
 - (3) Upon finding that a user meeting the criteria in Subsection (2)(c) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in SC R61-9.403.8(6) and 40 CFR 403.8(f)(6), determine that such a user should not be considered a significant industrial user.
- RR. Significant Noncompliance – May be any one or more of the following:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) or more of all the measurements taken for the same pollutant parameter taken during a six – (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in this ordinance. (See 40 CFR 403.3(1) and SC R.61.9.403.3(h))

2. Technical review criteria (TRC) violations defined here as those in which thirty-three (33%) or more of wastewater measurements **taken** for each pollutant parameter taking during a six – ~~(6-)~~ month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in this ordinance by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH. (See 40 CFR 403.3(l) or SC R.61.9.403.3(h))
3. Any other violation of a Pretreatment Standard or Requirement as defined in this ordinance (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; (see 40 CFR 403.3(l) and SC R.61.9.403.3(h))
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. A violation of pass through or interference as defined in this ordinance.
8. A discharge of imminent endangerment to human health, welfare, or the environment, or which requires the POTW to use its emergency authorities under SC R.61-9.403.8(f)(1)(vi)(B) and 40 CFR 403.8(f)(1)(vi)(B).
9. Failure to accurately report noncompliance.
10. Any other violation deemed significant by the Control Authority SC R. 61.9.403.8(f)(2)(vi) and 40 CFR 403.8(f)(2)(vi).

11. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
- SS. Slug Load or Slug – Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits or Permit conditions.
- TT. Standard Industrial Classification (SIC) Code – A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- UU. Storm Drain or Storm Sewer – Shall mean a sewer which carries storm and surface waters other than domestic sewage and industrial wastes.
- VV. Storm Water – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- WW. Superintendent – The waste treatment plant operator designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- XX. Suspended Solids – The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.
- YY. Toxic Pollutant – Any substances or combination of substances listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the Provisions of the Clean Water Act or other clean water acts.
- ZZ. User or Industrial User – A source of indirect discharge.
- AAA. Wastewater – Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

SECTION 10-5: CONNECTION TO PUBLIC SEWER SYSTEM REQUIRED

The owner of any house, building or property used for human occupancy, employment, recreation or other purpose which is located within 200 feet of any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sewer shall, at the owner's own expense, install suitable toilet facilities and connect such facilities to the City sewer system within 90 days of such services availability. In specific cases, this requirement may be waived where it is not practical to serve the property with the City sewer system and alternative measures will not be hazardous to the public health.

SECTION 10-6: BUILDING SEWER REQUIREMENTS

- A. Existing building sewers may be used in connection with new buildings only when they are found upon examination to meet all current engineering standards and practices.
- B. The size, slope, alignment, materials and methods of construction for installing building sewers shall conform to all City specifications and good engineering practices.
- C. No roof, downspout, exterior foundation drain, or other sources of storm water, surface water or ground water shall be connected directly or indirectly to the City's sewer system.
- D. The owner or his contractor shall notify the City when the building sewer and connection to the public sewer is ready for inspection. The connection shall be made under the supervision of the City.
- E. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- F. It shall be the responsibility of the property owner to keep and maintain in good repair the building sewer to its point of connection with the City sewer. When notified by the City that repairs to the building sewer are necessary, the owner

shall make such repairs within sixty (60) days after receiving notice that such repairs are necessary.

- G. Every house or building to be connected with the sanitary sewer system shall be separately connected unless a specific permit is granted for a combined connection.
- H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In any case where the building drain is too low to permit gravity flow to the public sewer, the owner shall install a pump approved by the City. The costs associated with the pump installation, operation and maintenance shall be at the sole expense of the Owner.
- I. The City may require that backflow or check valves be installed on building sewers where necessary to protect the owner's property.

SECTION 10-7: SEWER APPLICATIONS AND PERMITS

All persons desiring to connect to the sanitary sewer system must first make application for a sewer tap to the City. Such application shall be signed by the owner of the property or his duly authorized representative and shall contain all information requested by the City. All permit fees shall be paid to the City at the time application is filed.

- A. No unauthorized person shall uncover, make connection with, use, alter or disturb any public sewer appurtenance without first obtaining a written permit from the City.
- B. It shall be unlawful for any person to contribute or cause to be contributed any wastewater to the sanitary sewer system without having first obtained a sewer tap permit or to continue to contribute or cause to be contributed any wastewater after notification that the sewer tap permit has been suspended or revoked.
- C. All persons desiring to discharge industrial wastewater into the sewer system of the City shall comply with all requirements of Article III of this Ordinance.
- D. All permits issued by the City to significant Industrial Users are subject to review and approval by state and federal agencies having jurisdiction over such construction or discharge of nondomestic wastewater and/or pretreatment facilities.

SECTION 10-8: SEWER TAP PERMITS

- A. There shall be four (4) classes of sewer tap permits:
 - 1. Residential (single family dwellings);
 - 2. Commercial (domestic sewage only);
 - 3. Apartments;
 - 4. Industrial;
- B. The City shall provide separate forms for each class of sewer tap permit.

SECTION 10-9: SEWER TAP FEES

A. RESIDENTIAL

Inside City	\$1,000.00
Outside City	\$1,600.00

B. COMMERCIAL

Inside City	
First unit (per building)	\$1,000.00
Each additional unit	\$ 100.00
Outside City	
First unit (per building)	\$2,000.00
additional unit	\$ 200.00

C. APARTMENTS

Inside City	
First unit (per building)	\$1,000.00
Each additional unit	\$ 100.00
Outside City	
First unit (per building)	\$2,000.00
Each additional unit	\$ 200.00

D. INDUSTRIAL

(Average daily discharge)	
Not more than 5,000 gpd	\$2,000.00

5,000 to 10,000 gpd	\$3,000.00
10,000 to 25,000 gpd	\$5,000.00
Over 25,000 gpd	\$200.00 + per 1000 gallons allocated capacity in excess of 25,000 gpd.

E. INSPECTION OF TAP	
Inside of City	\$ 50.00
Outside of City	\$ 100.00

SECTION 10-10: COST OF INSTALLATION

- A. All costs and expenses incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the City of Inman from any and all loss or damage to any third parties caused, directly or indirectly, by the installation of the building sewer.

SECTION 10-11: SEWER LINES IN NEW SUBDIVISIONS

- A. A developer desiring to connect any subdivision to the City's sewer system shall install all sewer facilities at his own expense. Plans shall be submitted to the City for approval prior to construction. After approval by the City, a construction permit will need to be obtained from SCDHEC by the developer prior to construction. After construction and receipt of an operational permit from DHEC, the facilities shall be deeded to the City.

SECTION 10-12: NOTICE

- A. When notice is required by this chapter, such notice may be given by the City by delivering the notice to the person to be notified or by depositing the notice in the United States mail postage prepaid and addressed to the person at the address contained in the records of the City of Inman. The giving of notice by mail is complete under the expiration of five (5) days after deposit of the notice in a mailbox. A certificate by the Clerk of the City that notice has been given as required hereunder shall be presumptive proof the notice was received.

SECTION 10-13: SEVERABILITY

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

SECTION 10-14: DUTY TO COMPLY

- A. Any user of the sewage system of the City of Inman must comply with all provisions of this Ordinance or any permit granting sewer service by the City of Inman. Failure to comply with this Ordinance, permit, etc., may be grounds for enforcement actions by the City as set forth in Article V of this Ordinance.

SECTION 10-15: DUTY TO MITIGATE/ADVERSE IMPACT

- A. Users of the sewer system of the City of Inman shall take reasonable steps to minimize or correct any adverse impact on the environment or treatment works of the City.
- B. Significant Industrial Users shall be subject to accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge which is creating an adverse impact.
- C. Users shall immediately notify the City of sludge discharges, spills that may enter the public sewer, or any other significant changes in operation, wastewater characteristics and constituents.

SECTION 10-16: PROPERTY RIGHTS

- A. The passage/ implementation of this Ordinance does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

SECTION 10-17: ANNEXATION AND SEWER SERVICE

- A. Contiguous properties. Annexation into the town is required as a condition prior to the City of Inman providing sanitary sewer service to any lot, parcel, or piece of land located outside the corporate limits of the town and contiguous to the town limits.
 - a. Annexation can be completed by either of the following methods for contiguous properties.
 - i. 100 Percent Petition Form. In the event that the contiguous property owners all agree to the annexation this form must be completed.

ii. 75% Percent Petition:

A method, the 75% petition, may be used for multiple parcels. This property must be contiguous to the City at some point. At least 75% of all property owners within the petition area must sign, and the signatories must also represent 75% of the total assessed land value.

iii. Annexation Agreement.

In the event that less than 75% of all property owners within the petition area sign, or the signatories do not represent 75% of the total assessed land value, then the annexation agreement must be signed prior to receiving sewer service from the City of Inman. See below for annexation agreement conditions.

(B) Noncontiguous properties. Sanitary sewer service may be provided by the City of Inman to noncontiguous properties located outside of the corporate limits of the town and within the town's official planning area;

a. Provided that the owners of the same complete and sign the City of Inman Agreement For Annexation; or

i. Annexation Agreement Conditions:

The Owner and the City in consideration of the premises and of the mutual covenants and agreements herein contained do hereby agree with each other as follows:

1. The Owner will install, at its sole cost and expense, a collector sewer line upon the Property hereinafter described and pay the City's capacity fee and shall be subject to all statues, ordinances, rules, policies, and regulations governing the operation of the City in all matters under its jurisdiction and control as now in effect or as shall become effective and the same are incorporated herein by reference.

2. The Owner, without costs and expense to the City, will assign and transfer to the City an easement and right-of-way as necessary to allow the City to install such transmission lines as may be necessary to reach the Property.

3. The Owner, by the signing of this Agreement, consent to the annexation of said Property to the City.

(a) By the acceptance of a Deed from the Owner, any future Owner or any piece, lot or parcel of land included within the Property agrees that the said property may be annexed to the City at any time in the future when the same is feasible and possible at the City's sole and exclusive discretion. The Owner and any future Owner hereby consents to such annexation and agrees to take all legal action necessary, including the signing of a Petition to annex same to the City and authorize City Council to take any and all action necessary to confirm such annexation, and is subject to all regulations governing the operation of the City as set forth hereinabove.

(b) Owner will include in the Deed to a purchaser of all or a portion of the Property, a restriction and covenant running with the land and binding upon the heirs, administrators, successors, and assigns of the Owner that the Property is subject to annexation to the City when the Property or any part thereof becomes eligible to be annexed to the City. The Owner hereby appoints the attorney for the City of Inman, or his duly appointed successor, as attorney in fact for the Owner of any lot or parcel of land within the Property with full power to sign an annexation Petition or any other annexation documents when requested by the City, in the event the Owner or any subsequent owner fails or refuses to sign such Petition upon request.

4. A legal description of the property must be included within this Agreement attached hereto and made a part hereof.

5. This Agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto.

b. Provided that the owners of the same complete and sign the City of Inman 75% Percent Petition:

A method, the 75% petition, may be used for multiple parcels. This property must be contiguous to the City at some point. At least 75% of all property owners within the petition area must sign, and the signatories must also represent 75% of the total assessed land value.

SECTION 10-18: RESERVED
SECTION 10-19: RESERVED
SECTION 10-20: RESERVED

ARTICLE II: GENERAL USE REGULATIONS

SECTION 10-21: PROHIBITED DISCHARGE STANDARDS

- A. General Prohibitions – No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions – No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Any clothing, rags, textile remnants or wastes, cloth, scraps, or fibers.
 - (2) Any gasoline, naphtha, fuel oil or other liquids, solids or gases which by reason of their nature or quality may cause fire or explosion or be in any way injurious to persons, or the sanitary sewer system.
 - (3) Any paints, oils, lacquers, thinners, or solvents including any waste containing a toxic or deleterious substance which can impair the sewage treatment process or constitute a hazard to employees working in the sanitary sewer system.
 - (4) Any discoloration such as, but not limited to dyes, inks, or any waste containing chlorides, sulfides or chlorine in such quantities as to be deleterious to or hazardous to the sanitary sewer system, the employees working in the system or, which create a public nuisance. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

- (5) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (6) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sanitary sewer system such as, but not limited to, grease, garbage with particles greater than one-fourth (1/4") inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, meat, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining, or processing of fuel or lubrication oil, mud, glass, grinding waste, or polishing waste.
- (7) Any water or wastes, which in the opinion of the City contain contaminants of such character or in such quantity as will not be amenable to the waste treatment processes, or will constitute a hazard to persons or animals, or which will create a hazard in the watercourse receiving the effluent from the waste treatment plant.
- (8) Any water or waste containing more than 100 milligrams per liter by weight of total fats, oils, or grease, except as may be allowed under an industrial discharge permit issued by the City.
- (9) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 10.5, or having properties capable of either causing damage or creating a hazard to structures, equipment or personnel of the sanitary sewer system. pHs above 9 are only permitted if set forth on an industrial wastewater discharge permit.
- (10) Any waste, liquid, or vapor having a temperature higher than 150 degrees F. (65 degrees C), or which will increase the temperature of the waste treatment facility influent to greater than 104 degrees F (40 degrees C) which will inhibit biological activity in the treatment plant resulting in interference.

- (11) Any waste containing substances that may precipitate, solidify, or become viscous at temperatures between 50 degrees F (10 degrees C) and 100 degrees F.
- (12) Any quantities of rainwater, storm water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, surface water, fountain water, or any other unpolluted water without written approval from the City.
- (13) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations for any wastewater constituent.
- (14) Any substance which will contribute to or cause the City to violate its NPDES or State Disposal System Permit or the receiving water quality standards.
- (15) Any radioactive isotopes in concentration greater than that permitted by the latest State and Federal regulations.
- (16) Any wastewaters having a B.O.D. concentration in excess of 300 mg/L, except as allowed by the industrial wastewater discharge permit.
- (17) Any wastewaters having a Suspended Solids concentration in excess of 300 mg/L, except as allowed by the user's industrial wastewater discharge permit.
- (18) Any wastewater containing substances in excess of the maximum allowable daily limits shown on the Industrial Wastewater Discharge Permit of the user.
- (19) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees C) using the test methods specified in 40 CFR 261.21.
- (20) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants, will cause interference with the POTW.

- (21) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (22) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (23) Wastewater alone or in conjunction with other wastewaters which will cause the bromide concentration in the wastewater treatment plant to be high enough to cause toxicity which violates the City's NPDES permit.
- (24) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with this ordinance.
- (25) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (26) Medical Wastes, except as specifically authorized by the Superintendent in an industrial wastewater discharge permit.
- (27) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test(s).
- (28) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.
- (29) Any waste containing polychlorinated biphenyls (PCBs) is prohibited from discharge to the City's wastewater treatment plant.

C. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

SECTION 10-22: FEDERAL AND STATE STANDARDS

- A. Upon the promulgation of National Categorical Pretreatment Standards for an industrial subcategory, each National Categorical Pretreatment Standard, if more stringent than the corresponding standard or limit imposed under this article for the specific industrial subcategory, shall immediately supersede the standards or limits previously imposed under this article.
- B. Compliance with National Categorical Pretreatment Standards for existing discharges or sources subject to such standards or limits presently or hereafter

become subject to such standards or limits shall be within two (2) years following promulgation of the standards unless a shorter compliance time is specified in the standard.

- C. All new discharges or sources shall comply with National Categorical Pretreatment Standards upon initiation of a discharge.
- D. The City shall notify all affected Users of the applicable reporting requirements under SC R61-9 403.12 and 40 CFR, Section 403.12.
- E. Industrial Categories subject to National Pretreatment Standards:

Airport Deicing	Meat and Poultry Products
Aluminum Forming	Metal Finishing
Asbestos Manufacturing	Metal Molding and Casting
Battery Manufacturing	Metal Products and Machinery
Canned and Preserved Fruits and Vegetables Processing	Mineral Mining and Processing
Canned and Preserved Seafood Processing	Nonferrous Metals Forming and Metal Powders
Carbon Black Manufacturing	Nonferrous Metals Manufacturing
Cement Manufacturing	Oil and Gas Extraction
Coal Mining	Ore Mining and Dressing
Coil Coating	Organic Chemicals, Plastics, and Synthetic Fibers
Concentrated Animal Feeding Operations	Paint Formulating
Concentrated Aquatic Animal Production	Paving and Roofing Materials (Tars and Asphalt)
Construction and Development	Pesticide Chemicals
Copper Forming	Petroleum Refining
Dairy Products Processing	Pharmaceutical Manufacturing
Electrical and Electronic Components	Phosphate Manufacturing
Electroplating	Photographic
Explosives Manufacturing	Plastics Molding and Forming
Ferroalloy Manufacturing	Porcelain Enameling
Fertilizer Manufacturing	Rubber Manufacturing
Glass Manufacturing	Soap and Detergent Manufacturing
Grain Mills	Steam Electric Power Generating
Gum and Wood Chemicals Manufacturing	Sugar Processing
Hospital	Textile Mills
Ink Formulating	The Centralized Waste Treatment
Inorganic Chemicals Manufacturing	The Pulp, Paper, and Paperboard
Iron and Steel Manufacturing	Timber Products Processing
Landfills	Transportation Equipment Cleaning
Leather Tanning and Finishing	Waste Combustors

- F. State requirements and limitations on discharges shall apply in cases where they are more stringent than federal requirements and limitations or those in this article. Users must comply with the South Carolina Pretreatment Regulations found in SC R61-9.403.

- G. No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or the state.

SECTION 10-23: CONTROL OF PROHIBITED DISCHARGES

- A. If wastewaters containing any substances described in Section 10-21 are discharged or proposed to be discharged into the sanitary sewer system, the City shall take appropriate action to eliminate the discharge of such wastewater including, but not limited to:
 - (1) Requiring the discharger to make such in-plant modifications as will eliminate the discharge of such substances to a degree acceptable to the City;
 - (2) Requiring pretreatment (including storage facilities and/or flow equalization) as necessary to reduce or eliminate the objectionable characteristics of the wastewater. Any Industrial User requiring pretreatment must first obtain a permit to construct from SCDHEC;
 - (3) Requiring the user making, causing, or allowing discharges to pay any added cost of handling and treating excess loads imposed on the sanitary sewer system; or,
 - (4) Such other remedial action as may be necessary to achieve the purposes of this chapter;

SECTION 10-24: SPECIFIC POLLUTANTS LIMITATIONS

- A. No person may discharge large quantities of compatible wastewaters to public sewers which, by reason of volume, flow rate, concentrations or total loads of compatible constituents, are in excess of the capacity of a part of the sewer system or are inconsistent with the most beneficial use of the system in the opinion of the City. In consideration of these factors, the City will limit the following:
 - (1) Volume and flow rate from any individual source to the capacity of sewers, pump station and force mains and the treatment system, less the capacity committed to serve the general public and other users,

and the reserve capacity to serve anticipated needs of the general public until the time of a planned expansion of the facilities.

- (2) Loads of compatible pollutants such as BOD, suspended solids, nitrogen and phosphorous from any individual source to the capacity of the treatment facilities, less the capacity committed to serve the general public and other users and reserve capacity to serve the anticipated needs of the general public until the time of a planned expansion of the treatment facilities.
- B. The City may require flow equalization or pretreatment for load reduction as a condition of a service permit or may decline to receive high loads or highly concentrated wastewaters into the system if, in the City's opinion, this would not be the most beneficial use of the system by reason of the cost of services, technical considerations relating to operation and maintenance of the system, or conflicting alternatives.
 - C. The City has the emergency authority to halt or prevent the discharge of any user for non-compliance to protect the system's collection and treatment facilities or insure compliance with NPDES permit requirements.
 - D. The City shall inform the public on a yearly basis of any sustained non-compliance by a non-domestic discharger, or any instances requiring the use of emergency authority.
 - E. Where specific local limitations are developed, such limitations shall be deemed Pretreatment Standards for the purpose of Section 307 (d) of the Act. The City shall have the authority to revise or adjust limits as necessary to comply with the NPDES Permit, to protect the environment, the wastewater treatment facilities and worker health.
 - F. Upon development of a specific local limitation(s), all existing Users subject to such limitation(s) shall achieve full compliance of such within one (1) year of the development of the limitation(s) unless a shorter time is specified in the limitation. All new Users shall comply with specific local limitations within ninety (90) days of initiating a discharge.
 - G. Specific local limitations shall not be developed and enforced without individual notice to persons or groups who have requested such notice in writing and are given an opportunity to respond.

- H. Specific local limits and compliance schedules shall be developed by the City and included in the user's discharge permit.

SECTION 10-25: LOCAL LIMITS

The Superintendent is authorized to establish local limits pursuant to 40 CFR 403.5(c) and SC R61-9.403.5(c). The local pollutant limits are established to protect us against pass through and interference. No person shall discharge wastewater containing in excess of the local limits.

The local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The waste treatment plant operator may impose mass limitations in addition to, or in place of, the concentration-based limitations.

The Superintendent may develop Best Management Practices (BMPs), by ordinance or in industrial wastewater discharge permits, to implement local limits and the requirements of this ordinance.

No local limits are developed at this time. If local limits are developed in the future, then they will be included in this section of the ordinance. Local limits when developed will be issued as concentration limits and/or mass limits on industry permits.

SECTION 10-26: GREASE, OIL AND SAND INTERCEPTORS

- A. A user may be required to provide grease, oil, or sand interceptors when, in the opinion of the City, they are necessary for the proper handling and control of liquid wastes containing grease, oil, or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units but may be required for all public eating places, restaurants, and all other commercial and industrial establishments from which grease, oil, fat, or sand can be discharged.
- B. Interceptors required by the City shall be readily accessible for inspection by the City, cleaning as necessary, and shall be maintained by the owner at his expense and in a continuously clean and efficient condition.
- C. All existing eating places, restaurants, and other commercial and industrial establishments discharging grease, oil, fat, or sand in violation of this action at the time of adoption of this chapter shall have a period of 90 days, after written

notification by the City requiring the installation of a grease trap or sand interceptor, to install such devices.

- D. All interception units shall be of a type and capacity approved by the Superintendent.
- E. All establishments not in compliance with the requirements of this section shall, after 15 days written notice of intent to disconnect, be subject to immediate disconnection from the sanitary sewer system.
- F. During maintenance of a trap or interceptor, the hauler is not allowed to discharge any substance back into the trap for discharge to the sewer.
- G. Traps or Interceptors are not disposal locations for any waste other than what is discharged from the business through a dedicated pipe. No waste shall be dumped, poured, pumped, or otherwise put into a trap or interceptor for disposal. If the City determines that other wastes has been added to the trap or interceptor, the City will require the installation of locks to prevent this from occurring in the future. No hazardous wastes can be dumped into a trap or interceptor.

SECTION 10-27: PRIVIES, CESSPOOLS, AND SEPTIC TANKS

- A. All privies, cesspools, and septic tanks are prohibited within the City's sewer service area. Cesspools and/or septic tanks however, shall be allowed in sparsely settled unincorporated areas.

SECTION 10-28: DISCHARGE OF CESSPOOLS AND SEPTIC TANKS

- A. The discharge of specific tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating water bearing formations is prohibited.

SECTION 10-29: DISCHARGE TO STORM SEWERS

- A. The discharge of sanitary wastewater into the storm sewer system is prohibited without exception. However, the discharge of uncontaminated cooling water to the storm sewer system after approval from the City is allowed.

SECTION 10-30: SERVICE TO UNINCORPORATED AREAS

- A. Sewer service will be provided to unincorporated areas near the City limits if the plant capacity permits and if the service line construction costs are feasible.

SECTION 10-31: DILUTION

- A. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. Pretreatment Coordinator or Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

- SECTION 10-32: RESERVED
- SECTION 10-33: RESERVED
- SECTION 10-34: RESERVED
- SECTION 10-35: RESERVED
- SECTION 10-36: RESERVED
- SECTION 10-37: RESERVED

ARTICLE III – INDUSTRIAL PRETREATMENT PROGRAM

SECTION 10-38 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F. Note: See 40 CFR 403.6(c) and SC R61-9.403.6(d).
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. Note: See 40 CFR 403.6(c)(2) and SC R61-9.403.6(d)(2).

- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e) and SC R61-9.403.6(f).

- D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. Note: See 40 CFR 403.15 and SC R61-9.403.15.

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

A. Criteria.

- a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
- b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
- d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its industrial wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for the wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.

- (3) When developing equivalent mass limits, the Superintendent:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent industrial wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to this ordinance. The Industrial User must also be in compliance with this ordinance regarding the prohibition of bypass.
- F. The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.
- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. Note: See 40 CFR 403.6(c)(7) and SC R61-9.403.6(d)(7).
- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. Note: See 40 CFR 403.6(c)(8) and SC R61-9.403.6(d)(8).
- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that

were based on the original estimate of the long term average production rate. Note: See 40 CFR 403.6(c)(9) and SC R61-9.403.6(d)(9).

SECTION 10-39 CITY'S RIGHT OF REVISION

The City reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

SECTION 10-40: INDUSTRIAL DISCHARGE PERMITS REQUIRED

- A. Any significant Industrial User proposing to connect to or contribute wastewater to the sanitary sewer system shall obtain an Industrial Wastewater Discharge Permit from the City of Inman. All existing significant Industrial Users connected to or contributing to the sanitary sewer system shall apply for and obtain an Industrial Wastewater Permit within 180 days after the effective date of this chapter.
- B. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the City, except that a Significant Industrial User that has filed a timely application pursuant to this ordinance may continue to discharge for the time period specified therein.
- C. The Superintendent may require other Users to obtain industrial wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- D. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

Section 10-40A Industrial Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an industrial wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Superintendent for an industrial wastewater discharge permit in accordance with this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred and twenty (120) days of the effective date of this ordinance except in accordance with an industrial wastewater discharge permit issued by the

Superintendent unless the user has been placed under an administrative order by the City to install pretreatment facilities.

Section 10-40B Industrial Wastewater Discharge Permitting: New Connections

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

Section 10-40C Industrial Wastewater Discharge Permit Reissuance

A User with an expiring industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of one hundred and eighty (180) days prior to the expiration of the User's existing industrial wastewater discharge permit.

Section 10-40D Industrial Wastewater Discharge Permit Duration

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

Section 10-40E Industrial Wastewater Discharge Permit Contents

- A. Application for a permit shall be made on the form provided by the City, together with supporting reports and data sufficient to assure compliance with relevant terms of this Article. The minimum requirements shall be that all information requested on the application be supplied and all irrelevant information blanks be marked as "not applicable". The waste treatment plant operator may request any additional information be deemed as necessary, within the scope and intent of this Article, to accompany a service permit application. Persons requiring guidance in making application may consult the waste treatment plant operator.
- B. An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

C. Industrial wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with this ordinance.
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.
- (8) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit.

D. Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

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

Section 10-40F Industrial Wastewater Discharge Permit Transfer

- A. Permits shall contain a statement that permits may be transferred to a new owner only if the user has given at least 120 days advance notice to the City and the City approves the permit transfer. The notice to the City must include a written certification by the new owner which:
 1. States that the new owner has no immediate intent to change the facility's operations and processes;
 2. Identifies the specific date on which the transfer is to occur; and,
 3. Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer. The City assumes no legal or financial obligations should such occur.

Section 10-40G Other Conditions

- A. Permits shall specify quantities and characteristics of industrial wastewaters which may be sewerred and shall be limiting where so specified. Permits may specify special conditions and agreements between the user and City. Permits shall serve as a contract between the user and the City. If deviation from the terms of a permit is anticipated or experienced by the user or the City, each party shall immediately notify the other, in writing, specifying the nature and extent of the change in sufficient detail that a new or modified permit may be issued or the permit canceled, whichever may be appropriate.
- B. All permits issued by the City shall be executed by the Superintendent.
- C. All permits issued to industrial users are subject to the approval of SCDHEC.
- D. Permits issued to industrial users shall require the written acceptance of the industrial user.
- E. Industrial user permits will be effective upon:
 - 1. Written acceptance of the permit by the industrial user is received by the City.
 - 2. Within ninety (90) days of issuance of the permit by the City.
 - 3. Within less than ninety (90) days of issuance of the permit by the City should such be required to meet state and/or federal requirements or to avoid noncompliance of the City's NPDES permit.
- F. Should the permit become effective prior to written acceptance by the industrial user, said user shall be subject to all requirements of the newly issued permit and this Ordinance just as if he had provided the City with his written acceptance.

SECTION 10-41: PERMIT CONDITIONS

- A. The City may establish conditions on permits issued to significant industrial users including, but not limited to:
 - (a) Limits on the average and maximum wastewater constituents and characteristics in both concentration and/or mass units.

- (b) Limits on average and maximum rate and time of discharge as well as requirements for flow regulations and equalization.
- (c) Specifications for monitoring programs which may include sampling locations, frequency of sampling, types and standards for tests and reporting schedules.

SECTION 10-42: PERMIT APPLICATION CONTENT AND FEES:

Users required to obtain an Industrial Wastewater Discharge Permit shall make application thereof, on forms provided by the City and shall furnish all required information. The Superintendent may require Users to submit all or some of the following information as part of a permit application:

- (1) Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;

- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e) and SC R61-9.403.6(f).
- (7) Measurement of Pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in this ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2) and SC R.61-9.403.12(e)(2).
- (9) Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The application shall be signed by the authorized agent of the user responsible for the overall operation of the facilities from which the wastewater originates. An application fee in the amount of \$100.00 shall be paid at the time the application is submitted. The application fee will be set with the annual budget each year. A rate sheet is available showing fees adopted with each annual budget.

SECTION 10-43: PRETREATMENT REGULATIONS AUTHORITY

Under the authority granted it by federal and state regulations, statutes, etc., the City of Inman may deny or condition the discharge of any new or increased amounts of pollutants by an industrial discharger by requiring pretreatment. All facilities required to pretreat wastewater to acceptable levels shall be provided, operated and maintained at the user's expense.

SECTION 10-44: PRETREATMENT FACILITIES

A. General:

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Article II of this ordinance within the time limitations specified by the EPA, the State, or the Pretreatment Coordinator/Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Pretreatment Coordinator/Superintendent for review, and shall be acceptable to the Pretreatment Coordinator/Superintendent before such facilities are constructed. Prior to construction, the user shall submit the plans to SCDHEC in order to obtain a "Permit to Construct". The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Pretreatment Coordinator/ Superintendent under the provisions of this ordinance. The City's review shall in no way relieve the user from revising the plans in order to obtain a SCDHEC "Permit to Construct". Users are responsible for all associated costs with pretreatment facilities.

B. Equalization Facilities

1. Whenever the total volume of wastes to be discharged by any Industrial User in any one day exceed the limits set forth in this Ordinance or Permits issued by the City, or where such wastes have considerable variation in flow rate or pollution value, such Industrial User shall be required, when in the opinion of the City is considered necessary, to construct holding or storage tanks in order to equalize the discharge of wastes over a twenty-four hour period for a seven day period. Such tanks shall be equipped to prohibit odor and to thoroughly mix the waste so that its quality shall be uniform when discharged to the sewage system.

2. Equalization facilities shall include a flow measurement device. Such flow measurement devices shall include totalizing and recording of flow discharged and indication of flow rate at any given time. A connection shall also be supplied for the use of a flow proportional sampler. Such metering device shall be housed in a weather proof enclosure.
3. Engineering report, plans, specifications, etc. of the equalization facilities shall be prepared by a registered professional engineer in the State of South Carolina for submittal, review, and approval by the City and SCDHEC.
4. The Industrial User shall be solely responsible for the design, construction, operation, and maintenance of the equalization facilities. The Industrial User shall also be responsible for any fees charged by the City and SCDHEC to review and approve the design and construction of the facilities.

C. Pretreatment Facilities

An Industrial User shall be required to install pretreatment facilities or take other additional measures when the wastewater exceeds established permit limits.

1. Pretreatment facilities shall also be provided by those users where discharges are regulated by Federal Categorical Pretreatment Standards or more restrictive local limits.
2. The City will not be responsible for the design or treatment capability of any pretreatment facilities or for any costs associated with the design, construction, operation and/or maintenance of any pretreatment facility. The Industrial User shall bear all responsibility to fulfill the requirements of the City Permit.

D. Operation and Maintenance of Equalization and Pretreatment Facilities

1. Those Industrial Users having interceptors, equalization and/or pretreatment facilities shall be solely responsible for the safe and efficient operation and maintenance of such facility (ies) and shall be responsible for meeting all requirements of their discharge permit.

The Industrial Users shall employ the services of a “certified operator” should such be required by SCDHEC. A copy of the operator’s certification/license shall be forwarded to the City and acknowledged by the City prior to start-up of the Industrial User’s facilities.

2. Those Industrial Users operating and maintaining equalization and/or pretreatment facilities must have readily available an operation and maintenance manual for the particular equalization and/or pretreatment facilities.
3. Operation and maintenance records must be kept by each Industrial User of each day's operation. Such records shall include at a minimum the following:
 1. Daily volume of wastewater discharged to the City's treatment works.
 2. Description of daily operation and maintenance activities.
 3. Laboratory or field testing performed and results recorded.
 4. Activities which are considered violations of the Industrial User's Service Permit or any provision of this Ordinance.
 5. Notification of violations (record date, time and individual notified).
 6. Types and amounts of chemicals used in the treatment process.
 7. Other information deemed appropriate to describe the events of a particular day. Each day's operation and maintenance records must be signed by the individual responsible for the facilities operation.
4. All records must be kept on-site in suitable and orderly facilities and must be readily available for inspection by the City.
5. Should, in the opinion of the City, State, or Federal officials that additional effort should be required in operation and maintenance of any such facilities to insure compliance with the City Permit, the Industrial User shall immediately perform such at his expense.

SECTION 10-45: ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the Pretreatment Coordinator/Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or

consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.

- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SECTION 10-46: CHANGE IN NATURE OR QUANTITY OF DISCHARGE

- A. Any person having been granted permission by the City to discharge industrial wastes into the sanitary sewer system and who shall change, or cause to be changed, the nature or quantity of such waste shall, before making such change, receive the approval of the City for such changes and shall also furnish a complete analysis of one or more composite samples of the waste as determined by an independent laboratory.

SECTION 10-47: ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense.
- B. The City may require an Industrial User to develop, submit for approval, and implement an accidental discharge and slug control plan or take such other action that may be deemed necessary to control slug discharges. Alternatively, the City may develop such a plan for any User and the User will be responsible for paying the City for this plan development.

An accidental discharge / slug control plan shall include, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the waste treatment plant operator of any accidental or slug discharge, as required by Section 10.54 of this Ordinance.

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
 5. Slug control plans must be proposed and implemented based on “Control of Slug Loadings to POTW’s, Guidance Manual WWPCDM57” as published by the U.S. EPA in February, 1991 and subsequent amendments.
- C. The City shall evaluate whether each Significant Industrial User needs an accidental discharge / slug discharge control plan or other action to control slug discharges. Also, a newly identified Significant Industrial User shall be evaluated by the City for the need of a slug control plan.
 - D. Should the opinion of the City, SCDHEC, and/or EPA, that the User must provide facilities to ensure protection from accidental discharge of prohibited materials or other substances regulated by this article, the User shall do such at his own expense. Installation of such facilities shall be accomplished based on an approved compliance schedule.
 - E. Detailed plans, specifications, proposed operating procedures, etc. shall be submitted to the City and SCDHEC for review and approval, prior to the commencing of construction,
 - F. New Industrial Users, who must comply with the provisions of this Section, shall not commence discharge of wastewater until such facilities are approved by the City and SCDHEC.
 - G. Review and approval of plans, specifications, operating procedures, etc., shall not relieve the User of the responsibility to modify the facility as necessary to ensure conformance of this article.

SECTION 10-48: REPORTING OF ACCIDENTAL DISCHARGES

- A. In the case of an accidental discharge or slug load, it shall be the responsibility of the user to immediately and verbally notify the City of the incident. The notification shall include location and time of discharge, type of waste,

concentration and volume and corrective actions taken and those proposed to be taken, if known.

- B. Within five days following an accidental discharge or slug, the User shall submit a detailed written report to the City of the incident. The report shall describe the cause of the discharge and the measures to be taken to prevent future occurrences.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- D. The City has the authority to halt or prevent the discharge of any User for non-compliance, to protect the system's collection and treatment system.
- E. Failure to comply with provisions set forth in this Section will be considered a significant violation.

SECTION 10-49: PRETREATMENT BY-PASS

- A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of this ordinance.

- C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Superintendent may take an enforcement action against a User for a bypass, unless

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

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 10-50: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

1. Upset

- A. For the purpose of this section, “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include non-compliance to the extent caused by operational

error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards if the requirements of paragraph “C” below are met.
- C. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An Upset occurred and the Industrial User can identify the cause(s) of the Upset;
 - 2. The facility was at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - 3. The Industrial User has submitted the following information to the City and SCDHEC within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within 5 days):
 - a. A description of the indirect discharge and cause of noncompliance.
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. In the usual exercise of prosecutorial discretion, City and SCDHEC enforcement personnel should review any claims that non-compliance caused by an Upset. No determination made in the course of the review constitute final City action subject to judicial review. Industrial Users will have the opportunity for a judicial

determination of any claim of Upset only in an enforcement action brought for noncompliance with Pretreatment Standards.

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

2. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in accordance with this ordinance or the specific prohibitions of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

SECTION 10-51: HAULED WASTEWATER

- A. The City does not accept septic tank wastewater, grease trap or interceptor, and sand trap wastewater or solids.
- B. The City will accept with special permission domestic wastewater and/or sludge from a domestic only wastewater treatment plant. Special permission must be given by the Superintendent and the hauler must comply with the conditions for acceptance provided. Haulers that refuse to adhere to the disposal conditions will be banned from disposal in the future.
- C. The City will accept wastewater by truck from a current permitted industrial user should a pump station or other equipment fail that transmits the wastewater to the sewer. This wastewater when trucked to the City must be in compliance with the industrial wastewater discharge permit.

- D. Hauled waste shall be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate any section of this Ordinance or any other requirements established by the City.
- E. Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the hauler, permit number, truck identification, names and addresses of sources of waste, and volume, and characteristics of waste.
- F. The City will not accept any hauled wastewater considered a hazardous waste under the federal or state regulations.
- G. Any hauler that discharges wastewater at points other than the City approved discharge point shall be in violation of this ordinance and appropriate enforcement actions will be taken against the hauler.

SECTION 10-52: WASTEWATER MONITORING FACILITIES/ CONTROL STRUCTURES

- A. All significant industrial users discharging industrial wastewater to the public sewer shall construct, operate, and maintain a suitable control structure for the purpose of flow measurement and sampling by the City. Unless otherwise required, all sampling and flow measurement activities by the Industrial User shall take place at the control structure.
- B. The design and installation of the control structure shall be such to ensure its successful use in sampling and measuring the wastewater discharge. Monitoring equipment shall be capable of continuously recording the wastewater flow as well as totalizing such flow with the use of an eight (8) digit non-resettable totalizer. The flow monitoring equipment shall also provide a suitable connection for the use of a flow proportional sampler.
- C. The flow measuring and recording equipment shall be capable of measuring the full range of flow patterns existing at the facility.
- D. The control structure shall be located in the building sewer just prior to the entrance to the public sewer. Generally, this would be near the property line of right-of-way for the public sewer.

- E. Access to the control structure shall be provided to the City 24 hours a day. Vehicular access, parking area adjacent to the control structure, etc., shall be provided by the User for use by the City at all times. Such vehicular access shall be maintained at the User's expense.
- F. Exterior lighting, power supply, security fencing, shall be installed at the control structure if required by the City.
- G. Plans, specifications, design calculations, etc., of the control structure shall be provided to the City for review and approval prior to the installation of such facilities. The City shall inspect and approve all such control structures prior to use.
- H. Existing users who have not received written approval of existing control structures shall submit all information required above to the City for review/approval. Should improvements be required at the control structure to meet the requirements of this article, the user shall perform such at his expense and under a compliance schedule with the City.
- I. All costs associated with the design, construction, operation and maintenance of the control structures shall be borne by the User.
- J. Upon enactment of this article, the City shall inspect all existing control structures to ensure compliance with this article. Those existing users whose control structures are deemed not in full compliance must modify the structure(s) within 180 days from the date of notification by the City. Such improvements shall be performed under a compliance schedule set forth in an Administrative Order issued by the City.

SECTION 10-53: SAMPLING AND MONITORING REQUIREMENTS

- A. When requested by the City, a User must submit information on the nature and characteristics of its wastewater according to a scheduled date set forth by the City. The City may prepare a form for this purpose and may periodically require users to update this information.
- B. Unless otherwise required by the City, all Significant Industrial Users shall sample/monitor their discharge at the frequency set forth in the wastewater discharge permit for the determination of amounts of pollutants being discharged to the City's treatment works.

- C. Wastewater flows shall be continuously monitored and totalized on a daily basis.
- D. All sampling/monitoring activities shall take place at the control structure approved by the City unless otherwise required by National Categorical Pretreatment Standards.
- E. Should accidental discharges, slug loads, and/or by-pass occur at the User's facility, the User shall immediately, after notification to the City, initiate sampling activities of the permit parameters and any hazardous or toxic substance which might have been discharged or is being discharged. Report of such results shall be in accordance with this Article. Results of such sampling may be used by the City in determining surcharges, penalties, etc.
- F. The City shall, at least once each year, sample and monitor the User's discharge to ensure compliance with this Article and National Categorical Pretreatment Standards. The results of such sampling and monitoring activity shall be made available to the User. Compliance monitoring and sampling by the City does not relieve the User of his requirements to sample and monitor his wastewater discharge.
- G. 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 Superintendent or other parties approved by EPA.

H. 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.

1. Except as indicated in Section 2 and 3 below, 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 the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, 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 City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. (See 40 CFR 403.12(g)(3) and SC R.61.9.403.12(g)(3).)
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in this ordinance [40 CFR 403.12(b) and (d) and SC R61.9.403.12(b) and (d)], 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, the Superintendent may authorize a lower minimum. For the reports required by the Periodic Compliance Reports section of this ordinance (40 CFR 403.12(e) and 403.12(h) and SC R61.9.403.12(e) and 403.12(h)), 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. (See 40 CFR 403.12(g)(4) and SC R61.9.403.12(g)(4)).

SECTION 10-54: SUMMARY OF REPORTING REQUIREMENTS

Section 10-54A Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) and SC R.61-9.403.6(b)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report

which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

All information required in the permit application section of this ordinance. [Note: See 40 CFR 403.12(b)(1)-(7) and SC R.61.9.403.12(b)(1)-(7)]

- (1) Measurement of pollutants.
 - a. The User shall provide the information required in the permit application section of this ordinance.
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c. 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 User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) and SC R.61.9.403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) and SC R.61.9.403.6(f) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with this ordinance;
 - e. The Superintendent 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;
 - f. 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 Discharges to the POTW.
- (2) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in certification section of this ordinance and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and

maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

- (3) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in this ordinance.
- (4) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with the certification section of this ordinance and signed by an Authorized Representative as defined in this ordinance.

Section 10-54B Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by this ordinance:

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

Section 10-54C 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 Superintendent a report containing the information described in this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 10-38 [Note: See 40 CFR 403.6(c) and SC R.61.9.403.6(d)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this ordinance. All sampling will be done in conformance with this ordinance.

Existing Significant Industrial Users subject to a National Categorical Pretreatment Standard shall within 180 days after the effective date of such standard or 180 days after the final administrative decision made upon a category determination submission under SC R61-9.403.6 and 40 CFR 403.6, whichever is later, shall submit to the City a report which contains the information required in SC R61-9.403.12 and 40 CFR 403.12 and other applicable State and Federal regulations.

New Significant Industrial Users or Users that become Significant Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard shall submit to the City a report which contains information required in SC R61-9.403.12 and 40 CFR 403.12.

Section 10-54D Periodic Compliance Reports or Self-Monitoring Reports

- A. All Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December or on other dates specified in the discharge permit) 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 (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment

Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User.

[see 40 CFR 403.12(e)(2) and SC R.61.9.403.12(e)(2)] This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent industrial wastewater discharge permit.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with this ordinance, and include the certification statement in the certification section of this ordinance (40 CFR 403.6(a)(2)(ii) and SC R.61.9.403(b)(2)(ii)).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in certification section of this ordinance below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of the industrial wastewater discharge permit, or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.
 9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- B. All periodic compliance reports must be signed and certified in accordance with this ordinance.
 - C. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
 - D. 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 the Superintendent, using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g)(6) and SC R.61.9.403.12(g)(6)]
 - E. Self-monitoring shall be submitted to the City by each Significant Industrial User issued a permit. Such reports shall provide the results of required sampling and monitoring activities by the User during the reporting period. All reports shall be accompanied with lab reports with "chain of custody" forms used during the sampling event. Self-monitoring reports shall be signed and certified by an Authorized Representative as defined in Sec. 10-4 of this Article. Frequency of self-monitoring report submitted shall be as specified in the User's permit, but in no event shall it be less frequent than on a monthly basis.
 - F. Self-monitoring report form shall indicate the following information:
 - 1) User's name and permit number
 - 2) Parameters/ pollutants to be monitored
 - 3) Permitted and measured effluent limits/loadings
 - 4) Permitted and measured average and maximum daily flows
 - 5) Daily flow meter readings

- G. All Users shall immediately notify the City of discharges that could be considered as an accidental spill, a slug load, a toxic or hazardous discharge, or a discharge which might detrimentally affect the operation or maintenance of the City's treatment work.
- H. Should sampling activities performed by the User indicate a violation of his permit, this Article or any National Pretreatment Standard, the User shall notify the City of such within 24 hours of becoming aware of the violation. The User shall resample as soon as possible and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the initial violation.
- I. If a User subject to these reporting requirements monitors any pollutant at the sampling location designated in his service permit more frequently than required by the permit, the results of this monitoring shall be included in the self-monitoring report.
- J. Industrial Users not meeting the definitions and requirements of a significant Industrial User if required by the City shall submit to the City at least once each year (on date specified by the City) a description of the nature, concentration, and flow of pollutants existing in his discharge. Pollutants to be monitored shall be as required by the City. Sampling and monitoring procedures shall be as required in this Article.

Section 10-54E Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Superintendent 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 in accordance this ordinance.
- B. The Superintendent may issue an industrial wastewater discharge permit in accordance with this ordinance or modify an existing wastewater discharge permit in accordance with this ordinance in response to changed conditions or anticipated changed conditions.

Section 10-54F Reports of Potential Problems

- A. 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 the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

- B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. 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 A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 10-54G Reports from Unpermitted Users

All Users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

Section 10-54H Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

Section 10-54I Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and SC R.61-79 Section 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261 and SC R. 61-79 Section 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 expected to be 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 in accordance with 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 in this ordinance.
- B. Discharges are exempt from the requirements of paragraph A, 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 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- C. 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 Superintendent, 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.

- D. In the case of any notification made under this Section, 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.
- E. 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.

Section 10-54J 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.

SECTION 10-55: RECORDS RETENTION

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 established in this ordinance. 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 City, or where the User has been specifically notified of a longer retention period by the Superintendent.

SECTION 10-56: APPLICATION SIGNATORIES AND CERTIFICATIONS

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with this ordinance; Users submitting baseline monitoring reports under this ordinance; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under this ordinance [Note: See 40 CFR 403.12(d) and SC R61.9.403.12(d)]; Users submitting periodic compliance reports required by this ordinance [Note: See 40 CFR 403.12(e) and (h) and SC R61.9.403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of this ordinance [Note: See 40 CFR 403.12(e)(2)(iii) and SC R61.9.403.12(e)(2)(iii)]. The

following certification statement must be signed by an Authorized Representative as defined in this ordinance:

“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.”

- B. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in this ordinance.
- C. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.
- D. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on this ordinance must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v) and SC R.61.9.403.12(e)(2)(v)].

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

SECTION 10-57: CONFIDENTIALITY

- A. Information and data on a User obtained from reports, surveys, questionnaires, wastewater discharge applications, discharge permits, and monitoring programs, and from the City's inspections and sampling activities, 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 under applicable State law. Any such request must be asserted at the time of submission of the information and data. When requested and demonstrated by the person furnishing the report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to this Article, the NPDES program, the pretreatment program, or for other uses determined appropriate by the City. The information shall be available for use by the State in judicial review or enforcement proceedings involved in the person furnishing the information. Wastewater constituents and characteristics and other effluent data as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 10-58: AVAILABILITY OF RECORDS - ADDITIONAL CLARIFICATION

- A. Any records or information obtained under the provisions of this chapter shall be available to the public. Any information asserted as being classified as confidential will be treated in accordance with 40 CFR, Part 2 (Public Information). Upon showing satisfactory to the City that reports or other information, or parts thereof would, if made public, divulge methods of processes entitled to protection as trade secrets, the City shall consider such information confidential and exempt from disclosure. In no event shall self-monitoring data submitted to show compliance with established limits be considered confidential information.

SECTION 10-59 INDUSTRIAL WASTEWATER DISCHARGE PERMIT DECISIONS

The Superintendent will evaluate the data furnished by the User and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the Superintendent will determine whether to issue an industrial wastewater discharge permit. The permit must be submitted to

SCDHEC for approval prior to issuance. The Superintendent may deny any application for an industrial wastewater discharge permit.

SECTION 10-60 RESERVED

- SECTION 10-61 RESERVED
- SECTION 10-62 RESERVED
- SECTION 10-63 RESERVED
- SECTION 10-64 RESERVED
- SECTION 10-65 RESERVED
- SECTION 10-66 RESERVED
- SECTION 10-67 RESERVED
- SECTION 10-68 RESERVED
- SECTION 10-69 RESERVED
- SECTION 10-70 RESERVED

ARTICLE IV: SEWER SERVICE CHARGES

SECTION 10-71: MONTHLY SEWER SERVICE CHARGES

- A. All users shall pay a sewer service charge composed of a base charge plus a volume charge. The following rates will be in effect for all users of the sanitary sewer system:

MONTHLY BASE CHARGE

Class of Customer	Present	Monthly Charge
Inside City Residential	\$6.00	\$13.60
Outside City Residential	\$10.50	\$28.60
Inside City Commercial	\$6.00	\$21.60
Outside City Commercial	\$10.50	\$34.60
Industries Outside City	\$10.50	\$21.60
School District One	\$10.50	\$21.60

VARIABLE VOLUME CHARGE

Class of Customer	Present	Charge per 1000 Gallons of Wastewater
Inside City Residential	\$3.20/1000 Gal	\$3.45/1000 Gal.
Outside City Residential	\$4.60/1000 Gal.	\$4.85/1000 Gal.
Inside City Commercial	\$3.20/1000 Gal.	\$3.45/1000 Gal.
Outside City Commercial	\$4.60/1000 Gal.	\$4.85/1000 Gal.
Industries Outside City	\$4.60/1000 Gal.	\$4.65/1000 Gal.
School District One	\$ 3.20/1000 Gal.	\$3.45/1000 Gal.

- B. For the purpose of determining wastewater volume, the customer’s metered water consumption will be used. No adjustment will be made to deduct water usage for purposes not requiring discharge into the sanitary sewer. For users that obtain water from an unmetered well, a discharge flow meter approved by the City shall be installed as a location accessible to the City. If a substantial amount of water is used for purposes that do not require discharge into the sanitary sewer system the user will be allowed an option of installing, at his expense, a recording meter, of a design approved by the City for determining wastewater volume.

SECTION 10-72: SEWER SURCHARGES

Excess Loading Surcharge

The Control Authority established excess loading surcharges for the reimbursement of costs of excess loading to the treatment plant which include:

- A surcharge program for Biochemical Oxygen Demand (BOD) will impose surcharges for excess industrial loading over 300 mg/l. The rate of the BOD surcharge will be \$XX.XX per pound of excess BOD. The surcharge rate will be established with the annual budget each fiscal year.
- A surcharge program for Chemical Oxygen Demand (COD) will impose surcharges for excess industrial loading over 900 mg/l. The rate of the COD surcharge will be \$XX.XX per pound of excess COD. The surcharge rate will be established with the annual budget each fiscal year.
- A surcharge program for Total Suspended Solids (TSS) will impose surcharges for excess industrial loading over 300 mg/l. The rate of the TSS surcharge will be \$XX.XX per pound of excess TSS. The surcharge rate will be established with the annual budget each fiscal year.
- The following formula will be used for calculating the surcharges:

Monthly Average for all monitoring – surcharge threshold x 8.34 x total flow for the month x surcharge rate = surcharge amount

The total surcharge will include surcharges for all parameters over the threshold. An industry will not be charged both BOD and COD, the surcharge will be calculated for both BOD and COD and the industry will be charged the higher rate.

SECTION 10-73: RESPONSIBILITY FOR SEWER BILLS

- A. The person receiving sewer service shall be primarily responsible for the payment of the monthly sewer charges. The owner of the property shall be secondarily responsible. If a monthly user charge becomes delinquent, service may be discontinued and may not be resumed until satisfactory arrangements for payment have been made.

SECTION 10-74: DISCONTINUANCE OF SERVICE FOR NON-PAYMENT; LATE PAYMENT PENALTIES

- A. Bills for sewer service charges shall be due and payable twenty-one (21) days from date. Sewer charges not paid when due, shall be considered delinquent. If any sewer service charge remains unpaid for ten (10) days after the due date, the City shall have the right to revoke the sewer permit and water service to the property may be discontinued. Delinquent accounts shall be assessed a late charge the greater of \$XX.XX or X.X% of the delinquent amount.

SECTION 10-75: RE-CONNECTION OF SEWER SERVICE

- A. If sewer service is terminated, re-connection shall be allowed only after issuance of a new permit, full payment of all past due sewer bills and the payment of an \$XX.XX re-connection fee, payment of a late fee the greater of \$XX.XX or X.X% of delinquent amount, as well as any and all costs incurred by the City as a result of disconnection or re-connection of sewer service. The reconnection shall be made exclusively by the City or a contractor having a current license issued by the City. In all cases, the City shall inspect the re-connection prior to resumption of sewer service.

SECTION 10-76: PRETREATMENT PROGRAM FEES

- A. All costs associated with the administering of the City's Pretreatment Program shall be paid by each Industrial User requiring the issuance of a permit to discharge by the City. The City shall annually prepare a pretreatment program administration budget. The budget for each year shall be prepared accordingly to include any deficits or surpluses from the previous year's budget.
- B. Pretreatment program administration charges shall include costs associated with, but not limited to the following:
- 1) Pretreatment Program establishment and implementation costs;
 - 2) Updating of pretreatment program requirements due to changes in local, state, or federal requirements; or compliance with new POTW permits;
 - 3) Updating of POTW headworks analysis to include sampling and consultant services;
 - 4) Review of industrial discharge monitoring reports;
 - 5) Enforcement actions without fines resulting from violations of the programs requirements;
 - 6) Compliance inspections conducted by the City;
 - 7) Investigated sampling and monitoring conducted by the City;
 - 8) Submittal of quarterly pretreatment program reports to SCDHEC;
 - 9) Compliance audits conducted by SCDHEC of pretreatment program;
 - 10) Clerical activities associated with records retention, correspondence, etc.;
 - 11) POTW toxicity tests;
 - 12) Professional/consultation fees associated with pretreatment program administration;
 - 13) Annual publications of significant non-compliance; and

14) Equipment and supplies, related only to pretreatment program.

The Control Authority established fees for the reimbursement of costs of setting up and operating the Pretreatment Program which include:

- A Pretreatment Program fee which is based on the flow that each significant industry discharges to the wastewater treatment plant. The fee shall be calculated quarterly based on the daily flows submitted by each industry. If the industry does not have a flow meter, the charge will be based on daily water meter readings. The rate for the pretreatment charge will be \$XX.XX per 1000 gallons of wastewater discharged. The actual fee will be adopted with the annual budget each fiscal year.
- An administrative fee is established to cover the cost of generating the administrative paperwork for the pretreatment program. The fee will be \$XX.XX per quarter. The administrative fee will be adopted with the annual budget each fiscal year.
- An end of the budget year summary will be performed within 90 days of the end of the budget year. This summary will determine the expenses for the pretreatment program for the past year in relation to the actual amount billed the industry. A settlement charge for each industry will be calculated based on the percentage of the industries flow into the total significant industrial flow for the treatment plant. The settlement charge will be billed with the first quarter's pretreatment charges for the new budget year.
- All pretreatment charges will be billed quarterly and are due within 30 days of the date of the invoice.
- Failure to pay the pretreatment charges shall result in termination of sewer service.
- These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Control Authority

Section 10-76A Groundwater Remediation Disposal and Treatment Surcharge

Groundwater is prohibited from disposal to the sewer unless approved by the City in an industrial wastewater discharge permit. The groundwater disposal and treatment by the City wastewater treatment plant will be charged based on the measured flow when it is discharged to the sewer. This flow data must be reported to the City by the 10th of the month following the end of a calendar quarter for billing. The City has the right to read the groundwater flow meter on a regular basis to verify the actual volume discharge. The groundwater has to be separately treated, metered, and discharged from normal process wastewater. This groundwater cannot be included with the permitted flow under an existing industrial wastewater discharge permit. Anyone wishing to qualify for this surcharge must submit historical analytical data for the treated groundwater. The City

will need to approve the historical data for qualification under this surcharge and modify the industrial wastewater discharge permit prior to disposal of any remediated groundwater.

- A Groundwater Disposal and Treatment Surcharge has been established for this situation. The invoice shall be calculated quarterly based on the daily groundwater flows submitted by the industry. The rate for the groundwater disposal and treatment charge will be \$2.00 per 1000 gallons of wastewater discharged. The actual fee will be adopted with the annual budget each fiscal year and displayed on an approved rate sheet.
- The groundwater invoice will be billed quarterly and is due within 30 days of the date of the invoice.
- Failure to pay the groundwater invoice shall result in termination of the ability to discharge the groundwater to the sewer.
- These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Control Authority

SECTION 10-77: SUPPLEMENTAL INDUSTRIAL CHARGES

- A. The city shall recover all costs associated with service to all Industrial Users beyond those costs identified in this Article. Such costs shall be considered supplemental industrial charges and shall be included in the sewer charge to a particular Industrial User which the expense is related to.
- B. Supplemental industrial charges include, but are not limited to, the following:
 1. Compliance monitoring, sampling, and laboratory testing of an Industrial User's wastewater discharge.
 2. Professional and administration fees associated with wastewater construction and service permit revision for a particular Industrial User.
 3. Professional and administration fees associated with industrial expansions, industrial closures, sale of industrial facilities, etc.

SECTION 10-78: RESERVED
SECTION 10-79: RESERVED
SECTION 10-80: RESERVED

ARTICLE V: ADMINISTRATION AND ENFORCEMENT

SECTION 10-81: AUTHORITY TO ESTABLISH ADDITIONAL RULES AND REGULATIONS

In order to carry out the terms of this ordinance, the Council and Mayor of the City may promulgate such rules and regulations as they deem necessary, and shall have the authority to act on behalf of the City in providing for the safety, maintenance, good order and proper function of the facilities for the City.

SECTION 10-82: ADMINISTRATION

- A. Unless otherwise directed by the City or this Ordinance, the Pretreatment Coordinator/ Wastewater Superintendent shall administer, implement, and enforce the provisions of this Ordinance and shall serve as enforcement officer. The enforcement officer shall:
- 1) Administer and interpret the ordinance;
 - 2) Prepare appropriate forms for applications and questionnaires needed in connection with the issuance of any permit required hereunder;
 - 3) Issue a notice of violation when it is alleged that any user is violating the terms of this chapter or the terms of any permit. The notice of violation shall specify the nature of the violation;
 - 4) Issue administrative orders requiring any user to develop and implement a plan of corrective action needed to remedy any violation of this chapter;
 - 5) Issue a rule to show cause before City Council to any user alleged to have committed a significant violation, requiring the user to appear before City Council and show why his sewer use permit should not be revoked and civil penalties imposed.

- 6) Issue such rules and regulation as may be necessary or appropriate to insure the proper administration of this chapter.
- B. The Mayor and City Council shall hear and rule on all appeals and administrative orders.
 - C. The Mayor and City Council shall be the final authority on all suspensions or revocations of permits.

SECTION 10-83: PERMIT ISSUANCE AND APPEALS

- A. The City will publish in a local newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a notice to issue a pretreatment permit at least thirty (30) days prior to issuance. The public notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted. The public notice during a pretreatment program update will take place when the South Carolina Department of Health and Environmental Control puts the update on public notice.
- B. Permit Appeals. The Control Authority shall provide public notice of the issuance of an industrial wastewater discharge permit. Any person, including the user, may petition the Control Authority to reconsider the terms of a wastewater discharge permit within fourteen (14) days of notice of its issuance.
- C. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- D. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- E. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- F. If the Control Authority fails to act within 14 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- G. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction within the time permitted by law.

SECTION 10-84: SUSPENSION OF PERMITS

- A. Any permit to use the sewer system of the City of Inman, shall be subject to suspension when necessary to prevent imminent endangerment to the health or welfare of persons, interference with the treatment plant, or when necessary to prevent the City from violating any conditions of its NPDES permit. Any user notified of a suspension of its sewer use permit shall immediately stop further discharge. The permit shall be reinstated upon satisfactory proof that the conditions warranting the suspension have been corrected.

SECTION 10-85: Industrial Wastewater Discharge Permit Revocation

- A. The Superintendent may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. Failure to factually report the wastewater constituents and characteristics of its discharge;
 2. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
 3. Failure to provide prior notification to the Superintendent of changed conditions pursuant to this ordinance;
 4. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 5. Falsifying self-monitoring reports and certification statements;
 6. Tampering with monitoring equipment;
 7. Refusing to allow the Superintendent timely access to the facility premises and records;
 8. Failure to meet effluent limitations;
 9. Failure to pay fines;
 10. Failure to pay sewer charges;

11. Failure to meet compliance schedules;
12. Failure to complete a wastewater survey or the wastewater discharge permit application;
13. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
14. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance;
15. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring for violations of any permit conditions; or
16. Failure to comply with an order suspending a sewer use permit.

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

SECTION 10-86: MODIFICATION OF PERMITS

- A. The City may modify an industrial wastewater permit for good cause, including, but not limited to, the following reasons:
 1. To incorporate any new or revised Federal, State, or Local Pretreatment Standards or Requirements;
 2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the industrial wastewater discharge permit issuance;
 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 4. Information indicating that the permitted discharge poses a threat to the City's POTW, personnel, or the receiving waters;
 5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to SC R61-9 403.13 and 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit;
or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with this ordinance.

SECTION 10-87: SEVERANCE OF SEWER CONNECTION OR WATER SERVICE

- A. In the event that any user fails to comply voluntarily with any suspension order or continues to contribute wastewater to the City sewer system after the revocation of a sewer use permit, the City may take such steps as are necessary to prevent or minimize danger to the sewer system or to prevent danger to the public including, but not limited to, severance of the sewer connection and discontinuance of water service.

SECTION 10-88: VARIANCES

- A. Any person may apply for a variance from any terms of this Article from the City. The City shall consider each request and weigh its merit against the scope and intent of this chapter. The City may request such information from the applicant as it deems necessary for its consideration, within the scope and intent of this Article, and may withhold the decision until such information is supplied. Upon supply of all information requested, the City shall render prompt decisions and reply to each request for variance, stating reasons for its decisions. No variance will be granted without prior approval thereof from the State Department of Health and Environmental Control.

SECTION 10-89: APPEALS

- A. Any person may appeal to the Mayor claiming an error or injustice in billing of charges by writing to the City stating his claim and supplying necessary support evidence or arguments. The Mayor may request relevant information of the

person and withhold action until he has received a reply. The Mayor shall render a decision to each billing appeal when the applicant has replied.

- B. Any person may appeal the mayor's decision on any matter within the scope of this article to the City Council. Appeals shall be made in writing to the council. Copies of appeals to the council and copies of all supporting documentation shall be supplied to the council concurrently with submission of an appeal before the council, in the presence of the mayor, to state their case. The Mayor shall have the right to appear before the council in the presence of the applicant to defend his decision.

SECTION 10-90: INSPECTIONS

- A. The enforcement officer of the City, other duly authorized employees, or representatives for the City properly identified by credentials of appointment and identification, shall act as inspectors. It shall be the duty of the inspector to make inspections, observations, measurements, sampling, and testing in accordance with the provisions of this Article or the industrial service permit. Such inspector shall have no authority to inquire into any industrial process or to require or request the disclosure of any trade secrets beyond that point having a direct bearing on the kind of source of discharge to the sewers, waterways or other facilities of the City.
- B. Inspectors shall have the right to enter upon real property over and through which the City has acquired an easement for the installation and maintenance of the sewer lines and facilities, and in addition they shall have, along with other City inspectors, the right to go upon the property of individuals or Industrial Users of the system as provided in the service agreement mentioned in this Article, for the purpose of determining compliance with the provisions of this Article or industrial service permit. Any non-city water and sewer users shall execute, as a requirement for service, an agreement allowing service inspectors to enter upon the premises for the purpose of inspecting individual sewer collector lines, during reasonable times, so as to verify compliance with the terms and conditions of such service.
- C. While performing the necessary work on private properties referred to in this section, any inspection shall observe all safety rules applicable to the premises established by any commercial user, and the City shall indemnify any user for any loss or damage to this property occasioned or caused by City inspectors or employees. Any user shall be held harmless for any injury or death to any city employee or for and against liability claims for personal injury or property arising

out of each gauging or sampling operation, except as may be caused by the negligence or failure of such user to maintain his premises in a safe condition.

- D. Inspectors of state and federal agencies or duly authorized subcontractors of the City shall be afforded all the rights and privileges granted to the maintenance superintendent of the City and/or other duly authorized employees of the cities which act as inspectors.
- E. Right of Entry: Inspection and Sampling

The Superintendent or duly authorized employees or representatives for the City shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any industrial wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually by an outside contractor to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

- E. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this ordinance.

SECTION 10-91: DAMAGE TO SEWER FACILITIES UNLAWFUL

- A. It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewer system of the City of Inman.

SECTION 10-92: GENERAL COMPLIANCE ACTIVITIES

- A. The following activities shall be performed by the City, at a minimum, to ensure compliance with this Ordinance, National Categorical Pretreatment Standards, NPDES permit requirements, Industrial User Permits, and other applicable rules or regulations:
 1. At least once in every five years or at the time of NPDES permit renewal, whichever is less, the City shall inventory its Industrial Users to determine the need of requiring any User who presently is not required to obtain a Service Permit from the City to do such.
 2. The City shall, on a yearly basis, review and update, if necessary, the headworks analysis of its existing wastewater treatment facilities.
 3. Industrial monitoring reports shall be viewed and "Notice of Violations" issued, if necessary.
 4. The City shall evaluate the need for an Industrial User issued an Industrial User Permit to develop and implement Accidental Discharge/Slug Control and Bypass Plans.
 5. At least once each year, the City shall inspect, sample, and monitor each Significant Industrial User to ensure compliance with this Ordinance, National Categorical Standards, and applicable discharge permits.
 6. The City shall establish, implement, and enforce an inspection program for grease, oil, and sand interceptors.
 7. The City shall accelerate enforcement activities as necessary to ensure compliance of all Service Permits issued.

8. Quarterly pretreatment reports shall be submitted to SCDHEC as required by NPDES permit requirements.

SECTION 10-93: ENFORCEMENT ACTIVITIES

- A. The following activities shall be afforded the City to ensure enforcement and compliance of this Ordinance, National Categorical Pretreatment Standards, Industrial User Permits and other applicable State and Federal regulations:
 1. Notice of Violation (NOV)
 2. Notice of Significant Noncompliance (NOSN)
 3. Notice of Emergency Violation (NOEV)
 4. Administrative Orders:
 - a. Cease and Desist Orders
 - b. Show Cause Orders
 - c. Consent Orders
 5. Administrative Fines
 6. Termination of Service
 7. Civil Litigation
 8. Criminal Prosecution
 9. Supplemental Enforcement Response
- B. Notice of any enforcement activity to the User in violation shall be served personally or by registered or certified mail (return receipt requested). Service may be made on any agent or officer of the User. Notification of enforcement activities concerning hearings shall be delivered at least ten (10) days prior to the hearing date.
- C. Notice of Violation

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or

order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- D. Notice of Significant Noncompliance: A Notice of Significant Noncompliance (NOSN) shall be issued if any of the following is met:
1. A User has ignored and failed to respond to a NOV;
 2. When there have been chronic violations as defined under the definition of Significant Noncompliance in Section 10-4 of this Ordinance.
 3. When there have been Technical Review Criteria Violations as defined under the definition of Significant Noncompliance in Section 10-4 of this Ordinance.
 4. When any effluent limit violation has caused, alone or in combination with other discharges, interference or pass through the treatment plant or endangered the health of the City personnel or the public; or caused violation of the treatment plant's NPDES permit.
- E. Notice of Emergency Violation: A Notice of Emergency Violation (NOEV) shall be issued when a violation of this Ordinance or Service Permit threatens to cause an interference with or have an adverse effect upon the City treatment plant or imminent endangerment to human health, welfare, or the environment, or threatens to cause a violation of the treatment plant NPDES permit. A NOEV may be given orally if time does not permit the issuance of a written notice. If given orally, the NOEV shall subsequently be documented as time allows.
- F. Administrative Orders: Administrative Orders (AOs) are enforcement documents which direct Industrial Users to undertake or cease specified activities. The terms of AOS may not be negotiated with Industrial Users. Administrative orders may incorporate compliance Schedules, administrative penalties and fines, and

termination of service orders. There are four common types of administrative orders which may be used. These include:

1. **Cease and Desist Orders:** A cease and desist order directs a non-compliant Industrial User to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. A cease and desist order should be used in non-emergency situations to suspend or permanently revoke Service Permits. If the Industrial User fails to comply with the order, the City may take independent action to halt the discharge, such as blocking the Industrial User's connection point or providing for termination of water service.

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

2. **Show Cause Orders:** An order to show cause directs the Industrial User to appear before the City, explain its non-compliance and show cause why more severe enforcement actions against the User should not go forward. The order to show cause is typically issued after NOV's or Consent Orders have failed to resolve the non-compliance.

The Superintendent may order a User which has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User

show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

3. Consent Orders: The consent order is an agreement between the City and Industrial User normally containing three elements: 1. Compliance schedules; 2. Stipulated fines or remedial action; 3. Signatures of City and Industrial User representatives. A consent order is appropriate when the Industrial User assumes responsibility for its non-compliance and is willing to correct its cause(s). The Consent Order will require the prohibition of future violations and require corrective action by the party of the Industrial User.

The Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this ordinance and shall be judicially enforceable.

4. Compliance Orders: A compliance order directs the User to achieve or restore compliance by a date specified in the order. It is issued unilaterally and its terms need not to be discussed with the industry in advance. The compliance order is usually issued when non-compliance cannot be resolved without construction, repair, or process changes. Compliance orders may be used to require Industrial Users to develop management practices, spill prevention programs and related City pretreatment program requirements. The compliance order should document the non-compliance and state required actions to be accomplished by specific dates, including interim and final reporting requirements.

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a

specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

G. Administrative Fines: An administrative fine is a monetary penalty assessed by the City for violations of Permit requirements. Administrative fines are to be used to recapture the full or partial economic benefit of non-compliance, and to deter future violations. Administrative fines shall also be as an escalated enforcement response, particularly when NOV's or Administrative Orders have not prompted a return to compliance. Administrative fines may be assessed a number of ways, including, but not limited to:

1. Notice of Violation

2. Administrative Order

A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may fine such User in an amount not to exceed \$2,000 per day per violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one and one half percent (1.5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount

within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

H. Termination of Sewer Service: Termination of service is the revocation of an Industrial User's privilege to discharge industrial wastewater into the City's sewer system. Assuming other enforcement responses are unsuccessful, the types of violations which warrant termination of service are;

1. Unpermitted discharge(s) which violate the City treatment plant's NPDES permit, or which create a situation in which the discharge threatens human health, the environment, or the operation of the treatment plant.
2. Discharges that regularly exceed the industrial wastewater discharge permit limits or permit conditions.
3. Slug loads or discharge that causes interference, pass through, or damage to human health, the environment, or the treatment plant, or results in the treatment plant violating its NPDES permit limits.
4. Failure of the Industrial User to notify the City of permit violations or slug discharge which resulted in environmental damage, causes the NPDES permit violations, or damages the City sewer system.
5. Complete failure of the Industrial User to sample, monitor, or report as required by an AO.
6. Failure of the Industrial User to install required monitoring equipment per condition of an AO.
7. Major violation of a Permit condition or AO accompanied by evidence of negligence or intent.
8. Failure to accurately report the wastewater constituents and characteristics of its discharge;

9. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
10. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
11. Violation of the Pretreatment Standards in this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause in accordance with this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

- I. Civil Litigation: Civil litigation shall be used against Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the City of the non-compliance. It shall be pursued when the corrective action is costly and complex, the penalty to be assessed exceed that which the City can assess administratively or when the Industrial User is considered to be recalcitrant and unwilling to cooperate. The term "civil litigation" also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is an appropriate enforcement response in three general situations:

1. Injunctive Relief

Emergency situations where injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment, interfere with the operation of the sewer system, or cause NPDES violations.

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the court system with the appropriate jurisdiction in the City through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, or other requirement imposed by this ordinance on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for

injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

2. When efforts to restore compliance through cooperation with the Industrial User have failed and a court supervised settlement (consent decree) is necessary to enforce pretreatment program requirements.
3. To impose civil penalties and recover losses incurred due to non-compliance of the Service Permit requirements.

J. **Criminal Prosecution:** Criminal prosecution is appropriate when the City has evidence of non-compliance which shows criminal intent; it is recommended in cases involving repeated violations, aggravated violations (such as discharges which endanger the health of treatment plant employees), and when less formal efforts to restore compliance (such as Notices Of Violations and Administrative Orders) have failed. Criminal prosecution may be brought prior to, concurrently with, or subsequent to civil litigation.

A. A User who willfully or negligently violates any provision of this ordinance, an industrial wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000 per violation, per day, or imprisonment as set forth in the laws of South Carolina, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$2,000 per violation, per day, or be subject to imprisonment as set forth in the laws of South Carolina, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, industrial wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$2,000 per violation, per day, or imprisonment as set forth in the laws of South Carolina, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more \$2,000 per violation, per day, or imprisonment as set forth in the laws of South Carolina, or both.

K. Supplemental Enforcement Response- Supplemental or innovative enforcement responses may be used to complement other enforcement responses. The following are sample of supplemental enforcement responses:

1. Public Notices – Publication of a list of Industrial Users which significantly violate applicable pretreatment standards is required annually by the EPA. At least once a year, the City will publish the names of significant violators in order to be a more effective means of encouraging compliance. The City may choose to publish more frequently if desired.
2. Increased Self-Monitoring, Reporting and Surveillance – Industrial Users demonstrating a history of non-compliance may be required by the City to increase self-monitoring or compliance monitoring by the City. Since recurring violations indicate that at least one chronic problem exists, the City may monitor the Industrial User as frequently as the City determines to be appropriate and may require additional self-monitoring until the problem is corrected and consistent Service Permit compliance is demonstrated.

L. Emergency Suspensions

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

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the

Superintendent that the period of endangerment has passed, unless the termination proceedings defined in this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing as defined in this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

M. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

SECTION 10-93A: SEARCH WARRANTS

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the court system with appropriate jurisdiction in the City of Inman.

SECTION 10-94: ENFORCEMENT RESPONSE GUIDE

A. The City shall prepare and follow an Enforcement Response Guide in the administering of the City's pretreatment program. The Enforcement Response Guide shall define a range of appropriate enforcement actions based on the nature and severity of non-compliance events and other relevant factors. The Enforcement Response Guide shall identify action to be taken should violations

of the Permit occur. The City shall also evaluate and include in the Guide appropriate enforcement guide responses in context to prior violations of the Industrial User (s). The enforcement response selected is to be appropriate to the violation.

- B. The City shall designate an employee or representative of the City to serve as Pretreatment Program Administrator. Such administrator shall be responsible for the administering of the City's pretreatment program and shall be directly responsible to the Manager or other(s) as directed by the City for his actions.
- C. The Enforcement Response Guide is approved with the Pretreatment Program Update by SCDHEC as set forth in the City's NPDES Permit.

SECTION 10-95: LEGAL ACTION

- A. If any person makes any discharge into the City sewer system contrary to the provisions of this Chapter, or violates any conditions of an Industrial Wastewater Discharge Permit, the City may commence an action for appropriate legal and/or equitable relief in the courts of this state.

SECTION 10-96: CRIMINAL PENALTIES FOR VIOLATIONS

- A. Any person who knowingly and intentionally violates any provision of this Chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined up to \$ 1,000.00 per day. Each day that a violation continues to exist shall be considered a separate offense.

SECTION 10-97: CIVIL PENALTIES

- A. A User who has violated, or continues to violate, any provision of this ordinance, an industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$2000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Superintendent may recover reasonable attorneys' fees, court costs, engineering costs, consultant costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User’s violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

SECTION 10-98: PUBLIC NOTIFICATION

- A. The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates the definitions in the ordinance).

SECTION 10-99: FALSIFYING INFORMATION

- A. Any person who knowingly makes any false statement, representation or certification in any application, report, plan or other document filed or required to be maintained pursuant to this Chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required by this Chapter shall be guilty of a misdemeanor.
According to Federal law and referenced in Section 403.6 (a) (2) (ii) and South Carolina state law in Section 403.6 (b)(2)(ii), there are “significant penalties for submitting false information, including and the possibility of a fine and imprisonment for knowing violations.”

SECTION 10-100: EFFECTIVE DATE

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