

for wastewater entering the wastewater disposal system. Alternatively, industrial users may have their billable flow determined by continuously measuring their discharge in a manner approved by the town.

Billable total Kjeldahl Nitrogen means the discharge in pounds of TKN calculated using the billable flow and concentration of TKN in the wastewater as given in Attachment B.

Billable total suspended solids means the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater as given in Attachment B.

Billable total phosphorus means the discharge in pounds of total phosphorus calculated using the billable flow and concentration of total phosphorus in the wastewater as given in Attachment B, if any.

Biochemical oxygen demand means the quantity of oxygen, expressed in milligrams per liter utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade.

Building drain means that part of the lowest horizontal piping of a drainage system which receives wastewater and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five feet outside the building wall.

Building sewer means the extension from the building drain to the sanitary sewer or other discharge location.

Chemical oxygen demand means the total amount of oxygen required to oxidize the organic matter in a waste using methods as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Color means the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Combined sewer means a sewer intended to receive both wastewater and storm or surface water.

Cooling water means the water used for air conditioning, refrigeration, or other cooling applications.

CWA means the Federal Water Pollution Control Act and amendments. (33 U.S.C. section 1251 et seq.)

Direct discharge means the discharge of wastewater directly to the waters of the state.

Enforcement management strategy means the methods and mechanisms for achieving enforcement under this article as set forth in Attachment C.

Environmental Protection Agency means the United States Environmental Protection Agency or, where appropriate, the administrator or other duly authorized official of the EPA.

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

Garbage means the animal or vegetable wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce.

General manager means the person designated by the town to manage the activities and responsibilities of the town, or his duly authorized representative.

Headworks analysis means an evaluation of the capability of the POTW to receive pollutants performed in accordance with DHEC and EPA regulations.

Holding tank waste means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Indirect discharge means the discharge of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act to the POTW.

Industrial user means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 403 of the Act.

Infiltration means the extraneous groundwater entering the wastewater disposal system through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

Inflow means the surface water entering the wastewater disposal system from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage.

Interference means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Local limitation means a more stringent local standard imposed by DHEC or the town.

Medical waste means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

National categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of industrial users.

National pollutant discharge elimination system permit (NPDES permit) means a permit issued for discharge to the waters of the United States.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other surface water or groundwater.

New source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed national categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source, if such standard is thereafter promulgated in accordance with that section, with the provisions stipulated in 40 CFR 403.3(k).

Operation and maintenance costs means all costs, direct and indirect, not including debt service and capital related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, reviewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to assure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

Pass through means a discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the town's NPDES permit (including an increase in the magnitude or duration of a violation).

PCA means the state pollution control act.

Person means any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

pH means the term used to express the intensity of the acid or base condition of a solution as determined by methods approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, commercial, agricultural waste, or other pollutant, including the characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor) as may be defined by EPA or DHEC regulations, discharged into water.

Pollution means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes of other means,

except as prohibited by 40 CFR Section 403.6(d). "Pretreatment" means any substantive or procedural requirement related to pretreatment, other than a national categorical pretreatment standard imposed on an industrial user or local limitation.

Private sewer means a sewer which is not owned by the town.

Public sewer means a sewer which is owned and controlled by the town and is separate from and does not include sewers owned by other governmental units.

Publicly owned treatment works (POTW) means treatment works as defined by Section 212 of the Act, which is owned by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, storm sewers or other conveyances not connected to a facility providing treatment.

Qualified laboratory means laboratories currently certified by the state to perform wastewater analyses.

Sanitary sewer means a sewer which carries wastewater.

Shall is mandatory and requires compliance; *may* is permissive.

Significant industrial user means any industrial user of the POTW who (1) is subject to national categorical pretreatment standards; (2) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; (3) discharges more than five percent or more of any design or treatment capacity of the POTW; or (4) is found by the town, DHEC, or EPA to have a reasonable potential for adversely affecting, either singly or in combination with other discharges, on the wastewater disposal system, the quality of sludge, the system's effluent quality, the receiving stream, or air emissions generated by the system.

Significant noncompliance means a violation of discharged limitations that meets one or more of the following criteria or a violation of compliance schedule milestones or reporting requirements. These include chronic violations in which 66 percent or more of all the measurements taken during a six-month period exceed by any magnitude the daily maximum or average limit for the same pollutant; or technical review criteria (TRC) violations in which 33 percent or more of all the measurements taken during a six-month period for the same pollutant equal or exceed the product of the daily maximum limit or average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, COD, TSS, fats, oils, and grease; and TRC = 1.2 for all other pollutants except pM; TRC violation for pM is when any measurement is less than 5.0 units unless other limits are approved by the general manager). "Significant noncompliance" shall also mean a violation of a limit (daily maximum or average) that the general manager determines has caused, alone or in combination with other discharges, interference or passthrough; which involves a failure to comply with compliance schedule milestones contained in permits, consent agreements, or administrative orders; which involves a failure to accurately report noncompliance; which has caused imminent endangerment to human health or welfare or to the environment; which involves a failure to comply with 30 days after

the due date with the reporting requirements in discharge permits or this article and applicable regulations; which resulted in the town exercising its emergency authority; or which the general manager determines adversely affects the operation of the POTW.

Slug load means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 17-366, prohibited discharges of this article or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

Standard Industrial Classification (SIC) means a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Standard methods means the laboratory procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation or any other procedures recognized by the DHEC and EPA.

State means the State of South Carolina.

Storm sewer means a sewer that carries only storm water, surface runoff, street wash, and drainage, and to which wastewater is not intentionally admitted.

Storm water means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR, Part 136, or equivalent methods approved by EPA, and referenced as nonfilterable residue.

Total ammonia nitrogen means the sum of inorganic nitrogen content of a wastewater as determined by methods approved by 40 CFR Part 136, or equivalent methods approved by EPA.

Total Kjeldahl nitrogen means the sum of organic nitrogen and ammonia nitrogen content of a wastewater as determined by methods approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Total phosphorus means the sum of the dissolved and suspended organic and inorganic phosphorus content of a wastewater as determined by methods approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Town means the Town of Central.

Toxic pollutant or substances means any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include but are not

limited to those 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307 (33 U.S.C. 1317) of the Act, or other acts.

Unpolluted water means water of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged to waters of the state.

User means any person who directly or indirectly discharges, causes or permits the discharge of wastewater to the POTW.

User charge system means the system of charges levied on users for the operation and maintenance costs of the wastewater disposal system by the town.

Wastewater means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration/inflow.

- (1) *Sanitary wastewater* means the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
- (2) *Industrial wastewater* means a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and cooling water.

Wastewater disposal system means the land, structures, equipment and processes owned and controlled by the town (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of the effluent and accumulated residual solids.

Waters of the state means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Ord. No. 93-08-03SP, § 1.2, 3-8-93)

Sec. 17-283. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD—Biochemical oxygen demand

CFR—Code of Federal Regulations

COD—Chemical oxygen demand

CWA—Clean Water Act

DHEC—Department of Health and Environmental Control of the State of South Carolina

EPA—Environmental Protection Agency

gpd—gallons per day

mg/L—milligrams per liter

NPDES—national pollutant discharge elimination system

PCA—state pollution control act

POTW—publicly owned treatment works

RCRA—Resource Conservation and Recovery Act

SIC—Standard Industrial Classification

SWDA—Solid Waste Disposal Act

TKN—Total Kjeldahl nitrogen

TSS—Total suspended solids

USC—United States Code

(Ord. No. 93-08-03SP, § 1.3, 3-8-93)

Secs. 17-284—17-305. Reserved.

DIVISION 2. USE OF PUBLIC SEWERS

Sec. 17-306. Permits required.

Prior to connection to the wastewater disposal system, the applicant shall obtain approval from the town. Application shall be made in writing on forms provided by the town. All new industries discharging Industrial wastewater shall complete the application and obtain approval to connect and use the sewer facilities, regardless of the amount of discharge. All currently permitted industrial users shall apply for renewal of their permit by completing an industrial discharge application and submitting it to the general manager at least 180 days prior to expiration of the current permit. The industrial discharge application shall be as provided by the general manager. This application shall be obtained from the town. Facilities to be deeded to and accepted by the town shall be completed, construction requirements for engineering standards or regulations met, and be inspected and approved by the town and DHEC.

New industrial users shall also complete an industrial discharge application provided by the general manager.

(Ord. No. 93-08-03SP, § 2.1, 3-8-93)

Sec. 17-307. Responsibility for costs.

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

(Ord. No. 93-08-03SP, § 2.2, 3-8-93)

Sec. 17-308. Use of public sewers required.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property in areas under the jurisdiction of the town any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural outlet in areas under the jurisdiction of the town any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of this article and with regulations of the DHEC. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. The owner of any house, building or property used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, or within 300 feet of a public sewer at the expense of the owner shall install suitable toilet facilities and shall connect such facilities directly with the public sewer, within 90 days after date of official notice to do so. Under unusual or specific circumstances, the general manager may waive this provision. No cesspool or septic tank effluent or overflow shall be discharged in any open drain, ditch, stream, or any well-penetrating waterbearing formation.

(Ord. No. 93-08-03SP, § 2.3, 3-8-93)

Sec. 17-309. Sewer material.

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

- (1) Vitrified clay pipe complying with ASTM C200 and with compression type, flexible joint conforming to ASTM C425.
- (2) Ductile iron pipe with a mechanical or push-on joint as described in ANSI A21.11.
- (3) ABS (acrylonitrile butadiene styrene) pipe and fittings conforming to ASTM D2661.
- (4) PVC (polyvinyl chloride) pipe and fittings conforming to minimum requirements of ASTM D3034, heavy wall, joint quality to conform with ASTM C425.
- (5) Other materials specifically approved in writing by the general manager.

(Ord. No. 93-08-03SP, § 2.4, 3-8-93)

Sec. 17-310. Certain connections prohibited.

(a) *Connections not allowed to sewer.* No person shall make any connection of roof downspouts, exterior foundation drains, area drains, or other sources of inflow, infiltration, or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.

(b) *Connections not allowed to storm sewers.* The discharge of sanitary wastewater into a storm sewer under the jurisdiction of the town is prohibited.

(Ord. No. 93-08-03SP, § 2.5, 3-8-93)

Sec. 17-311. Multiple connections through one-building sewer.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. No. 93-08-03SP, § 2.6, 3-8-93)

Sec. 17-312. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the town, to meet all requirements of this article.

(Ord. No. 93-08-03SP, § 2.7, 3-8-93)

Sec. 17-313. Compliance with other regulations.

The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing and backfilling shall all conform to the building code, plumbing code and all other regulations of the town or county. In cases of conflict and in absence of other provisions, materials and procedures set forth in ASCE-WPCF Manual of Practice No. 9 shall govern. All joints of the building sewer shall be tight and waterproof. One of two tests may be used: Infiltration shall not exceed 200 gallons/mile/inch/diameter/day or the building sewer shall pass a low pressure air test as specified in ASTM C828. The general manager reserves the right to determine which testing procedure shall be used for a given installation.

(Ord. No. 93-08-03SP, § 2.8, 3-8-93)

Sec. 17-314. Connection of building sewer to public sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means approved by the town and discharged to the building sewer. The connection of the building sewer into the public sewer shall conform to the requirements of applicable building and plumbing codes and other applicable rules and regulations of the town. All such connections shall be made gastight and watertight. Any connection to a public sewer shall be made at an existing manhole where possible. Any deviation from the prescribed procedures and materials must be approved by the general manager before installation.

(Ord. No. 93-08-03SP, § 2.9, 3-8-93)

Sec. 17-315. Supervision of building sewer construction.

The applicant for the building sewer permit shall notify the town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the town. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks,

parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. Construction shall comply with the provisions of PL 91-596, the Occupational Health and Safety Act of 1970.

(Ord. No. 93-08-03SP, § 2.10, 3-8-93)

Sec. 17-316. Special interceptors.

Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the general manager, and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the town, the state, the county, or the general manager. Any removal and hauling of collected materials shall be performed according to applicable state, federal, and local regulations.

(Ord. No. 93-08-03SP, § 2.11, 3-8-93)

Sec. 17-317. General guidance.

Town approval of plans and specifications for expansion or modification to treatment works shall be generally based on the Recommended Standards for Sewage Works (commonly referred to as "Ten States Standards"), and these standards are recommended for use by any entity developing facilities for connection to the wastewater disposal system.

(Ord. No. 93-08-03SP, § 2.12, 3-8-93)

Sec. 17-318. Connection constitutes consent.

Connection to the town's system by a user, whether or not they are located within the town limits of Central, shall constitute consent and agreement by the user to be bound by and to abide with all of the town's rules and regulations.

Secs. 17-319—17-340. Reserved.

DIVISION 3. PRIVATE WASTEWATER DISPOSAL

Sec. 17-341. Responsibility for construction and operation.

Where a public sanitary sewer is not available according to the provisions of this article, building sewers shall be connected to private wastewater disposal systems subject to the requirements of the county or DHEC. Where the owner desires the town to assume responsibility for the operation and maintenance of new treatment works, trunklines or lift stations, all such facilities shall be designed and constructed in accordance with the town's

requirements and shall be subject to their review and approval and be in compliance with any applicable DHEC requirements. The town, subject to town policies, may assume responsibility for the operation and maintenance costs of treatment systems and lift stations upon such terms and conditions as it deems appropriate.

(Ord. No. 93-08-03SP, § 3.1, 3-8-93)

Sec. 17-342. Requirements of other authorities.

No requirement contained in this section shall be construed to relieve the applicant of any additional requirements that may be imposed by other authorities having legal jurisdiction.

(Ord. No. 93-08-03SP, § 3.2, 3-8-93)

Secs. 17-343—17-365. Reserved.

DIVISION 4. PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES*

Sec. 17-366. Prohibited discharges.

It shall be unlawful for any person to discharge wastewater which causes a hazard to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass through or interference.

These general prohibitions apply to all such users of the POTW whether or not the user is subject to national categorical pretreatment standards or any other federal, state, or local regulations or articles. When the general manager determines that a user is discharging such wastewater, the general manager shall advise the user of the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW. A user shall not discharge the following substances to the POTW:

- (1) Unpolluted waters such as infiltration/inflow to any sanitary sewer, storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the general manager. Uncontaminated cooling water may be discharged to the storm sewer under the jurisdiction of the town in accordance with applicable DHEC requirements.
- (2) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flashpoint of less than 140 degrees Fahrenheit

***State law reference**—General pretreatment regulations for existing and new sources of pollution, S.C. Code Reg. 61-9.403.

Federal law reference—Local delegated pretreatment programs must effectively control and document wastewater discharge from certain industrial users to publicly owned treatment works, 40 C.F.R. § 403.8(f)(1)(iii); general pretreatment regulations, 40 C.F.R. § 403.1 et seq.; categorical pretreatment regulations, 40 C.F.R. §§ 401.10-471.105.

using test methods specified in 40 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, lubricating oil, and any other substances which the town, state, or EPA has notified the user is a fire hazard or a hazard to the system.

- (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (4) Wastewater having a pH less than 5.0 units, unless other limits are approved by the general manager, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- (5) Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW.
- (6) Noxious liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (7) Wastewater, liquid, or vapors having a temperature higher than 150 degrees Fahrenheit, or results in a temperature higher than 104 degrees Fahrenheit at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW and result in interference.
- (8) Wastewater containing radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by applicable federal or state regulations.
- (9) Wastewater which constitutes a slug discharge as defined herein.
- (10) Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (11) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.

- (12) Any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (13) Any trucked or hauled pollutants.
- (14) Any 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 town's NPDES permit.
- (15) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the general manager in a wastewater discharge permit.
- (17) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (18) Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations to cause excessive foaming in the POTW.

The town may establish limitations and requirements which are more stringent than those required by state or federal regulations.

(Ord. No. 93-08-03SP, § 4.1, 3-8-93)

Sec. 17-367. Conditionally prohibited discharges.

Certain discharges may be prohibited in the event the general manager determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, limbs, public property, or constitute a nuisance. The general manager may revise the limitations established in this section if, in his opinion, different limitations are necessary to meet the above objectives. Wastewater as described below shall not be discharged to the POTW without the prior written approval of the general manager.

- (1) *Grease and Oils:*
 - a. Wastewater containing more than 100 mg/1 of petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons).
 - b. Wastewater containing more than 200 mg/L of oil or grease of animal or vegetable origin.

(Total recoverable grease and oils shall be measured in accordance with the approved methods specified in Table IB. List of Approved Inorganic Test Procedures, under Part 136 Guidelines Establishing Test Procedures for the analysis of pollutants in the latest edition of 40 CFR. The oils of petroleum or mineral origin shall be measured in accordance with procedures outlined in 503E. Hydrocarbons of the latest edition of Standard Methods for the Examination of Water and Wastewater. The difference between the hydrocarbon analysis and the total recoverable grease and oil analysis will be considered grease or oil of animal or vegetable origin.)
 - c. Wastewater containing substances which may solidify or become viscous at a temperature between 32 and 150 degrees Fahrenheit.

- (2) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the general manager in compliance with applicable state or federal regulations.
- (3) Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
- (4) Holding tank waste.
- (5) Wastewater with a pH less than 6.5 units or greater than 9.0 units.
(Ord. No. 93-08-03SP, § 4.2, 3-8-93)

Sec. 17-368. National categorical pretreatment standards or local limitations.

Upon the promulgation of national categorical pretreatment standards for an industrial subcategory, each national categorical pretreatment standard, if more stringent than the corresponding limitation imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The general manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. The town shall develop and set all limitations, in accordance with applicable law and shall publish these limitations periodically. Compliance with categorical pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Specific pollutant limitation and compliance schedules shall be developed by the general manager and made a part of the user's discharge permit. Compliance with national categorical pretreatment standards or local limitations for new sources shall be required within 90 days of initiation of a discharge. These specific limits and definitions of duration and maximums shall be on file at the town's office and available upon request. A current listing of the limitations developed and set by the town is attached as Attachment A to this article. Future changes or additions to these limitations shall be developed, set and adopted by the town and will be published by the town, and when adopted by the town be automatically incorporated into Attachment A.
(Ord. No. 93-08-03SP, § 4.3, 3-8-93)

Sec. 17-369. Limitations on wastewater strength and flow rate.

No person shall discharge wastewater in excess of the concentration or mass limit set forth in national categorical pretreatment standards or local limitations or their wastewater discharge permit. The general manager shall establish permit limitations on a case-by-case basis in accordance with DHBC and EPA regulations and an approved headworks analysis. Where appropriate and allowed by applicable regulations, the general manager may impose mass limitations on a discharge.
(Ord. No. 93-08-03SP, § 4.4, 3-8-93)

Sec. 17-370. Revision of limitations.

The general manager may impose limitations more stringent than the national categorical pretreatment standards in wastewater discharge permits where it is necessary to comply with the objectives of this article.

(Ord. No. 93-08-03SP, § 4.5, 3-8-93)

Sec. 17-371. Dilution prohibition.

No user shall deliberately 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 developed by the town or state. This provision may be waived for national categorical pretreatment standards or local limitations only if the standard or requirements specifically allow dilution and the general manager determines the discharge would otherwise comply with the provisions of this article.

(Ord. No. 93-08-03SP, § 4.6, 3-8-93)

Sec. 17-372. Accidental discharge/slug control plans.

The general manager may require an industrial user to develop and implement an accidental discharge/slug control plan. Users shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the owner. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the general manager for review, and shall be approved before construction of the facility. No person who commences discharge to the POTW after the effective date of this article shall be permitted to discharge until accidental discharge procedures have been approved by the general manager. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of this article. In the case of an accidental discharge or a slug load, it is the responsibility of the user to immediately notify the general manager of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five days following an accidental discharge or slug load, the user shall submit to the general manager a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater disposal system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

The accidental discharge/slug control plan shall be submitted to the general manager containing at a minimum the following:

- (1) Description of discharge practices, including nonroutine batch discharges.

- (2) Description of stored chemicals.
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge.

Such notification must also be given for any discharge which would violate any of the prohibited discharges.

- (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 run-off, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The general manager at least once every two years shall evaluate whether each significant industrial user needs such a plan.

(Ord. No. 93-08-03SP, § 4.7, 3-8-93)

Sec. 17-373. Upset provision; an affirmative defense.

(a) *Definition.* For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with national categorical pretreatment standards or local limitations because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) *Effect of an upset.* An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) are met.

(c) *Conditions necessary for demonstrating upset.* Any user which experiences an upset in operations which places the user in a temporary state of noncompliance shall comply with the requirements of 40 CFR 403.16 if the user seeks to establish an affirmative defense of upset. The following information must be given to the general manager within 24 hours of becoming aware of the upset (if given orally, written submission must follow up within five days):

- (1) Description of the upset, the cause thereof and the expected impact on the user's compliance status;
- (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur; and
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(d) *User responsibility in case of upset.* The industrial user shall control production of all discharges to the extent necessary to maintain compliance with national categorical pretreatment standards or local limitations 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.

(Ord. No. 93-08-03SP, § 4.8, 3-8-93)

Sec. 17-374. Notice of process change/interruption of operation.

Notice by the user shall be given to the general manager in advance or at the earliest possible time when normal operations of the industry will be interrupted for 48 hours or longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter characteristics of the wastewater.

(Ord. No. 93-08-03SP, § 4.9, 3-8-93)

Sec. 17-375. Pretreatment.

(a) *Pretreatment measures.* Users shall provide pretreatment as required to comply with this article or discharge permit, and shall achieve compliance with this article and all national categorical pretreatment standards within the specified time limitations. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the owner. A permit to construct pretreatment facilities shall be obtained from DHEC. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the general manager for review. Submittal of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the general manager under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the general manager and approved or permitted by DHEC prior to the initiation of the changes.

(b) Additional pretreatment measures.

- (1) Whenever deemed necessary, the general manager may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this article.
- (2) Grease, oil and sand interceptors shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the general manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense.

- (3) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. No. 93-08-03SP, § 4.10, 3-8-93)

Sec. 17-376. Bypass; affirmative defense.

Any user which bypasses treatment facilities as defined in 40 CFR 403.17 shall comply with the requirements of that section and applicable state and federal regulations. An industrial user may allow a bypass to occur only when it does not cause national categorical pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the general manager, if possible at least ten days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable national categorical pretreatment standards to the general manager within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The general manager may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The general manager may take enforcement action against an industrial user for a bypass, except where the user establishes an affirmative defense of bypass. For this affirmative defense the user must show the following:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime.

This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- (3) The industrial user submitted notices as required in this section.

The general manager may approve an anticipated bypass, after considering its adverse effects if the general manager determines that it will meet the conditions listed in this section.
(Ord. No. 93-08-03SP, § 4.11, 3-8-93)

Sec. 17-377. Recovery of preventative expenses.

When any discharge in the opinion of the general manager appears to be in violation of division 4.

Prohibitions and limitations on wastewater discharges, to the extent that the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the town may act to take preventative action. All costs and expenses, losses and damages, including the reasonable value or cost of the use of town personnel and equipment caused or incurred by the implementation of preventative measures shall be charged to and paid by the discharger.

(Ord. No. 93-08-03SP, § 4.12, 3-8-93)

Secs. 17-378—17-400. Reserved.

DIVISION 5. REVENUE SYSTEM

Sec. 17-401. Fees and charges.

Fees shall be assessed to users for discharges to the POTW and for executing or enforcing the provisions of this article. These charges shall be developed, set and adopted by the town no less frequently than biennially in accordance with the user charge system policies of the town and applicable federal and state statutes. Charges may be developed for the following purposes:

- (1) Industrial monitoring, inspections, and surveillance procedures;
- (2) Reviewing accidental discharge procedures and construction;
- (3) Reviewing permit applications;
- (4) Reviewing appeals;
- (5) Special industrial discharges;
- (6) Recovering capital related expenditures or retiring bonded indebtedness;
- (7) Other charges, including user charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system.
- (8) Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs expended for the system and/or its expansion.

Current fees and charges of the town are shown upon Attachment B. Future charges and fees as are set and developed by the town will be published by the town and when adopted by the town be automatically incorporated into an Attachment B.

(Ord. No. 93-08-03SP, § 5.1, 3-8-93)

Secs. 17-402—17-425. Reserved.

DIVISION 6. DISCHARGE PERMITS AND REPORTING

Sec. 17-426. Wastewater discharge permits.

(a) *Application requirements.* Any person desiring to discharge industrial wastewater shall complete an official application and file it with the town. Approval shall be evidenced by written notice from the general manager. The person shall provide all data required by the current official application, copies of which shall be obtained from the general manager. The general manager shall evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the general manager may grant permission to discharge subject to the terms and conditions provided herein. The general manager may issue a permit with specific limitations different from those listed in this article if he determines that the discharge will otherwise comply with the remaining provisions in this article. All significant industrial users shall obtain a permit to discharge to the POTW. Authorized representatives of significant industrial users shall sign the permit application. Significant industrial users which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength, or characteristic shall submit a new application prior to making the change or alteration.

Applicable persons and users shall complete and submit an application, accompanied by any application fee in the amount prescribed, including the following information:

- (1) Name, address, and location (if different from the address);
- (2) Applicable SIC number(s);
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in this article;
- (4) Time and duration of discharge;
- (5) Average daily and 30-minute peak wastewater discharge rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all drains, sewers, sewer connections, and appurtenances by the size, location and (if available) elevation;
- (7) Description of activities, facilities and plant processes on the premises;
- (8) Where known, the nature and concentration of any pollutants in the wastewater which are limited by any local limitations, or national categorical pretreatment standards, a statement regarding whether or not the person is complying or will comply with national categorical pretreatment standards on a consistent basis and, if not, whether additional pretreatment or operational modifications are required to comply with applicable limitations or national categorical pretreatment standards, or local limitations;

- (9) If additional pretreatment or operational modifications will be required to comply with limitations or national categorical pretreatment standards or local limitations, the shortest schedule by which the person will comply;
- (10) Where required by the general manager or to develop pretreatment standards, each product produced by type, amount, process or processes and rate of production;
- (11) Where required by the general manager or to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
- (13) Any other information as may be deemed by the general manager to be necessary to evaluate the permit application.
- (14) Application signatories and certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

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

(b) *Hearings.* Any person whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to request an adjudicatory hearing under the procedure provided in division 8.

(c) *Permit modifications.* Within nine months of the promulgation of a national categorical pretreatment standard, or adoption of a local limitation, the permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, or local limitation, has not previously submitted an application for a permit, the user shall apply for a permit within 180 days after the promulgation of the pretreatment standard. In addition, the user with an existing permit shall submit to the town within 180 days after the promulgation of an applicable standard information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary.

Other modifications of permits shall be subject to the same procedural requirements as the issuance of permits except the following changes may be made upon 30 days notice:

- (1) Modifications of the monitoring program contained in the permit;

- (2) Changes in the ownership of the discharge when no other change in the permit is indicated;
- (3) A single modification of any compliance schedule not in excess of four months; or
- (4) Modification of compliance schedules in permits for new sources where the new source will not discharge until process or pretreatment facilities are operational.
- (5) Modifications incorporating new or revised federal, state or local pretreatment standards or regulations; or
- (6) Other modifications determined necessary by the general manager under the regulations.

(d) *Permit conditions.* The general manager shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article, state, and federal regulations.

Such conditions shall include but are not limited to the following:

- (1) A statement of duration (in no case more than five years);
- (2) A statement of nontransferability;
- (3) Applicable effluent limits based on national categorical pretreatment standards or local limitations;
- (4) Applicable monitoring and reporting requirements;
- (5) Notification requirements for slug discharges as defined by 40 CFR Part 403.5(b);
- (6) A statement of applicable penalties for violation of permit conditions; and
- (7) A compliance schedule that outlines dates and actions for obtaining compliance with final limitations or other pretreatment requirements.

(e) *Permit duration.* Permits may be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the permit.

(f) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(Ord. No. 93-08-03SP, § 6.1, 3-8-93)

Sec. 17-427. Reporting requirements for permittee.

(a) Within 180 days after the effective date of a national categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6, whichever is later, existing significant industrial users subject to such national categorical pretreatment standards shall be required to submit to the general manager a report which contains the information required in 40 CFR 403.12 and

applicable state and federal regulations. At least 90 days prior to commencement of discharge, new sources and sources that become significant industrial users subsequent to the promulgation of an applicable national categorical pretreatment standard, shall be required to submit to the general manager a report which contains the information required in 40 CFR 403.12. The general manager shall require appropriate reporting from those significant industrial users not subject to national categorical pretreatment standards. Reports required by this article shall be signed by an authorized representative of the significant industrial user.

(b) Within 90 days following the date for final compliance with applicable national categorical pretreatment standards or, in the case of a new source, following commencement of the discharge of wastewater into the POTW, any user subject to national categorical pretreatment standards and requirements shall submit to the general manager a report containing the information required in 40 CFR 403.12.

(c) Any user subject to a national categorical pretreatment standard, after the compliance date of such national categorical pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the general manager quarterly unless required more frequently in the national categorical pretreatment standard or by the general manager, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such national categorical pretreatment standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. At the discretion of the general manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the general manager may agree to alter the months during which the above reports are to be submitted. The general manager may impose mass limitations on users which are using dilution to meet applicable national categorical pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the required periodic reports shall indicate the mass of pollutants regulated by national categorical pretreatment standards in the discharge of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the general manager, of pollutants contained therein which are limited by the permit or applicable national categorical pretreatment standard.

(d) All users shall notify the general manager immediately of discharges that could cause problems, including any slug discharges.

(e) Sampling and analysis may be performed by the town in lieu of the user. If done by the town, the user shall be charged such fees or charges as are established by the town. Where the town performs the required sampling and analysis in lieu of the user, the user shall not be required to submit the compliance certification required under 40 CFR 403.12(b) (6) and 403.12(d). In addition, where the town itself collects all the information required for the report, including flow data, the user shall not be required to submit the report.

(f) If sampling performed by a user indicates a violation, the user shall notify the general manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the town within 30 days

after becoming aware of the violation, except the user may not be required to resample if the town performs or requires sampling of the discharge at a frequency of at least once per month, or the town performs sampling between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(g) If a user subject to these reporting requirements monitors any pollutant at the location(s) designated in the discharge permit more frequently than required by the general manager, the results of this monitoring shall be included in the report.

(h) The general manager shall require appropriate reporting from those users with discharges that are not subject to national categorical pretreatment standards. Significant industrial users shall submit to the general manager at least once every six months (on dates specified by the general manager) a description of the nature, concentration, and flow of the pollutants required to be reported by the general manager. This sampling and analysis may be performed by the town in lieu of the noncategorical significant industrial user. Where the town itself collects all the information required for the report, the significant industrial user shall not be required to submit the report.

(i) Significant industrial users shall promptly notify the general manager in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12. Significant industrial users shall notify the general manager, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the significant industrial user discharges more than 100 kilograms of such waste per calendar month to the potw, the notification shall also contain the following information to the extent such information is known and readily available to the significant industrial user: (1) an identification of the hazardous constituents contained in the wastes; (2) an estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month; and (3) an estimation of the mass of constituents in the wastewater expected to be discharged during the following 12 months. Significant industrial users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e). Users are exempt from the requirements during a calendar month in which they discharge no more than 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 15 kilograms of nonacute 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 significant industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(j) 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 industrial user shall notify the general manager, the EPA regional waste management division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(k) In the case of any notification, the significant industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Notice.

The reports and other documents required to be submitted or maintained under this section may be subject to the provisions of 18 USC Section 1001 relating to fraud and false statements; the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and the provisions of Section 309(c) regarding responsible officers.

(Ord. No. 93-08-03SP, § 6.2, 3-8-93)

Sec. 17-428. User records.

Users shall maintain and retain for three years all plant records as specified by the general manager and afford the town access thereto. These records include but are not limited to wastewater self monitoring records, records related to compliance with national categorical pretreatment standards, local limitations and other state and EPA required records.

(Ord. No. 93-08-03SP, § 6.3, 3-8-93)

Sec. 17-429. Confidentiality.

Information and data on a user obtained from reports, questionnaires, discharge applications and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the general manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. It shall, however, be made available upon written request to governmental agencies for uses related to this article, the NPDES permit, or other uses determined appropriate by the general manager. The information shall be available for use by the state in judicial review or enforcement proceedings involving the person furnishing the information. Wastewater constituents and characteristics shall be recognized as confidential information.

(Ord. No. 93-08-03SP, § 6.5, 3-8-93)

Secs. 17-430—17-450. Reserved.

DIVISION 7. SAMPLING AND MONITORING

Sec. 17-451. Right of entry.

Whenever it shall be necessary for the purposes of this article and upon presentation of proper credentials and identification, town, state, and EPA personnel shall be permitted to enter upon any property of users for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, or testing in the area of the control structure. Any user completing and filing an application to discharge wastewater shall thereby grant the town permission to enter his premises for said purposes. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, town personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. No. 93-08-03SP, § 7.1, 3-8-93)

Sec. 17-452. Compliance determination.

Compliance determinations with respect to prohibitions and limitations shall be made on the basis of composite and discrete samples of wastewater. Composite samples may be taken over a 24-hour period, or over a different time span, as determined necessary by the general manager to meet the needs of specific circumstances.

(Ord. No. 93-08-03SP, § 7.2, 3-8-93)

Sec. 17-453. Analysis of industrial wastewaters.

All measurements, tests and analyses of the characteristics or properties of wastewater to which reference is made in this article shall be made in accordance with 40 CFR 136 and shall be performed by a qualified laboratory. In the event that there is no approved method in to CFR 136 for a particular parameter, testing shall be performed in accordance with standard methods, herein defined, or a method approved by the general manager.

(Ord. No. 93-08-03SP, § 7.3, 3-8-93)

Sec. 17-454. Sampling frequency.

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done at such intervals as the general manager may designate. As a minimum the town shall conduct compliance sampling or to cause such sampling to be conducted by all significant industrial users at least twice in every one-year period.

(Ord. No. 93-08-03SP, § 7.4, 3-8-93)

Sec. 17-455. Control structure.

When required by the general manager, the owner of any property served by a building sewer carrying industrial wastewater, shall build a control structure in the building sewer

from his premises just prior to the entrance of the building sewer into the public sewer suitable for sampling and measuring his wastewater. Plans for this structure shall be approved by the general manager. The construction permit must be obtained from DHEC. There shall be ample room in or near such sampling facility to allow accurate flow measurement, sampling, and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner. (Ord. No. 93-08-03SP, § 7.5, 3-8-93)

Secs. 17-456—17-480. Reserved.

DIVISION 8. ENFORCEMENT

Sec. 17-481. Enforcement management strategy.

The general manager shall enforce the provisions of this regulation in accordance with the current town enforcement management strategy, Attachment C in accordance with S.C. Code Ann. Section 6-11-285 and other applicable law.

(Ord. No. 93-08-03SP, § 8.1, 3-8-93)

Sec. 17-482. Administrative remedies.

(a) *Notifications of violation.* Whenever the general manager finds that any person has violated or is violating this article, a permit, or any prohibition, limitation or requirement contained in the article or permit, the general manager may serve upon such a person an appropriate written notice stating the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The general manager may require a response to the notice of violation. When required in the notice and within 15 days from the date of the notice, an explanation of the violation and a plan for the satisfactory correction thereof shall be submitted to the general manager. Submission of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the notice of violation. The classification of violations under these regulations and permit are as follows: A Warning of Minor Violation (WOMV), Notice of Violation (NOV), a Notice of Significant Noncompliance (NOSN), and Notice of Revocation (NOR). Reference is made to Attachment C as to these procedures.

(b) *Administrative consent order.* The general manager is empowered to enter into administrative consent orders, assuring of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the violation. Such orders may be negotiated in an informal conference. Such agreements shall include specific action to be taken by the person to correct the violation within a time period also specified by the Administrative Consent Order and contain other terms and conditions. Reference is made to Attachment C. A violation of an administrative consent order shall constitute a violation or violations under this article.

(c) Notice to show cause at adjudicatory hearing. The general manager may order any user who causes or is responsible for an unauthorized discharge or other violations to show cause at an adjudicatory hearing why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken.

(d) *Service.* The notice of the hearing to the user shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the user.

(e) Request by user for an adjudicatory hearing or for an informal conference prior to show cause hearing.

- (1) Requests for an adjudicatory hearing must be served on the town within 15 days following any final administrative action or decision by the town on any violation, application, permit, certificate or other licensing matter;
- (2) A request for an informal conference prior to the show cause hearing may be made by a user but not to delay the hearing date. If the request is granted, an informal conference may be held by the general manager or his designee to explore ways and means to obtain compliance by consent without the necessity of a formal adjudicatory hearing.

(f) *Record.* At any hearing held pursuant to this article, testimony shall be taken under oath and recorded stenographically. The transcript, so recorded, shall be made available to any member of the public or any party of the hearing upon payment of the usual charges thereof.

(g) *Hearing officer.* A hearing officer or officers may be appointed by the general manager to preside over the adjudicatory hearing. The hearing officer may be an employee of the town or be specially appointed for such purpose. He shall have no connection with the preparation or presentation of the evidence at the hearing.

(h) *Procedure.* The procedure for an adjudicatory hearing and other enforcement procedures are set forth in Attachment C, the enforcement management strategy.

(i) *Enforcement Orders.* When the hearing officer finds that a user has violated or is violating the provisions, prohibitions or limitations of this article, or those contained in any permit issued hereunder, he may issue an order to cease and desist, and may direct those persons in violation to:

- (1) Comply forthwith;
- (2) Comply in accordance with a compliance time schedule set forth in the order; or
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation.
- (4) Prohibit or reduce the discharge;
- (5) Provide wastewater storage or flow equalization;

- (6) Make payment by the user to cover added costs of handling and treatment costs and the administrative costs of the enforcement action;
- (7) Post performance bonds;
- (8) Act to take other steps to achieve compliance;
- (9) Pay fines and penalties;
- (10) Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the town for the hearing or enforcement procedure.

(j) *Administrative penalties.* A user may be fined up to \$2,000.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In case of monthly or long-term discharge limits, fines may be assessed for each day during the period of violation. The town shall have such remedies for the collection of such assessments as it has for collection of other service charges.

(k) *Payment of costs.* Payment of costs or fines shall not relieve the user from the requirement to pretreat wastewater or discharges in excess of the limitations required under its permits or the regulations of the town.

(l) *Emergency suspensions.* The general manager may suspend or revoke a user's permission to discharge when such action is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or causes interference. Any user notified of revocation of permission to discharge shall immediately stop or eliminate its discharge. A hearing shall be held within 15 days of the notice of revocation to determine whether the suspension may be lifted or the user's permit terminated. The user shall submit a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations to the general manager prior to the date of the hearing. In the event of a failure of the person to comply voluntarily with the order, the general manager shall take such steps as deemed necessary including immediate severance of the sewer connection. The general manager may reinstate the permission to discharge upon proof of the elimination of the violations.

(m) *Termination or revocation of permit.* Any user who violates the conditions of this article, or applicable state and federal regulations, is subject to having his permission to discharge revoked. The general manager may revoke a permit for the following reasons:

- (1) Failure to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection and monitoring;
- (4) Violation of conditions of a permit;

- (5) tampering with or deliberately altering monitoring equipment;
- (6) Falsifying self-monitoring reports;
- (7) Changes in POTW NPDES permit, receiving stream water quality standards, POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact the town's ability to accept industrial wastewater;
or
- (8) For causes necessitating an emergency suspension.
- (9) Discharge of wastewater prohibited by this article;
- (10) Significant noncompliance with schedules, pretreatment standards or requirements, of any terms of the wastewater discharge permit or the article;
- (11) Nonpayment of sewer user charge or other charges, fines, costs and expenses.

A user whose permission to discharge has been revoked may apply for new permission to discharge and shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the town.

(Ord. No. 93-08-03SP, § 8.2, 3-8-93)

Sec. 17-483. Judicial remedies.

When any person discharges wastewater into the wastewater disposal system contrary to the law of this state or the provisions of this article, or any order or permit issued hereunder, or otherwise violates applicable law or the provisions of this article or any order or permit issued hereunder, the general manager may commence an action for appropriate legal or equitable relief in the Court of Common Pleas.

(Ord. No. 93-08-03SP, § 8.3, 3-8-93)

Sec. 17-484. Injunctive relief.

The general manager may, in the name of the town, file in common pleas court, a suit seeking issuance of an injunction, damages; or other appropriate relief to enforce the provisions of this article or other applicable law or regulation and the determination of the hearing examiner. Suit may be brought on behalf of the town, at the same time or separately, to recover any and all damages suffered by the town as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the town. Such damages shall include, but not be limited to, claims for damages, takings, losses, expenses, costs, fines, penalties and attorneys' fees for which the town may become liable or responsible and which arise out of or result from the user's noncompliance with its permit or the user's violation of state or federal pollution control laws, rules or regulations.

(Ord. No. 93-08-03SP, § 8.4, 3-8-93)

Sec. 17-485. Criminal violations.

Facts or circumstances which tend to indicate a criminal activity or action by any person may be reported to the proper state and federal law enforcement agencies for prosecution.
(Ord. No. 93-08-03SP, § 8.5, 3-8-93)

Sec. 17-486. Performance bonds.

The general manager may refuse to reissue a permit to any user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the town, in a sum not to exceed a value determined by the general manager to be necessary to meet the costs of any scheduled improvements and to achieve consistent compliance.
(Ord. No. 93-08-03SP, § 8.6, 3-8-93)

Sec. 17-487. Discontinuance of sewer service for nonpayment.

The general manager shall have the right to discontinue sewer service to the property of a user of such service in the event of nonpayment of sewer charges; provided that no discontinuation shall be made until the user shall have been given notice of his right to be heard in person or by counsel on the question of discontinuation before the town or any person designated by the town after not less than five days written notice specifying the basis of the discontinuation. The town or its agents shall have the right to discontinue water service to the premises in the event of nonpayment of sewer service charges and also shall have a right of entry in and upon the premises and the right of ingress and egress to determine location of the service line, to uncover it and to dig it up for the purpose of digging up, sealing or plugging the service line.
(Ord. No. 93-08-03SP, § 8.7, 3-8-93)

Sec. 17-488. Tenant responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this article.
(Ord. No. 93-08-03SP, § 8.8, 3-8-93)

Sec. 17-489. Vandalism.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in division 8 above.
(Ord. No. 93-08-03SP, § 8.9, 3-8-93)

Sec. 17-490. Publication of industrial users in significant noncompliance.

The town shall publish annually, in the largest daily newspaper published in the area where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. All records relating to compliance with national categorical pretreatment standards shall be made available to DHEC and EPA. The term significant noncompliance shall mean:

- (1) Violations of wastewater discharge limits.
 - a. Chronic violations. Sixty-six percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).
 - b. Technical review criteria (TRC) violations. Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period.
 - c. Any other violation(s) of effluent limit (average or daily maximum) that the authority believes has caused alone or in combination with other discharges, interference or pass-through or endangered the health of the sewage treatment personnel or the public.
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (2) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
 - (3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.
 - (4) Failure to accurately report noncompliance.
 - (5) Any other violation or group of violations that the authority considers to be significant, including, without limitation, the failure to respond to a NOV for which a response was required, to comply with a consent order or administrative orders.
- (Ord. No. 93-08-03SP, § 8.10, 3-8-93)

Secs. 17-490—17-510. Reserved.

DIVISION 9. GENERAL REQUIREMENTS**Sec. 17-511. Application of article.**

This article shall apply to persons within the town and to persons outside the town who by contract with the town are users of the town wastewater facilities. The general manager shall

implement and enforce the provisions of this article and the governing body of the town shall adopt such regulations as it deems necessary to implement the provisions and requirements of this article.

(Ord. No. 93-08-03SP, § 9.1, 3-8-93)

Sec. 17-512. Use of system constitutes acceptance.

The use of the wastewater treatment facilities of the town by any user shall constitute the user's consent to and agreement to comply with and abide by the terms and conditions of this article and the rules and regulations promulgated hereunder, including enforcement and penalty provisions.

(Ord. No. 93-08-03SP, § 9.2, 3-8-93)

Sec. 17-513. Garbage grinder.

No commercial, institutional or industrial garbage grinder shall be installed or any discharge made from such grinder unless written permission has been granted by the general manager.

(Ord. No. 93-08-03SP, § 9.3, 3-8-93)

Secs. 17-514—17-600. Reserved.

ARTICLE VIII. DROUGHT MANAGEMENT PLAN*

Sec. 17-601. Declaration of purpose and intent.

The city understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (SC Code 1976, § 49-23-10, et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, the city has adopted this article that provides the policies and the authority to fulfill this obligation. Section 17-603 outline the framework by which the city will internally prepare for water shortages. Section 17-604 provides the regulations by which the city will manage and control its customer water usage during various levels of a drought.

(Ord. No. 4-01-03DMRO, 5-12-03)

***Editor's note**—Ord. No. 4-01-03DMRO, adopted May 12, 2003, did not specifically amend the Code. Hence, its inclusion herein as Art. VIII, §§ 17-601—17-604, was at the discretion of the editor.

State law reference—Authority for local drought response ordinances, S.C. Code 1976, § 49-23-90.

Sec. 17-602. Definition of terms.

For the purposes of this article, the following definitions will apply:

Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial use: Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation: Reduction in water use to prevent depletion or water of the resource.

Customer: Any person, company or organization using finished water owned or supplied by the city.

Domestic water use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought alert phases: There are four drought alert phases to be determined by the state drought response committee. The four phases are:

- (1) Incipient drought;
- (2) Moderate drought;
- (3) Severe drought; and
- (4) Extreme drought.

Drought response committee: A committee composed of state and local representatives created for the purpose of coordinating responses to water supply shortages within drought management areas and making recommendations for action to the state department of natural resources and/or the governor. The committee is composed of state agency representatives from the state emergency management division of the office of the adjutant general, state department of health and environmental control, state department of agriculture, state forestry commission, and state department of natural resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and soil and water conservation districts.

Drought response management areas: There are four drought management areas corresponding to the major river basins in the state. The four areas are:

- (1) West or Savannah;
- (2) Central or Santee;
- (3) Northeast or Pee Dee; and
- (4) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Essential water use: Water used specifically for fire fighting, maintaining in-stream flow requirements and to satisfy federal, state or local public health and safety requirements.

Finished water: Water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.

Institutional water use: Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation water use: Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Non-essential water use: Categories of water use other than essential water use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

State department of natural resources: The South Carolina agency with primacy to implement the provisions of the Drought Response Act.

Water supply shortage: Lack of adequate, available water caused by drought to meet normal demands.

(Ord. No. 4-01-03DMRO, 5-12-03)

Sec. 17-603. Drought management plan.

(a) *Introduction:* To ensure that the city adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will compliment the city ability to respond to drought conditions and to enforce section 17-604.

(b) *Designation of water system drought response representative:* Administrating a drought plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's drought response representative. The drought response representative for the town is the administrator, who will establish a committee.

(c) *Description of water system layout, water sources, capacities and yields:* The city is located in the west or Savannah drought response management area of the state. The system serves the city limits and approximately 1,000 customers outside city limits. Total number of

customers is 2,000. The water supply sources available to the system is one elevated storage tank, water purchased (one million gallons per day) from Easley Central water district and Anderson Regional Joint Water System.

(d) *Identification of water system specific drought or water shortage indicators:* Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The city has developed triggers for use during drought or demand water shortages that describe when specific phases of section 17-604 are implemented. The system triggers are as follows:

- (1) Moderate drought phase (include the relevant following examples:) based on Easley Central's trigger levels.
- (2) Severe drought phase (include the relevant following examples:) based on Easley Central's trigger levels.
- (3) Extreme drought phase (include the relevant following examples:) based on Easley Central's trigger levels.

(e) *Cooperative agreements and alternative water supply sources:*

- (1) Successful drought management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. The city identifies the following agreements that are in place to facilitate the implementation of this plan: None.
- (2) Agreements that are being negotiated or considered with other entities are: Conducting a feasibility study to evaluate whether we can pump water from the City of Clemson.

(f) *Description of pre-drought planning efforts:* Before the occurrence of a water supply shortage and the need to implement the emergency provisions of section 17-604, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed below, the city has taken the following actions:

- (1) *Identification of all major water users of the system (top ten percent, include wholesale customers):* Central Textiles and Highway 88 Water District.
- (2) Identification of those users with whom there are conservation agreements: None.
- (3) A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed, and participating in the decision-making process is key to

implementing an effective drought management plan. Provide a description of your utility's efforts to develop an effective drought-related public education program: Messenger window on water bill, door hangers for customer doors, media.

(g) *Description of capital planning and investment for system reliability and demand forecasting:* Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that every water utility aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity and new technologies to meet the demands of tomorrow. Describe the utility's capital improvement program and how past efforts have enhanced your system's ability to meet demand during drought conditions:

- (1) Conducted \$100,000.00 upgrade to Pendleton Road. Conducting a feasibility study to evaluate whether we can pump water from City of Clemson.
- (2) Describe other system improvements the utility should consider to prepare for future droughts and increasing water demands:
- (3) Upgrade water system in town.

(Ord. No. 4-01-03DMRO, 5-12-03; Ord. No. 11-12-07, §§ 2—4, 12-10-07)

Sec. 17-604. Drought response.

(a) *Declaration of policy and authority:* The objective of this section is to establish authority, policy and procedure by which the city will take the proper actions to manage water demand during a drought-related shortage. This section satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This section outlines the actions to be taken for the conservation of water supplied by the city. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water. This section is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the city.

If it becomes necessary to conserve water in its service area due to drought, the city is authorized to issue a proclamation (a "proclamation") that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this section shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

Water uses that are regulated or prohibited under this section are considered to be non-essential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The drought management plan as outlined in sections 17-601 through 17-603 is hereby approved.

(b) *Moderate drought phase:* Upon notification by the drought response committee that a moderate drought condition is present and is expected to persist and/or upon determination by the city that a moderate water supply shortage exists based on trigger levels, the city will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20 percent in residential water use and 15 percent in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15 percent. To accomplish this, the city will take the following actions:

- (1) Issue a proclamation to be released to local media, city's customers and to the state department of natural resources drought information center that moderate drought conditions are present.
- (2) Provide written notification to the state department of natural resources drought information center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:
 - a. Reduce residential water use to 60 gallons per person per day and a maximum of 200 gallons per household per day;
 - b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 - d. Eliminate the flushing of gutters;
 - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
 - f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours.

- h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and
 - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - 1. Stop serving water in addition to another beverage routinely in restaurants;
 - 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 - 3. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Cease to install new irrigation taps on the water system.
- (5) Continue to encourage and educate customers to comply with voluntary water conservation.

(c) *Severe drought phase:* Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and/or upon determination by the city that a severe water supply shortage exists based on trigger levels, the city will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25 percent in residential water use, 20 percent in all other water use categories, and a reduction in overall water use of 20 percent. To accomplish these goals, the city will take the following actions:

- (1) Issue a proclamation to be released to the local media, city's customers and to the state department of natural resources drought information center that severe drought conditions are present.
- (2) Provide written notification to the state department of natural resources drought information center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Voluntary reduction of residential water use by the utility's customers to 50 gallons per person per day and a maximum of 150 gallons per household or REU per day.
 - b. Control landscape irrigation by the utility's customers by staggering watering times.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 - 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;

2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 6. Eliminate filling or maintaining public or private swimming pools;
 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality; and
- d. Limit use of water by commercial and individual customers including, but not limited to, the following:
1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 3. Limit irrigating golf courses and any portion of its grounds;
 4. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and
 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.
- (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
- (7) Provide written notification monthly to the state department of natural resources drought information center regarding the success of the voluntary and mandatory restrictions.

(d) *Extreme drought phase:* Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and/or upon determination by the city that an extreme water supply shortage exists based on the trigger levels, the city will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction

of 30 percent in residential water use, 25 percent in all other categories of water uses and a reduction in overall water use of 25 percent. To accomplish these goals, the city will take the following actions:

- (1) Issue a proclamation to be released to the local media, the city's customers and to the state department of natural resources drought information center that extreme drought conditions are present;
- (2) Provide written notification to the state department of natural resources drought information center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Limiting residential water use to 40 gallons per person per day and a maximum of 125 gallons per household per day.
 - b. Eliminate landscape irrigation by the utility's customers.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. No domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
 6. Eliminate filling or maintaining public or private swimming pools;
 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and
 - d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 3. Limit irrigating golf courses and any portion of their grounds;
 4. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and

5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.
- (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (6) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- (7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

(e) *Rationing*: If a drought threatens the protection of public health and safety, the city is hereby authorized to ration water.

(f) *Enforcement of restrictions*: If any customer of the city fails to comply with the mandatory water use restrictions of this section, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

- (1) First violation: \$50.00 surcharge shall be added to the customer's water bill;
- (2) Second violation: An additional \$100.00 surcharge shall be added to the customer's water bill;
- (3) Third violation: The customer's water service shall be terminated and restored only after payment of a surcharge of \$500.00 in addition to all previously assessed surcharges.

Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the city shall diligently enforce the provisions of this section.

(g) *Variances*: Customers, who in their belief are unable to comply with the mandatory water use restrictions of this section, may petition for a variance from restrictions by filing a petition with the city within ten working days after the issuance of the proclamation requiring water use restrictions.

All petitions for variance shall contain the following information:

- (1) Name and address of the petitioner;
- (2) Purpose of water usage;
- (3) Special provision from which the petitioner is requesting relief;

- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (5) Description of the relief desired;
- (6) Period of time for which the variance is sought;
- (7) Economic value of the water use;
- (8) Damage or harm to the petitioner or others if petitioner complies with this section;
- (9) Restrictions with which the petitioner is expected to comply and the compliance date;
- (10) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (11) Other information as needed.

In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with this section cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The city is authorized to grant the request for variance.

In addition, the city is authorized to grant temporary variances for existing water uses otherwise prohibited under the article if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this section occurring prior to the issuance of the variance. Variances granted by the city shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(h) *Status of this section:*

- (1) If any portion of this section is held to be unconstitutional for any reason, the remaining portions of section 17-604 shall not be affected.
- (2) The provisions of this section shall prevail and control in the event of any inconsistency between this section and other rules and regulations of the city.
- (3) Nothing in this section shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

(Ord. No. 4-01-03DMRO, 5-12-03)