



# SEWER USE REGULATION

Effective March 1, 2019

Regulation History		
Date	Ordinance or Regulation	Agency
4/3/1979	Ordinance 79-4	Oconee County, South Carolina
6/30/1993	<i>SCDHEC Approved Sewer Use Ordinance</i>	SC Department of Health and Environmental Control
7/18/1995	Ordinance 1995-07	Oconee County, South Carolina
10/3/2011	Sewer Use Regulation Revision	Oconee Joint Regional Sewer Authority
4/1/2017	Sewer Use Regulation Revision	Oconee Joint Regional Sewer Authority
12/5/2017	Sewer Use Regulation Revision (Fees)	Oconee Joint Regional Sewer Authority
3/1/2018	Sewer Use Regulation Revision	Oconee Joint Regional Sewer Authority

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**OJRSA Sewer Use Regulation**

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**Sewer Use Regulation Adoption and Approval**

These Regulations shall be in full force and effect from and after passage, approval, and publication, as provided by law.

Thirty-day Public Notice given on December 25, 2018 in *The Journal* (Seneca, South Carolina) and on the Oconee Joint Regional Sewer Authority website ([www.orjsa.org](http://www.orjsa.org)).

A public comment period was granted from December 27, 2018, until the Oconee Joint Regional Sewer Authority Board of Commissioners Meeting on the evening February 4, 2019.

The South Carolina Department of Health and Environmental Control was made aware of the public notice and comment period on December 27, 2018.

APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on February 4, 2019 during the Board of Commissioners Meeting.

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OJRSA Chair

ATTEST:

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Secretary/Treasurer

Effective Date: March 1, 2019.

## Section 1 – Introduction

### 1.1 Purpose and Policy

Recent developments in both Federal and State law have created increasing and more stringent requirements upon public wastewater treatment facilities and demand compliance to avoid incurring severe sanctions and penalties. The purpose of these Regulations are to update requirements and to bring the Regulations into compliance with the Federal Water Pollution Control Act Amendments of 1972 (Public Law. 92-500) and subsequent amendments, including the Water Quality Act of 1987 (Public Law 100-4) together with the South Carolina Pollution Control Act and other State and Federal statutes and regulations.

These Regulations set forth uniform requirements for discharges to the POTW and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal laws and the Pretreatment Regulations (40 CFR Part 403 and R61-9 Part 403). The objectives of these Regulations are: (1) To prevent discharges to the POTW which will interfere with the operation of the POTW or contaminate the resulting wastewater disposal system. These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, authorizes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures. These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their duly authorized representative shall administer the provisions of these Regulations.

### 1.2 Definitions

Unless the context indicates otherwise, the terms and phrases used in these Regulations shall have the following meanings:

Act shall mean the Federal Water Pollution Control Act and amendments. (33 USC §1251 et seq.)

Authorized Representative (or Duly Authorized Representative) of the User shall mean:

- (1) If the User is a corporation:
  - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.



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- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the OJRSA.

Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in R61-9 403.5(a)(I) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.]

Billable Biochemical Oxygen Demand shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/L or as otherwise might be changed and shown on Attachment B of the OJRSA Regulation.

Billable Chemical Oxygen Demand shall mean the discharge in pounds of COD calculated using the billable flow and concentration of COD in the wastewater in excess of three (3) times the billable BOD or as otherwise might be changed and shown on Attachment B of the OJRSA Regulation.

Billable Flow shall mean recorded water usage as determined by the appropriate water utility, plus measured water from wells and other sources, times the OJRSA approved percentage factor 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 OJRSA.

Billable Total Kjeldahl Nitrogen shall mean the discharge in pounds of TKN calculated using the billable flow and concentration of TKN in the wastewater in excess of 30 mg/L or as otherwise might be changed and shown on Attachment B of the OJRSA Regulation.

Billable Total Suspended Solids shall mean the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 mg/L or as otherwise might be changed and shown on Attachment B of the OJRSA Regulation.

Billable Total Phosphorus shall mean the discharge in pounds of total phosphorus calculated using the billable flow and concentration of total phosphorus in the wastewater in excess of 7 mg/L or as otherwise might be changed and shown on Attachment B of the OJRSA Regulation.

Biochemical Oxygen Demand shall mean 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 twenty degrees Centigrade (20°C).

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Building Drain shall mean 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 shall mean the extension from the building drain to the sanitary sewer or other discharge location.

Bypass shall mean the intentional diversion of wastestreams from any portion of a User's treatment facility.

Categorical Industrial User (CIU) shall mean an Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.

Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into the fats, oils, and grease control device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease retained in the control device.

Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste as prescribed in 40 CFR, Part 136 or equivalent methods approved by EPA.

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

Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Commercial (or Institutional) User shall mean all Users that otherwise do not discharge process wastewater, are not subject to categorical Pretreatment Standards, and are not residences. Commercial (or institutional) Users (whether Significant Users or not) may be subject to local limits as determined by the Director.

Collection System shall mean Conveyance System. See Conveyance System for definition.

Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, and appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the publicly owned treatment works (POTW).

Cooling Water shall mean the water used for air conditioning, refrigeration, or other cooling applications.

County shall mean the County of Oconee.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a 24-hour period.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed

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in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Direct Discharge shall mean the discharge of wastewater directly to the waters of the State.

Director shall mean the Executive Director. See Executive Director for definition.

Discharge or Indirect Discharge shall mean the introduction of pollutants into the POTW from any nondomestic source.

Disposal shall mean the discharge of FOG trap or interceptor waste at a properly permitted and SCDHEC approved location.

Disposer shall mean a person who operates a facility at which fats, oils, and grease waste is intentionally placed for final disposition.

Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, commercial establishments, institutions and the like, but excluding industrial process wastes.

Duration of the Violation shall mean the length that the violation existed.

Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement under this Ordinance as set forth in Attachment C of this Regulation.

Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of the EPA.

Environmental Harm shall mean a pollutant effluent which:

- (1) Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;
- (2) Causes a violation of the POTW's NPDES permit (including water quality standards); or
- (3) Causes a pass through.

Equivalent Residential Unit (ERU) shall mean the calculated wastewater discharge or contribution to the system of one (1) single family residence utilizing one (1) garbage disposal and shall equal three hundred (300) gallons of wastewater per day.

Excursion shall mean an unintentional and temporary incident in which wastewater discharge parameter exceeds the range set forth in the OJRSA SEWER USE REGULATION or Industrial User permit.

Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the person serving as the chief executive officer of the agency.

Existing Source shall mean any source of discharge that is not a "New Source."

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Fiscal Year shall mean the twelve (12) month accounting period of the OJRSA, which begins at midnight on July 1 and ends at the end of the calendar day of June 30 each year.

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

FOG Control Devices shall mean FOG Interceptors, FOG Traps, or other OJRSA approved means of eliminating fats, oils, and grease from the wastewater conveyance and treatment system.

FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance and treatment facilities.

FOG Interceptor shall mean a device so constructed, typically in the ground, as to separate and hold fats, oils and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG interceptors are commonly referred to as "grease interceptors" or "grease traps;" however, the OJRSA does not consider the them to be the same as under-the-sink FOG traps shall not be construed as meeting this definition.

FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the wastestream. These devices shall be connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a "grease interceptor" but should not be confused with a FOG Interceptor as defined by the OJRSA.

FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from commercial operations through the use of a FOG Interceptor or FOG Trap.

FOG Waste Handling shall mean the collection, transportation, storage, transfer, processing, disposal, or other handling of fats, oils, and grease waste. This term shall not apply to the Generator of FOG waste or to the storage of FOG waste in a FOG Interceptor or FOG Trap.

Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different owners may share seating space or plumbing facilities.

Food Service Establishment shall mean restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens, assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities, and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establishment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-related wastes.

Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events must be unforeseeable and unavoidable, and not the result of the User's actions, hence they are considered "an act of God," such as an earthquake, flood, or riot.

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Garbage shall mean 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.

Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”

Generator shall mean any User, including Food Service Establishments, which produces fats, oils, and grease waste.

Grab Sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from vessels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, and vacuum pump tank trucks.

Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of transporting solid and/or liquid waste products for treatment or disposal.

Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concentration, or characteristics, may:

- (1) Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;
- (2) Pose a substantial hazard to human health or the environment if improperly handled; or
- (3) Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal law.

Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in accordance with SCDHEC and EPA regulations.

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

Impact Fee shall mean the initial charge for the allocation of wastewater treatment capacity based upon the greater of the User’s permitted or projected volume of wastewater discharge or contribution to the system.

Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of Act.

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

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

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

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

Local Limits shall mean specific discharge limits developed and enforced by the OJRSA upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in R61-9 403.5.

May is permissive. Shall is mandatory and requires compliance.

Medical Waste shall mean isolation wastes, infections 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.

Member Cities shall mean the cities of Seneca, Walhalla, and Westminster.

Monthly Average shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Mobile Food Unit shall mean a self-propelled or vehicle- or trailer-mounted unit intended to be used as a Food Service Establishment. Mobile food units must have an approved location to discharge used fats, oils, and grease waste.

Monthly Average Limit shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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National Categorical Pretreatment Standard shall mean 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 Categorical Pretreatment Standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

National Pollutant Discharge Elimination System Permit shall mean a permit, including a Land Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act or Section 48-1-100 of the Pollution Control Act (R61-9 122 or 505).

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

New Source shall mean:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous onsite construction program
    - i. any placement, assembly, or installation of facilities or equipment; or
    - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product

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Non-process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.

Nonresidential User shall mean any use other than a single-family residential User, which may include, but is not limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educational facilities, assisted living facilities, office facilities, and other commercial establishments. It shall also include apartments, condominiums, and other multi-unit housing complexes with a common sewer service lateral or system serving multiple units prior to connecting with a Public Sewer.

Normal Acceptance Hours shall mean between the hours of 8:30-11:45 a.m. and 1:00-4:30 p.m. local time, Monday through Friday, excluding OJRSA holidays.

North American Industry Classification System (NAICS) shall reference the standard used by agencies for the United States business economy. It was developed under the auspices of the Office of Management and Budget (OMB) and adopted in 1997 to replace the Standard Industrial Classification (SIC) System.

OJRSA shall mean the Oconee Joint Regional Sewer Authority.

Operation and Maintenance Costs shall mean 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.

Owner shall mean an individual or entity in possession of title for land, building or other item. The owner can be a claimer, controller, holder, homeowner, householder, land owner, landlord, lessor, occupier, person holding ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.

Pass Through shall mean 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 OJRSA's NPDES permit (including an increase in the magnitude or duration of a violation).

Permitted Daily Discharge shall mean the volume of wastewater based upon the "unit contributory loadings" which is estimated will be discharged into the system on a daily basis by a User whose discharge is not formally permitted by the OJRSA.

Person shall mean 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. This definition includes all Federal, State, and local governmental entities.

pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.



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Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.

Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge; munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or discharged equipment; rock; sand; cellar dirt; municipal, industrial, commercial, or agricultural waste; or other pollutants; including the characteristics of wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, OD, toxicity, odor) as may be defined by EPA or SCDHEC Regulations; discharged into water.

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

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or by other means; except as prohibited by section R61-9.403.6(e). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with section R61-9 403.6(f).

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.

Pretreatment Standard or Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Private Sewer shall mean a sewer which is not owned by a public body (defined as a "Public Sewer.")

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4 of these Regulations.

Projected Daily Discharge shall mean the volume of wastewater based upon the "unit contributory loadings" which is estimated will be discharged into the system on a daily basis by a User whose discharge is not formally permitted by the OJRSA.

Pro Rata Share shall mean the annual calculation the previous calendar year's total flow and the percentage that each Member City contributed to the total annual flow.

Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by the OJRSA or a collection of lateral lines or adjunct facilities owned and

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controlled by satellite sewer systems that are connected to the OJRSA in any way, including by passing through another satellite sewer system.

Publicly Owned Treatment Works (POTW) shall mean treatment works as defined by Section 212 of the Act, which is owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances which convey wastewater to a treatment plant. This definition does not include pipes, storm sewers or other conveyances not connected to a facility providing treatment.

Qualified Laboratory shall mean laboratories currently certified by the State to perform wastewater analyses. Sanitary Sewer shall mean a sewer which carries wastewater. Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

Recurring Violation shall be defined as ten (10) or more violations for one parameter in a rolling twelve (12) month period.

Regulation shall mean the OJRSA SEWER USE REGULATION and any attachments or supplements thereof.

Satellite Sewer System shall mean a sewer system that is owned or operated by one person that discharges to a system that is owned or operated by a different person, the operation and maintenance of which are covered in SCDHEC R61-9.610. Satellite sewer systems depend on a separate person for final wastewater treatment and discharge and include systems approved under SCDHEC R61-9.505.8. It does not mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

Service Area shall mean all areas served or capable to be served by the OJRSA, which is Oconee County.

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

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

Shall is mandatory and requires compliance. May is permissive.

Significant Industrial User (SIU) shall mean:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
  - a. Discharges an average of twenty-five thousand (25,000) GPD or more of process wastewater to the POTW (excluding non-process wastewater);
  - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

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- c. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with R61-9 403.8(f)(6)).
- (3) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in R61-9 403.8(t)(6), determine that such User should not be considered a Significant Industrial User.

Significant User shall mean: a commercial (or institutional) User who is not subject to categorical Pretreatment Standards but who may be subject to local limits if User:

- (1) Discharges twenty-five thousand (25,000) GPD or more of wastewater to the POTW; or
- (2) Contributes a wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (3) Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any discharge permit of the POTW, or otherwise is found to have pollutants in such quantity that exceeds pollutant levels above what is encountered in domestic wastewater.

Significant Noncompliance (SNC) shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six- (6-) month period equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by R61-9 403.3 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other Discharges, interference or pass-through including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

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Single Family Residence shall mean a house, mobile home, individual apartment unit, individual townhouse unit, and individual condominium unit.

Slug Load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4.1 Prohibited Discharges of these Regulations; or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way will violate the POTW's Regulations, Local Limits, or Permit conditions.

Standard Industrial Classification (SIC) shall mean a classification pursuant to the 1997 edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget. The NAICS system was set in place in 1997 to take the place of the SIC System. The SIC codes are still referenced in some pretreatment regulations and are still currently in use.

Standard Methods shall mean 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 Environment Federation or any other procedures recognized by the SCDHEC and EPA.

State shall mean the state of South Carolina.

Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to which wastewater is not intentionally admitted.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended Solids shall mean 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 non-filterable residue.

Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater as prescribed by the latest edition of standard methods.

Total Kjeldahl Nitrogen (TKN) shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.

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

Toxic Pollutant or Substances shall mean any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater

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treatment process or 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 USC §1317) of the Act, or other acts.

Unit Contributory Loadings shall mean such loadings on the system as shall from time to time be calculated and published by SCDHEC as Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities (SCDHEC Regulation 61-67 Appendix A).

Unpolluted Water shall mean 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.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

User Charge System shall mean the system of charges levied on Users for the operation and maintenance costs of the wastewater disposal system by OJRSA.

Wastewater shall mean 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 shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
- (2) Industrial Wastewater shall mean 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 shall mean the land, structures, equipment and processes owned and controlled by the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of the effluent and accumulated residual solids.

Waters of the State shall mean 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.

Waters of the United States shall be defined by 40 CFR 230.3(s).

### **1.3 Acronyms and Abbreviations**

AO	Administrative Order
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ASCE	American Society of Civil Engineers
ANSI	American National Standard Institute
ASTM	American Society of Testing and Materials – International
BMP	Best Management Practice
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CWA	Clean Water Act
Dir	Executive Director of the OJRSA
EPA	Environmental Protection Agency
ERG	Enforcement Response Guide
ERU	Equivalent Residential Unit
FOG	Fats, Oils, and Grease
FSE	Food Service Establishment
GPD	Gallons Per Day
IU	Industrial User
kg	Kilogram
lb	Pounds
mg/L	Milligrams Per Liter
NAICS	North American Industry Classification System
NOSNC	Notice of Significant Noncompliance
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
O&M	Operation and Maintenance
OJRSA	Oconee Joint Regional Sewer Authority
PC	Pretreatment Coordinator or Inspector for the OJRSA
PL	Public Law
POTW	Publicly Owned Treatment Works
PU	Private Utility
R61-9	SCDHEC Regulation 61-9; Water Pollution Control Permits
RCRA	Resource Conservation and Recovery Act
SC	South Carolina
SCDHEC	South Carolina Department of Health and Environmental Control
SDWA	Safe Drinking Water Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNR	Significant Noncompliance
SU	Standard Units for pH Measurements
SUR	OJRSA SEWER USE REGULATION
SWDA	Solid Waste Disposal Act
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
USC	United States Code
WEF	Water Environment Federation

## Section 2 – Use of Public Sewers

### 2.1 Collector Sewer System

- (1) OJRSA shall not accept a connection from any Collector Sewer System owned by more than one User. This requirement shall not apply to Collector Sewer Systems which are owned by multiple public entities.
- (2) For service requests outside of the service area of a Member City, Subdistrict, or a municipal or county sewer subdistrict, any Private Utility (“PU”) desiring to connect a Collector Sewer System to an OJRSA trunk line shall make application to OJRSA and must enter into an agreement (“Agreement”) with OJRSA whereby the PU covenants to restrict future conveyances of the Collector Sewer System as follows:
  - a. The PU and its successors agree that any and all future conveyances of the Collector Sewer System are restricted and limited to conveyances to a single entity of the entire system of gravity lines, force mains and pump stations constituting a Collector Sewer System. Maps indicating size, inverts, and locations of all infrastructure shall be provided to OJRSA in an acceptable electronic format;
  - b. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the Collector Sewer System in its entirety is owned by a public entity.
  - c. Further, the application to OJRSA will include an opinion from the PU’s legal counsel that such PU is authorized to own and operate the Collector Sewer System and to enter into the contracts by which it gained ownership and control of the system.
- (3) Collector Sewer Systems that are to remain privately owned must be permitted by SCDHEC as a Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance with the SCDHEC Satellite Sewer System Permit and these Regulations.
- (4) Service requests inside the service area of a Member City, Subdistrict, municipality or county sewer subdistrict.
  - a. All requests for service inside the service area of a Member City, Subdistrict, municipality or county shall be under the direction and approval of a Member City, Subdistrict, municipality or county. This provision allows the Member City, Subdistrict, municipality or county to use a PU under contract. OJRSA shall consider such Collector Sewer System a part of the Member City, Subdistrict, municipality or county’s collector system.
  - b. The application for service to OJRSA shall be under the direction and approval of the Member City, Subdistrict, municipality or county with a pledge to OJRSA that shall the PU become insolvent, inoperable, or subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured for more than 30 days, then the Member City, Subdistrict, municipality or county will assume ownership, operational and financial responsibility for the PU.
  - c. For any Collector Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which such entity obtained control of the system. A term of that contract shall require ownership of the system shall be transferred to a public utility if the PU becomes insolvent, or the Collector Sewer System becomes inoperable or subject for 30 days to an uncured regulatory warning for an unsafe or unsanitary operating condition. The contract will include express provision giving OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary thereto.

### 2.2 Permits Required

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Prior to connection to the Wastewater Disposal System, the applicant shall obtain approval from OJRSA. Application shall be made in writing on forms provided by the OJRSA. 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 Director at least 180 days prior to expiration of the current permit. The industrial discharge application shall be as provided by the Director. This application shall be obtained from the OJRSA. Facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for engineering standards or regulations met, and be inspected and approved by County Codes Department, and SCDHEC. New Industrial Users shall also complete an industrial discharge application provided by the Director.

### **2.3 Responsibility of Costs**

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

### **2.4 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 OJRSA 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 OJRSA any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and with regulations of the SCDHEC. 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 all houses, buildings, or properties 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, is hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of these Regulations, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. Under unusual or specific circumstances, the Director may waive this provision.

### **2.5 Sewer Construction and Materials**

All sewers, including building sewers, to be connected with or to discharge to the wastewater disposal system shall be constructed in accordance with Attachment F of these Regulations.

### **2.6 Certain Connections Prohibited**

#### **(1) Connections Not Allowed to Sewer**

- a. No person shall make any connection of roof downspouts, exterior foundation drains, area drains, dumpster pad 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. Floor drains are not permitted in areas where machining, automotive repair, painting and other such activities take place that are directly or indirectly (such as to a Satellite Sewer System) connected to the OJRSA sanitary sewer system.



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- c. No commercial, institutional, or industrial User shall install a garbage grinder or allow any discharge from such grinder unless written permission has been granted by the Director.
- (2) Connection Not Allowed to Storm Sewers. No sanitary wastewater shall be discharged into a storm sewer.

### **2.7 Multiple Connections Through One-Building Sewer**

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

### **2.8 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 to meet all requirements of these Regulations.

### **2.9 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 OJRSA, including those Stated in Attachment F. In the absence of other provisions, the materials and procedures set forth in *ASCE Manual of Practice No. 60*. and *WEF Manual of Practice No. FD-5* shall govern. All joints of the building sewer shall be tight and waterproof. The building sewer shall pass a low-pressure air test as specified in ASTM Standard C828. The Director reserves the right to determine which testing procedure shall be used for a given installation.

### **2.10 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 OJRSA 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 OJRSA, including those Stated in Attachment F of these Regulations. 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 Director before installation.

### **2.11 Supervision of Building Sewer Construction**

The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection and connection to the public sewer no less than fourth-eight (48) hours prior to making the connection. The connection shall be made under the supervision of the OJRSA. 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 OJRSA. Construction shall comply with the provisions of PL 91-596, the Occupational Safety and Health Act of 1970.

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### **2.12 Special Pretreatment Devices**

FOG Interceptors, FOG Traps, oil separators and grit interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such devices shall not be required for private living quarters or dwelling units. All devices shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection with adequate and approved security mechanisms installed to prevent unauthorized access or use. Where installed, all FOG Interceptors, FOG Traps, oil separators and grit interceptors shall be maintained and secured by the Owner at their expense in continuously efficient operation at all times. In maintenance of these devices, 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 State, Member City, Subdistrict, County, or the Director. Any removal and hauling of collected materials shall be performed according to applicable State, Federal, and Local regulations. Additional requirements and regulatory guidance for the installation, operation and maintenance of FOG Interceptors and FOG Traps is contained in Attachment E of these Regulations.

### **2.13 General Guidance**

OJRSA 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"), as modified by the OJRSA, and these Standards and the modifications are recommended for use by any entity developing facilities for connection to the wastewater disposal system.

### **2.14 Connection Constitutes Consent**

Connection to the OJRSA's system shall constitute consent and agreement by the User to be bound by and to abide with all OJRSA Regulations and requirements.

### **2.15 Specifications for Connections to Sewer**

Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in Attachment F of these Regulations.

## **Section 3 – Private Wastewater Disposal**

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

Where a public sanitary sewer is not available according to the provisions of these Regulations, building sewers shall be connected to private wastewater disposal systems subject to the requirements of the County or SCDHEC. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new treatment works, trunk lines, or lift stations, all such facilities shall be designed and constructed in accordance with the OJRSA's requirements and shall be subject to their review and approval and be in compliance with any applicable SCDHEC requirements. The OJRSA, subject to OJRSA 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.

### **3.2 Hauled Waste Transporters**

The contents of a Hauled Waste transporters operated by a SCDHEC-licensed hauler of holding tank waste shall be discharged to the POTW only at a location approved by the Director. The discharge of such wastes shall be subject to the procedures and limitations established by the Director, as stated in Attachment A of this Regulation, and to fees as are established or may be established from time to time by the OJRSA. The initial fees are shown on Attachment B of these Regulations. Future fees shall be published by the OJRSA and incorporated into Attachment B as necessary. Such wastewater must have prior written approval of the Director before being discharged. The discharge of these wastes shall be subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy of this letter shall be attached to the Hauled Waste Disposal Consent Form. No toxic materials or petroleum-based grease and oils shall be accepted. The licensed hauler shall provide the information requested as shown in Attachment A of these Regulations. Only wastes originating within the OJRSA's boundaries or Oconee County may be accepted.

### **3.3 Requirements of Other Authorities**

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

## Section 4 – Prohibitions and Limitations on Wastewater Discharges

### 4.1 Prohibited Discharges

- (1) General Prohibitions. 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 ordinances. When the Director determines that a User is discharging such wastewater, the Director shall advise the User of the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW.
- (2) Specific Prohibitions. A User shall not discharge the following substances to the POTW:
  - a. Uncontaminated cooling water may be discharged to the storm sewer under the jurisdiction of OJRSA in accordance with applicable SCDHEC requirements.
  - b. 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 one hundred forty degrees Fahrenheit (140°F) 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 OJRSA, State, or EPA has notified the User is a fire hazard or a hazard to the system.
  - c. 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.
  - d. Wastewater having a pH less than 6.0 SU, unless other limits are approved by the Director, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW. No wastewater with a pH greater than 12.0 SU will be accepted by OJRSA. A pH greater than 10.0 SU is only accepted with special permission from the Director in an industrial wastewater discharge permit.
  - e. 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.
  - f. 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.
  - g. Wastewater, liquid, or vapors having a temperature higher than one-hundred fifty degrees Fahrenheit (150°F), or results in a temperature higher than one-hundred four degrees Fahrenheit (104°F) at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW and result in interference.
  - h. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.

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- i. Wastewater which constitutes a slug discharge as defined herein.
  - j. 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.
  - k. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
  - l. 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.
  - m. Any trucked or hauled pollutants not authorized under Section 3.2 of these Regulations.
  - n. 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 OJRSA's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent (10%) from the seasonably established norm for aquatic life.
  - o. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
  - p. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
  - q. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
  - r. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
- (3) The OJRSA may establish limitations and requirements which are more stringent than those required by State or Federal regulations.
- (4) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

### **4.2 Conditionally Prohibited Discharges**

Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, limbs, public property, or constitute a nuisance. The Director may revise the limitations established in this section if, in their 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 Director.

- (1) Grease, Waxes, and Oils:
- a. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
    - i. Wastewater shall not exceed more than 100 mg/L.
    - ii. Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants.
  - b. Oil or grease of animal or vegetable origin
    - i. Wastewater shall not exceed more than 200 mg/L.

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- ii. Analyses for total oil and grease and for total petroleum oil and grease shall be performed in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants. 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 thirty-two and one-hundred fifty degrees Fahrenheit (32°F-150°F).
  - d. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. Attachments A and E of this Regulation address provisions as they are applicable to Hauled Waste.
- (2) Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
  - (3) Holding tank waste.
  - (4) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.
  - (5) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

### **4.3 National Categorical Pretreatment Standards or Local Limitations**

- (1) Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (2) Specific pollutant limitation and compliance schedules shall be developed by the Director and made a part of the User's discharge permit. Compliance with National Categorical Pretreatment Standards or Local Limits for new sources shall be required within ninety (90) days of initiation of a discharge. These specific limits and definitions of duration and maximums shall be on file at the OJRSA's office and available upon request. Future changes or additions to these limitations shall be developed, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically incorporated into the Pretreatment Program.
  - a. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 4.3d.
  - b. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
  - c. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director may impose an alternate limit in accordance with R61-9 403.6(e).
  - d. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 4.3d(i)(a) through 4.3d(i)(e) below.

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- i. To be eligible for equivalent mass limits, the Industrial User must:
  - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- ii. An Industrial User subject to equivalent mass limits must:
  - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 4.3d(1)(c) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 4.3d(1)(a) of this Section so long as it discharges under an equivalent mass limit.
- iii. When developing equivalent mass limits, the Director:
  - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the

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equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 4.6. The Industrial User must also be in compliance with these Regulations regarding the prohibition of bypass.

- e. The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
- f. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 4.3 in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
- g. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or four (4) day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- h. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

### **4.4 Limitations on Wastewater Strength and Flow Rate**

- (1) No person shall discharge wastewater in excess of the concentration or mass limit set forth in National Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as listed on an individual wastewater discharge permit. The Director shall establish permit limitations on industrial and commercial Users on a case-by-case basis in accordance with SCDHEC and EPA regulations. Where appropriate and allowed by applicable regulations, the Director may impose both concentration and/or mass limitations on a discharge.
- (2) The Director may establish Local Limits to protect against Pass Through and Interference. If established, no person shall discharge wastewater containing in excess of these pollutant limits.
- (3) The Director may develop Best Management Practices (BMPs), by Policy or include such in individual wastewater discharge permits to implement Local Limits and the requirements of Section 4.1 of these Regulations.

### **4.5 Revision of Limitations**

The Director may impose limitations more stringent than the National Categorical Pretreatment Standards in wastewater discharge permits where it is necessary to comply with the objectives of these Regulations.

### **4.6 Dilution Prohibition**



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Except where authorized by applicable pretreatment standards, no User shall deliberately dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations developed by the OJRSA, State, or Federal Regulations.

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

- (1) OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/slug control plan or other actions to control slug discharges. Users shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner. When required, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the OJRSA Pretreatment Coordinator for review and shall be approved by the OJRSA and SCDHEC before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of these Regulations.
- (2) The accidental discharge/slug control plan when required shall be submitted to the Director and to SCDHEC containing at a minimum the following:
  - a. Description of discharge practices, including nonroutine batch discharges.
  - b. Description of stored chemicals.
  - c. 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.
  - d. 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.

### **4.8 Upset Provision as an Affirmative Defense**

- (1) 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 Paragraph 2 are met.
- (2) Conditions Necessary for Demonstrating Upset - A User who wishes to establish the affirmative defense of Upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence, that:
  - a. An Upset occurred and the User can identify the cause(s) of the Upset;
  - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - c. The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the Upset [if this information is provided orally, a written submission must be provided within five (5) days:
    - i. A description of the indirect discharge and cause of noncompliance;
    - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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- (3) User Burden of Proof. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
- (4) Judicial Determination.
- (5) Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- (6) User Responsibility in Case of Upset. The Industrial User shall control production of all Discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **4.9 Notice of Process Change/Interruption of Operation**

Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations of the industry as identified by the industry in its permit application will be interrupted for forty-eight (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.

### **4.10 Pretreatment**

- (1) Pretreatment Facilities.
- (2) Users shall provide wastewater pretreatment as required to comply with these Regulations or discharge permit and shall achieve compliance with these Regulations and all pretreatment standards within the specified time limitations. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. A permit to construct pretreatment facilities shall be obtained from SCDHEC. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director 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 Director under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director prior to the initiation of the changes.
- (3) Additional Pretreatment Measures
  - a. Whenever deemed necessary, the Director 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 sewer 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 these Regulations.
  - b. A SIU may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to insure equalization of flow over a period determined by the Director. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater discharge permit may be issued solely for flow equalization.
  - c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts

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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 Director 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 their expense.

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

### **4.11 Bypass as an Affirmative Defense**

- (1) Any User which bypasses treatment facilities as defined in SCDHEC R61-9 403.17 shall comply with the requirements of that section and applicable 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.
- (2) If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the Director, if possible at least ten (10) days before the date of the Bypass. An industrial User shall submit oral notice of an unanticipated Bypass that exceeds applicable pretreatment standards to the Director within twenty-four (24) hours from the time the industrial User becomes aware of the Bypass.
- (3) A written submission shall be provided within five (5) 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 Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (4) The Director 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:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated 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 judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - c. The industrial User submitted notices as required in this section.
- (5) The Director may approve an anticipated Bypass after considering its adverse effects if the Director determines at it will meet the conditions listed in this section.

### **4.12 Recovery of Preventative Expenses**

When any discharge in the opinion of the Director appears to be in violation of Section 4 of this Regulation to the extent that the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA may act to take preventative action. All costs and expenses, losses and damages, including the reasonable value or cost of the use of OJRSA

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personnel and equipment caused or incurred by the implementation of preventative measures shall be charged to and paid by the discharger.

## Section 5 – Revenue System

### 5.1 Fees and Charges

- (1) Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of these Regulations. These charges shall be developed, set, and adopted by the OJRSA no less frequently than biennially in accordance with the User Charge System policies of the OJRSA and applicable Federal and State statutes. Charges may be developed for the following purposes:
  - a. Industrial monitoring, inspections, and surveillance procedures;
  - b. Reviewing accidental discharge procedures and construction;
  - c. Reviewing permit applications;
  - d. Reviewing appeals;
  - e. Special industrial discharges;
  - f. Recovering capital related expenditures or retiring bonded indebtedness;
  - g. Other charges, including User charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system; and
  - h. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs expended for the system and/or its expansion.
- (2) Current fees and charges of OJRSA are shown upon Attachment B of this Regulation. Future charges and fees as are set and developed by OJRSA will be published by the OJRSA and when adopted by OJRSA be automatically incorporated into Attachment B.

## Section 6 – Discharge Permits and Reporting

### 6.1 Wastewater Discharge Permits

- (1) Application Requirements. Any person desiring to discharge industrial wastewater shall complete an official application and file it with the OJRSA together with permit approval from any city having jurisdiction. Approval shall be evidenced by written notice from the Director. The person shall provide all data required by the current official application, copies of which shall be obtained from the Director. The Director shall evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the Director may grant permission to discharge subject to the terms and conditions provided herein. The Director may issue a permit with specific limitations different from those listed in these Regulations if he determines that the discharge will otherwise comply with the remaining provisions in these Regulations. All SIUs shall obtain a permit to discharge to the POTW. Authorized representative(s) of SIU shall sign the permit application. SIUs 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.
- (2) Applicable persons and Users shall complete and submit an application, accompanied by any application fee required as stated in Attachment B of this Regulation, including the following information:
  - a. Name, address, and location (if different from the address) of the facility, name of the operator and owner;
  - b. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental control permits held by or for the facility;
  - c. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in these Regulations;
  - d. Time and duration of discharge;
  - e. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
  - f. Description of activities, facilities, and plant processes on the premises unless subject to the confidentiality provisions of Section 6.12;
  - g. 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;
  - h. 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;
  - i. Where required to develop pretreatment standards, a brief description of each product produced by type, amount, process or processes, and a rate of production;
  - j. Where required to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
  - k. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;

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- l. Any other information as may be deemed by the Director to be necessary to evaluate the permit application;
- m. 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.*

- (3) The Director or their representative shall review the application, may conduct an on-site inspection of the plant and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the permit. If the tentative determination is to issue the permit, the Director shall draft the permit in accordance with the Regulation and State regulations. The draft industrial wastewater discharge permit will be submitted to SCDHEC for review and approval. The User shall have thirty (30) days from the receipt of the draft permit to review and comment on the draft permit. The Director shall issue the final permit at the end of the comment period.
- (4) Permit Modifications. Within nine (9) 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 one-hundred eighty (180) days after the promulgation of the National Categorical Pretreatment Standard. In addition, the User with an existing permit shall submit to the OJRSA, within one-hundred eighty (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.
- (5) 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 thirty (30) days' notice:
  - a. Modifications of the monitoring program contained in the permit;
  - b. Changes in the ownership of the discharge when no other change in the permit is indicated;
  - c. A single modification of any compliance schedule not in excess of four (4) months, or
  - d. Modification of compliance schedules in permits for new sources where the new source will not discharge until process or pretreatment facilities are operational;
  - e. Modifications incorporating new or revised Federal, State, or local pretreatment standards or regulations, or other modifications determined necessary by the Director under the Regulations.
- (6) Permit Conditions. The Director shall have the authority to grant a permit with such conditions attached as he/she believes necessary to achieve the purpose of these

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Regulations, State Regulations, and Federal regulations. Such conditions shall include but are not limited to the following:

- a. A Statement of Duration (in no case more than five year) indicating the permit issuance date, expiration date, and effective date;
  - b. A Statement of non-transferability;
  - c. Applicable effluent limits, including Best Management Practices, based on National Categorical Pretreatment Standards or Local Limitations;
  - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
  - e. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to be present, in accordance with Section 6.4;
  - f. Requirements to control slug discharges (if determined by the Director to be necessary) and Notification requirements for slug discharges as defined by R61-9 Part 403.5(b);
  - g. A Statement of applicable civil and criminal penalties for violation of pretreatment standards, requirements and permit conditions;
  - h. Any grant of the monitoring waiver by the Director in accordance with Section 6.4 of this Regulation;
  - i. A compliance schedule that outlines dates and actions for obtaining compliance with final limitations or other pretreatment requirements.
- (7) Permit Duration. Permits may be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year or may be Stated to expire on a specific date. The User shall apply for permit reissuance a minimum of one-hundred eighty (180) days prior to the expiration of the permit.
- (8) 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. In such event a new application shall be submitted with full information. This application will be expedited if the new owner or operator certifies:
- a. That there is no immediate intent to change the facility's operation and process;
  - b. The date the new owner or operator shall take over; and
  - c. Acknowledgement is made that the new owner or operator has full responsibility for complying with the existing wastewater discharge permit.

### **6.2 Baseline Reporting Requirements for Permittee**

- (1) 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 R61-9 403.6, whichever is later, existing SIUs subject to such National Categorical Pretreatment Standards shall be required to submit to the Director a report which contains the information required in R61-9 403.12 and applicable Federal regulations. At least ninety days prior to commencement of discharge, new sources and sources that become SIUs, subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall be required to submit to the Director a report which contains the information required in SCDHEC R61-9.
- (2) The Director shall require appropriate reporting from those SIUs not subject to National Categorical Pretreatment Standards. Reports required by R61-9 403.12 and these Regulations shall be signed by an authorized representative of the SIU.



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- a. Users described above shall submit the information set forth below:
  - i. All information required in Section 6.1 of this Regulation.
  - ii. Measurement of pollutants.
    - 1. The User shall provide the information required in Section 6.1(2).
    - 2. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    - 3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in R61-9 403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with R61-9 403.6(f) this adjusted limit along with supporting data shall be submitted to the OJRSA.
    - 4. Sampling and analysis shall be performed in accordance with Section 7.3.
    - 5. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
    - 6. The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
  - iii. Compliance Certification. A Statement, reviewed by the User's Authorized Representative as defined in Section 1.2 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  - iv. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.5 of these Regulations.
  - v. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.11 of these Regulations and signed by an Authorized Representative as defined in Section 1.2.

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

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in

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Section 6.1 of this Regulation. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 4.3, this Regulation shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.1 of this Regulation. All sampling will be done in conformance with Section 7.3.

### **6.4 Periodic Compliance Reports**

- (1) All Users shall notify the Pretreatment Coordinator immediately of discharges that could cause problems, including any slug discharges.
- (2) Sampling and analysis must be performed by the User and submitted on the User self-monitoring report form.
- (3) If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) designated in the discharge permit more frequently than required by the Pretreatment Coordinator or the Director, the results of this monitoring shall be included in the report in accordance with 40 CFR Part 136.
- (4) 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 Pretreatment Coordinator at the frequency required in the Industrial User permit, unless required more frequently in the National Categorical Pretreatment Standard or by the Director, 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 Pretreatment Coordinator, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted. The Director 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 is 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 Director, of pollutants contained herein which are limited by the permit or applicable National Categorical Pretreatment Standard.
- (5) The Director shall require appropriate reporting from those Users with discharges that are not subject to National Categorical Pretreatment Standards. SIUs shall submit to the Director at least once each quarter (on dates specified by the Director) a description of the nature, concentration, and flow of the pollutants in the discharge which are limited by Pretreatment Standards. In cases where the Pretreatment Standard requires compliance with a Best Management Practices (BMP) or pollution prevention alternative, the User must submit documentation required by OJRSA for the Pretreatment Standard necessary to determine the compliance status of the User.
- (6) The OJRSA may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the

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pollutant is neither present nor expected to be present in the Discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User [see R61-9 403.12(e)(2)]. This authorization is subject to the following conditions:

- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
- b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
- c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- d. The request for a monitoring waiver must be signed in accordance with Section 1.2 and include the Certification Statement in Section 6.1 (R61-9403.6(b)(2)(ii)).
- e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- f. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
- g. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the Statement in Section 6.1(2)(m), that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements in Section 6, or other more frequent monitoring requirements imposed by the Director and notify the Director.
- i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- j. All periodic compliance reports must be signed and certified in accordance with Section 6.1 of this Regulation.
- k. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- l. All monitoring waivers must be approved by SCDHEC.

### **6.5 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 6.1 of this Regulation:

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

### **6.6 Reports of Changed Conditions**

- (1) Each User must notify Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least five (5) days before the change.
- (2) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.1 of this Regulation.
- (3) The Director may issue an individual wastewater discharge permit under Section 6.1 of this Regulation or modify an existing wastewater discharge permit under Section 6.1 of this Regulation in response to changed conditions or anticipated changed conditions.

### **6.7 Reports of Potential Problems**

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge, or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify OJRSA of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (2) Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 6.7(1). Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (4) SIUs are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

**6.8 Notice of Violation/Repeat Sampling and Reporting**

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

**6.9 Notification of Discharge of Hazardous Waste**

- (1) SIUs shall promptly notify the Director in advance of any substantial change in the volume or character of pollutants in their discharge in excess of the amounts allowed in the discharge described in the application or the permit, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under R61-9 403.12.
- (2) SIUs shall notify the Director, 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:
  - a. Name of the hazardous waste as set forth in 40 CFR part 261;
  - b. The EPA hazardous waste number; and
  - c. The type of discharge (continuous, batch, or other).
- (3) If the SIU discharges more than one hundred kilograms (100 kg) 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 SIU:
  - a. An identification of the hazardous constituents contained in the wastes;
  - b. An estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month; and
  - c. An estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve (12) months.
- (4) SIUs shall provide the notification no later than one-hundred eighty (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 R61-9 403.12(g). The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of R61-9 403.12(b), (d), and (e). Users are exempt from the requirements during a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the SIU discharges more than such quantities of any hazardous waste do not require additional notification.
- (5) 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 Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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- (6) In the case of any notification, the SIU 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.

### **6.10 User Records**

- (1) Users subject to the reporting requirements of these Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.4 C. Records shall include:
  - a. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
  - b. The dates analyses were performed;
  - c. Who performed the analyses;
  - d. The analytical techniques or methods used; and
  - e. The results of such analyses.
- (2) Records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or OJRSA, or where the User has been specifically notified of a longer retention period by the Director.

### **6.11 Certification Statements**

Certification of Pollutants Not Present.

Users that have an approved monitoring waiver based on Section 6.4 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief: there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4 of this Regulation.”

### **6.12 Confidentiality**

Information and data on a User obtained from reports, questionnaires, discharge applications, 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 Director, 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 these Regulations, the NPDES Permit, or other uses determined appropriate by the Director. 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 not be recognized as confidential information.

## **Section 7 – Sampling and Monitoring**

### **7.1 Right of Entry**

Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper credentials and identification, OJRSA personnel shall be permitted to enter upon any property of Users to determine whether the User is complying with all the requirements of these Regulations and any individual wastewater discharge permit or order issued hereunder. Users shall allow OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, or testing. Any User completing and filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their 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, OJRSA personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

### **7.2 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 twenty-four (24) hour period, or over a different time span, as determined necessary by the Director to meet the needs of specific circumstances.

- (1) OJRSA personnel shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (2) OJRSA may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (4) Unreasonable delays in allowing OJRSA personnel access to the User's premises shall be a violation of this Regulation.

### **7.3 Analysis of Industrial Wastewaters**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.

### **7.4 Sampling Frequency**

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Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done at such intervals as the Director may designate. As a minimum, the OJRSA shall conduct compliance sampling or to cause such sampling to be conducted on all SIUs once every calendar year. Sampling performed by the SIU must adhere to the conditions set forth in the industrial wastewater discharge permit.

### **7.5 Sample Collection**

- (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (2) Except as indicated in Section 7.5(2) and 7.5(3), the User must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by OJRSA. Where time-proportional composite sampling or grab sampling is authorized by OJRSA, the samples must be representative of the discharge.
- (3) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Section 6.2 and 6.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, OJRSA may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (R61-9 403.12(b)(e)(g) and (h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

### **7.6 Sampling Structure**

Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The purpose of this structure is so that a representative sample of the User's discharge to the sewer system may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA personnel and shall be constructed in compliance with OJRSA specifications for these types of structures. The sampling structure may normally be located on the User's premises, but OJRSA may allow the structure to be located in public right-of-way in certain cases when an onsite location would be impractical.

### **7.7 pH Effluent Limitations Under Continuous Monitoring**

Users shall maintain the pH of wastewater within the range set forth in Section 4.1(2)(d) except excursions from the range are permitted subject to the following limitations:

- (1) The total time during which the pH values are outside the required range of pH values shall not exceed two (2) hours in any calendar month; and
- (2) No individual excursion from the range of pH values shall exceed fifteen (15) minutes.



## Section 8 – Enforcement

### 8.1 Enforcement Management Strategy

The Director shall enforce the provisions of this Regulation in accordance with the current OJRSA Attachment C in accordance with SC Code Ann. §6-11-285, §6-25-100, and other applicable law.

### 8.2 Administrative Remedies

- (1) Notifications of Violation. Whenever the Director finds that any person has violated or is violating these Regulations, a permit, or any prohibition, limitation, or requirement contained in these Regulations or permit, the Director 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 Director may require a response to the notice of violation. When required in the notice, and within fifteen (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 Director. 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 permits are as follows: Notice of Violation (NOV) or a Notice of Significant Noncompliance (NOSNC). Reference is made to Attachment C as to these procedures.
- (2) Administrative Order. Three types of Administrative Orders are set forth for working with a User to come into compliance with the discharge permit. Each one is explained in detail below.
  - a. Consent Order. The Director 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 Regulation.
  - b. Compliance Order. When the Director finds that a User has violated, or continues to violate, any provision of this Regulation, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
  - c. Cease and Desist Order. The Cease and Desist Order is used as a remedy when other enforcement actions have failed to bring a User in compliance with their discharge permit.

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- i. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:
    1. Immediately comply with all requirements; and
    2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
  - ii. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (3) Notice to Show Cause at Adjudicatory Hearing. The Director may order any User who causes or is responsible for an authorized 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, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken.
- (4) 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 (10) days before the hearing. Service may be made on any agent or officer of the User.
- (5) Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause Hearing
  - a. Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) days following any final administrative action or decision by the OJRSA on any violation, application, permit, certificate, or other licensing matter;
  - b. A request for an Informal Conference prior to the show because 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 Director or their designee to explore ways and means to obtain compliance by consent without the necessity of a formal Adjudicatory Hearing.
- (6) Record. At any hearing held pursuant to these Regulations, 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.
- (7) Hearing Officer. The Director may appoint a hearing officer or officers to preside over the Adjudicatory Hearing. The hearing officer may be an employee of the OJRSA or be specially appointed for such purpose. He shall have no connection with the preparation or presentation of the evidence at the hearing.
- (8) Procedure. The procedure for an Adjudicatory Hearing and other enforcement procedures are set forth in Attachment C of this Regulation.
- (9) Enforcement Orders. When the hearing officer finds that a User has violated or is violating the provisions, prohibitions, or limitations of these Regulations, 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:
  - a. Comply forthwith;
  - b. Comply in accordance with a compliance time schedule set forth in the Order;
  - c. Take appropriate remedial or preventative action in the event of a continuing or threatened violation;
  - d. Prohibit or reduce the discharge;

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- e. Provide wastewater storage or flow equalization;
  - f. Make payment by the User to cover added costs of handling and treatment costs and the administrative costs of the enforcement action;
  - g. Post performance bonds;
  - h. Act to take other steps to achieve compliance;
  - i. Pay fines and penalties;
  - j. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the OJRSA for the hearing or enforcement procedure.
- (10) Informal Conference Prior to Hearing Date. OJRSA may schedule an Informal Conference with the User and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Agreement. The Consent Agreement may contain such other terms and conditions, including but not limited to, provisions for additional monitoring, full or partial cessation of discharge, interim limits, and payment of all administrative costs, expenses, attorney's fees, and civil penalties.
- (11) Administrative and Civil Penalties. A User may be fined up to two thousand dollars (\$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 OJRSA shall have such remedies for the collection of such assessments as it has for collection of other service charges.
- (12) 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 OJRSA.
- (13) Emergency Suspensions. The Director 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 in conveyance system or treatment plant operations. Any User notified of revocation of permission to discharge shall immediately stop or eliminate its discharge. A hearing shall be held within fifteen 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 Director prior to the date of the hearing. In the event of a failure of the person to comply voluntarily with the order, the Director shall take such steps as deemed necessary including immediate severance of the sewer connection. The Director may reinstate the permission to discharge upon proof of the elimination of the violations.
- (14) Termination or Revocation of Permit. Any User who violates the conditions of these Regulations, or applicable State and Federal regulations, is subject to having their permission to discharge revoked. The Director may revoke a permit for the following reasons:
- a. Failure to factually report the wastewater constituents and characteristics of their discharge;
  - b. Failure to report significant changes in operations, or wastewater constituents and characteristics;
  - c. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
  - d. Failure to meet effluent limits;
  - e. Tampering with or deliberately altering monitoring equipment;

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- f. Falsifying self-monitoring reports;
- g. Changes in the POTW's 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 OJRSA's ability to accept industrial wastewater;
- h. For causes necessitating an emergency suspension;
- i. Discharge of wastewater prohibited by these Regulations;
- j. Significant noncompliance with schedules, pretreatment standards or requirements, of any terms of the wastewater discharge permit or these Regulations;
- k. Non-payment of sewer User charge or other charges, fines, costs, and expenses.
- l. 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 OJRSA.

### **8.3 Judicial Remedies**

Notwithstanding the administration procedure provided herein, when any person discharges wastewater into the wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any order or permit issued hereunder, the Director may commence an action for appropriate legal or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

### **8.4 Injunctive Relief**

The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or regulation and the determination of the hearing examiner. Suit may be brought on behalf of the OJRSA, at the same time or separately, to recover any and all damages suffered by the OJRSA 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 OJRSA. Such damages shall include, but not limited to, claims for damages, takings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA 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.

### **8.5 Criminal Violations**

Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper Local, State, and Federal law enforcement agencies for prosecution.

### **8.6 Performance Bonds**

The Director may refuse to reissue a permit to any User which has failed to comply with the provisions of these Regulations or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the costs of any scheduled improvements and to achieve consistent compliance.

### **8.7 Discontinuance of Sewer Service for Non-Payment**

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The Director shall have the right to discontinue sewer service to the property of a User of such service in the event of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA or any person designated by the OJRSA after not less than five (5) days written notice specifying the basis of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the notice as provided under the OJRSA regulations.

### **8.8 Tenant Responsibility**

Where an Industrial User of property leases the premises to a subsidiary or affiliate or other entity in which the Industrial User has a direct or indirect interest, the tenant or Industrial User or both may be held responsible for compliance with the provisions of these Regulations.

### **8.9 Vandalism**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Section 8 of this Regulation.

### **8.10 Publication of Industrial Users in Significant Noncompliance (SNC)**

The OJRSA shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. This publication will be done during the first quarter of each year for the previous calendar year.

## **Section 9 – General Requirements**

### **9.1 Application of Regulations**

These Regulations shall apply to persons within the County of Oconee and to persons outside the County who, by contract with the OJRSA, are Users of the OJRSA wastewater facilities. The Director shall implement and enforce the provisions of these Regulations, and the governing body of the OJRSA shall adopt such regulations as it deems necessary to implement the provisions and requirements of these Regulations.

### **9.2 Use of System Constitutes Acceptance**

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

## **Section 10 - Severability**

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

## **Section 11 - Conflict**

All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.



## **Attachment A – Procedure for Acceptance of Hauled Waste**

The purpose of this document is to provide guidance, policy and procedure for the approval and acceptance of all forms of Hauled Waste discharged at OJRSA facilities. This attachment is in support of the OJRSA SEWER USE REGULATION and in no way alters or supersedes any item or article contained therein.

### **A.1 Definitions, Acronyms, and Abbreviations**

Unless the context specifically indicates otherwise, the meaning of the terms, abbreviations and acronyms used in this Attachment shall be defined in Section 1 of the current version of the OJRSA SEWER USE REGULATION.

### **A.2 Authority and General Conditions**

- (1) In accordance with Section 3.2 of the Regulation, the OJRSA is authorized to accept Hauled Waste originating within the OJRSA service area boundaries or Oconee County. Additionally, OJRSA may grant approval to accept Hauled Waste from locations outside of Oconee County or the OJRSA service area when it is determined that:
  - a. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equipment malfunction, nature or quantity of waste, or other factors there is no viable alternative for disposal of the Hauled Waste in the service area where it originates.
  - b. It is advantageous to OJRSA or the jurisdictional municipality for the Hauled Waste to be disposed of at OJRSA facilities.
  - c. The acceptance of the Hauled Waste provides a benefit to OJRSA or its treatment processes.
- (2) The terms and conditions for the acceptance of Hauled Waste from outside of the OJRSA service area shall typically be in writing and is subject to applicable inter-jurisdictional agreements.
- (3) All generators, transporters and dischargers of Hauled Waste must be in compliance with SCDHEC R61-56.1 and the OJRSA Sewer Use Regulation.

### **A.3 Specific Conditions**

- (1) Acceptance of Hauled Waste
  - a. All Hauled Waste products shall only be accepted at a designated OJRSA receiving site by OJRSA permitted and properly licensed Hauled Waste Transporters.
  - b. Hauled Waste is accepted only during Normal Acceptance Hours. All deliveries outside of these hours will be considered an emergency and will be charged an Afterhours Acceptance Fee for each load in accordance with Attachment B of the Regulation. There will not be a surcharge for afterhours deliveries that are assisting the cities of Seneca, Walhalla, Westminster, or West Union with issues they are experiencing with their sewer conveyance systems or pump stations. These will be verified by the OJRSA in order to waive the surcharge.
  - c. Transporters must give a two (2) hour notice by telephone before delivering a load outside of Normal Acceptance Hours.
  - d. Haulers must report to the Administrative Building during Normal Acceptance Hours to register each load, even if there are multiple deliveries for one address or location.

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Registration will be completed by OJRSA Operations or Maintenance staff for Afterhours deliveries. The hauler is not to dispose of their load until registration has been completed in all cases.

### **(2) Septic Tank Waste**

- a. OJRSA will accept residential septic tank waste originating from within the OJRSA's service area or Oconee County.
- b. OJRSA may accept industrial or commercial septic tank waste (sanitary only) with prior approval. Approval must be requested and granted in writing prior to discharge at OJRSA facilities.
- c. Septic tank waste originating outside of the OJRSA service area may not be discharged at OJRSA facilities without prior approval.
- d. Each load of septic tank waste must be registered on the Hauled Waste Record Form with OJRSA administrative staff prior to discharge. The complete address and contact information for the origin of each septic tank must be legibly printed on the form.
- e. Septic tank waste shall not be comingled or mixed with any other form of Hauled Waste prior to discharge at OJRSA facilities.
- f. Acceptance of septic tank waste shall be subject to fees and charges as outlined in Attachment B of this Regulation. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

### **(3) Portable Toilet Waste**

- a. OJRSA will accept portable toilet waste originating from within the OJRSA Service Area.
- b. Portable toilet waste to be accepted must consist of sanitary waste only.
- c. Portable toilet waste originating outside of the OJRSA service area may not be discharged at OJRSA facilities without prior approval.
- d. Each load of portable toilet waste must be registered with the OJRSA Records Clerk or Receptionist prior to discharge on the Hauled Waste Record Form. The complete address and contact information for the origin of the waste must be legibly printed on the form.
- e. Portable toilet waste shall not be comingled or mixed with any other form of Hauled Waste prior to discharge at OJRSA facilities.
- f. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in Attachment B of this Regulation. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

### **(4) Fats, Oils, and Grease (FOG) Waste**

- a. OJRSA will accept FOG waste from FOG Traps or FOG Interceptors originating at Food Service Establishments (FSE) within the OJRSA service area.
- b. FOG waste originating outside of the OJRSA service area may not be discharged at OJRSA facilities without prior approval.
- c. Each load of FOG waste must be registered with the OJRSA Records Clerk or Receptionist prior to discharge on the Hauled Waste Record Form. The complete address and contact information for each FSE must be legibly printed on the form.
- d. FOG waste shall not be comingled or mixed with any other form of Hauled Waste prior to discharge at OJRSA facilities.
- e. Acceptance of FOG waste shall be subject to fees and charges as outlined in Attachment B of this Regulation. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

### **(5) Beneficial Waste**

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- a. OJRSA may designate any source or form of Hauled Waste as beneficial waste. Beneficial Hauled Waste may be accepted at locations and under conditions not relevant or approved for other forms of Hauled Waste.
- b. Considerations for designation and acceptance as beneficial Hauled Waste shall be requested in writing to the attention of the OJRSA Director.
- c. Each request for beneficial Hauled Waste designation shall be reviewed by OJRSA on a case-by-case basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions and limitations may apply.
- d. Fees, charges, credits or payments, as applicable, may be negotiated with the waste generator as a condition of acceptance of each designated beneficial Hauled Waste.

### **A.4 Hauled Waste Transporter Requirements**

- (1) In accordance with Section 3.2 the Regulation, only properly SCDHEC-licensed and permitted Hauled Waste Transporters may discharge Hauled Waste at OJRSA facilities. Hauled Waste Disposal Permits shall be obtained from the OJRSA and shall be issued for a specified period not to exceed one (1) year.
- (2) Transporters are responsible for ensuring that any Hauled Waste discharged at OJRSA facilities is in compliance with all applicable regulations and that truck contents are as represented on each Hauled Waste Record Form. Each load of residential septic or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record Form including the following signed certification statement:

*I certify that the above information is correct and that I have performed appropriate investigation to ensure that the wastewater to be discharged is from no other source than a septic tank, FOG Trap or interceptor, originated in Oconee County or within the OJRSA service area, and to the best of my knowledge contains no hazardous, toxic or industrial material in any amounts. Furthermore, I understand that I am responsible for any adverse impacts resulting from the contents being discharged.*

### **A.5 Inspection and Monitoring**

In accordance with Section 7.1, OJRSA shall be permitted to inspect equipment, records, waste origination sites and other properties utilized by a Hauled Waste Transporters to ensure compliance with this Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording equipment. Additionally, OJRSA may conduct or require sampling and monitoring of Hauled Waste to validate documentation or satisfy compliance requirements.

### **A.6 Fees and Charges**

Fees and charges for septic tank and FOG waste originating in the OJRSA service area or Oconee County are established in Attachment B of the Regulation. Fees and charges for other forms of Hauled Waste or waste originating from outside the OJRSA service area will be established on a case-by-case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to discharge Hauled Waste at OJRSA facilities without proper payment of fees and charges.

### **A.7 Enforcement**

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Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements or procedures that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in Section 8. Enforcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

## Attachment B – Determination and Schedule of Fees and Charges

This attachment is in support of the OJRSA SEWER USE REGULATION and in no way alters or supersedes any item or article contained therein.

### **B.1 Definitions, Acronyms, and Abbreviations**

Unless the context specifically indicates otherwise, the meaning of the terms, abbreviations and acronyms used in this Attachment shall be defined in Section 1 of the current version of the OJRSA SEWER USE REGULATION.

### **B.2 Fees to Member Cities**

- (1) The flow from the Member Cities is monitored by sewer meters that are strategically located throughout the OJRSA wastewater conveyance system and these meters are used to calculate fees for the cities on a monthly basis. The OJRSA bills the Member Cities directly a fee based on pro rata share of the annual OJRSA Operating Budget per Article III Section 3.02 of the Agreement between Oconee County and the Member Cities.
- (2) Base Fees for Member Cities. In order to determine the monthly fees for each of the Member Cities, the approved pro rata share percentages are applied to the total OJRSA Operating Budget to determine what the Annual Flow Allocation shall be for each Member City. The Monthly Allocated Flow is calculated by dividing the Annual Flow Allocation for the Member City by twelve (12) and this becomes the Monthly Base Fee.
- (3) Surcharges
  - a. The OJRSA flow meters are read on the first day of each month to determine what the fees shall be for each Member City. If a Member City has exceeded their Monthly Allocated Flow, a Surcharge fee is applied to the monthly invoice of the Member City. If the Member City is below the Monthly Allocated Flow for that particular month, they receive a credit against future Surcharges during that same Fiscal Year at the same rate per 1,000 gallons. If a credit remains at the end of the Fiscal Year, all credits are forfeited and the balance returns to zero (0) at the start of the next Fiscal Year.
  - b. Current Fees to Member Cities are listed in Table 1 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.
- (4) Customers Downstream of OJRSA Sewer Meters
  - a. OJRSA staff or designated party shall read the water meters for properties downstream of billing sewer meters and include the gallons used in the calculated bill to the appropriate Member City. The Member City will bill these customers for sewer service. These flows will not affect the pro rata share of the Member Cities since these unmetered customers were not included in the total metered sewer flows used to calculate the pro rata share.
  - b. Current Fees for Users Located Downstream of OJRSA Sewer Meters are listed in Table 2 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.
- (5) Residential or commercial Users that are on a public water supply but do not have a water meter or use a well shall be charged a fee as listed in Table 9 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.

### **B.3 Impact Fees**

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- (1) The requirement to pay Impact Fees shall apply to the following situations:
  - a. All new construction or new permitted flows where sewer will be transported and treated by the OJRSA.
  - b. Existing buildings that connect to sewer lines where sewer was not available in the past.
  - c. Changing the use of an existing building, such as from residential to commercial or industrial.
  - d. Expansion of an existing commercial or industrial building, adding employees, or other reasons as required by SCDHEC Regulation 61-67 Appendix A that will cause hydraulic loading to increase.
  - e. Subdividing an existing building into additional units (residential, commercial, or industrial).
  - f. Additional process wastewater added to an existing Industrial Discharge Permit.
- (2) Once permitted, these fees are non-refundable and cannot be transferred or credited to other properties.
- (3) Current Impact Fees are listed in Table 3 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.
- (4) Residential Users
  - a. The OJRSA uses ERUs as a base rate for single family residences where one (1) ERU equals 300 GPD. For apartments, condominiums, and other multi-family residential units the fee is one (1) ERU per each unit. Calculations for outbuildings, shops, or other commercial or industrial uses will be addressed separately from a single-family residential property if the units are co-located on a single parcel.
  - b. In all cases, an entity shall be charged for a minimum of one (1) ERU per unit. If additional capacity is necessary, that can be charged in fractions up to one one-thousandths (0.001) beyond the one (1) ERU minimum. Example: If 460 GPD is necessary, that will constitute 1.533 ERUs. To determine the Impact Fee amount due, multiply 1.533 by the current Impact Fee.
- (5) Commercial and Industrial Users
  - a. The OJRSA calculates fees for commercial and industrial establishments based on 300 GPD as being equal to one (1) ERU.
  - b. Impact Fees for commercial and industrial facilities are calculated using the SCDHEC Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities (SCDHEC Regulation 61-67 Appendix A). The only exception to 61-67 Appendix A is to utilize 0.200 GPD per square foot of floor space for the following: Grocery Stores, Offices/Small Stores/Business/Administration Buildings, and Shopping Centers/Large Department Stores/Malls.
  - c. In all cases, an entity shall be charged for a minimum of one (1) ERU per unit. If additional capacity is necessary, that can be charged in fractions up to one one-thousandths (0.001) beyond the 1 ERU minimum. See the example in B.3(4)(b) of Attachment B in this Regulation.
  - d. An increase in the Impact Fee can be determined at the time of the initial permit or anytime thereafter at the current rate as approved by the OJRSA Board of Commissioners.
  - e. Permitted process flows for Industrial Users are based upon the actual quantity of flow requested on the OJRSA Industrial Discharge Permit Application and Questionnaire or as Stated in the SCDHEC Construction Permit for Water/Wastewater Facilities application form. The sum of the fees for the number of employees and process wastewater represent the total Impact Fees for an industrial facility.

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- f. Industrial pretreatment facilities are inspected and audited annually and additional fees will apply for increases in the number of employees or other causes for increased flow.
- (6) **Equivalencies**
  - a. Equivalencies apply to new commercial and industrial applications for locations where there is a residential, commercial, and industrial unit that previously had a structure(s) connected to the public sewer system of a Member City.
  - b. A Member City shall submit an Equivalency Form to the OJRSA certifying they do not see an increase in usage capacity needed for the new owner or tenant. Once the form is received, the property is researched by the OJRSA to determine what the previous use was in order to compare it with the proposed new commercial/industrial usage in terms of water use based on the SCDHEC Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities (SCDHEC Regulation 61-67 Appendix A); see Section B.3(5) of Attachment B.
  - c. **Issuing Equivalencies**
    - i. If the applicant uses less than or equal to the same volume of water as the previous occupant, they are considered Equivalent. If a facility is deemed Equivalent, it will receive a credit of 300 gallons per day (GPD) and the OJRSA will approve the Equivalency Form by signature and return it to the city providing sewer service.
    - ii. Any flow above 300 GPD will be addressed using the methods and calculations as described in Section B.3(6) of Attachment B. The only exception to this protocol is that if the previous commercial or Industrial User's volume was based solely on the number of employees and that number will increase with the new business.

### **B.4 Tap Fees**

In addition to Impact Fees, all new connection lines that physically join with the OJRSA sewer conveyance system must pay tap fees as stated in Table 4 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document. All work must be in accordance with the Attachment F of the OJRSA SEWER USE REGULATION.

### **B.5 Other Residential User Fees**

Including fees previously documented in this Attachment, residential Users are also subject to the additional applicable fees as listed in Table 5 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.

### **B.6 Other Commercial and Industrial User Fees**

Including fees previously documented in this Attachment, commercial and industrial Users are also subject to the additional applicable fees as listed in Table 6 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.

### **8.7 Industrial Pretreatment Billing of Expenses**

In addition to other fees indicated above, Industrial Users subject to pretreatment requirements shall also be charged for expenses on a quarterly basis based on Table 7 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.

### **B.8 Hauled Waste Program Fees**

## **OJRSA Sewer Use Regulation**

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Current Hauled Waste Fees are listed in Table 8 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.

### **B.9 Fats, Oils, and Grease (FOG) Fees**

- (1) Current FOG Fees are listed in Table 9 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.
- (2) Generators shall pay the following fees:
  - a. Design and specifications review and approval fee for new, replacement, or modified FOG Control Devices;
  - b. A FOG Permit Application Processing and Renewal Fee as needed to ensure compliance with, or in response to Noncompliance with, the Regulation;
  - c. Inspection and administrative fee; and
  - d. All laboratory analyses fees associated with the discharge from the Generator's facility.
- (3) Hauled Waste Transporters shall pay fees as stated in B.8 of this Attachment.

### **B.10 Other Fees**

Other Fees are listed in Table 10 of the supporting SUPPLEMENT TO ATTACHMENT B OF THE OJRSA SEWER USE REGULATIONS – FEES AND CHARGES document.



## Attachment C – Enforcement Management Strategy

This attachment is in support of the OJRSA SEWER USE REGULATION and in no way alters or supersedes any item or article contained therein.

### **C.1 Definitions, Acronyms, and Abbreviations**

Unless the context specifically indicates otherwise, the meaning of the terms, abbreviations and acronyms used in this Attachment shall be defined in Section 1 of the current version of the OJRSA SEWER USE REGULATION.

### **C.2 Methodology and Ranges of Enforcement Response**

The OJRSA Pretreatment Department will consider the following criteria when determining a proper response to the violation and the context of the User's prior violations:

(1) Magnitude of the violation

- a. Unless a violation is Significant Noncompliance as defined in the OJRSA Sewer Use Regulation, then the OJRSA Pretreatment Department will usually start with the minimum enforcement action; however, for severe violations that threaten the public health, environment, damage public and/or private property, penalties can be more stringent.
- b. Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative Order. This order may include a schedule to come into compliance by a specific date if the User has not returned to compliance. The magnitude of the violation or severity is determined by whether the violation meets the definition of SNC. The magnitude of the violation will influence the type of enforcement action taken by the OJRSA Pretreatment department based on this evaluation.

(2) Duration of the violation

- a. Prolonged periods of violation should subject the Industrial User to escalating enforcement actions.
- b. Enforcement escalation does not depend on the severity of the violation.
- c. Violations which result in SNC will be treated more severely due to the guidelines set forth by the State and the Federal government regulations.
- d. Extended periods of noncompliance are not tolerated and enforcement actions will be taken to prevent this from occurring.
- e. Chronic noncompliance will be addressed with escalating enforcement actions up to and including termination of sewer service to stop the noncompliance.
- f. Prolonged violations that result in harm to the POTW will be addressed by enforcement actions which include recovery of the costs to repair any damage.

(3) Effect of the violation on the receiving water

- a. Prevention of pass through of pollutants to the water body is a major component of the development of acceptable limits for the Industrial User.
- b. Each water body has established limits for pollutants to protect the organisms that live in the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit the POTW and potentially cause environmental harm.
- c. The minimum enforcement action will include an Administrative Order to include a penalty. The penalty will also include any penalties or fines paid by the POTW and may include damages for the destruction of natural resources or the POTW. Termination of sewer service may be an option if noncompliance continues uncorrected.

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- (4) Effect of the violation on the POTW
  - a. Any User who has a violation that impacts the POTW in any way will be assessed charges for correcting the impact.
  - b. The negative impacts include, but are not limited to, the following:
    - i. Significant increases in treatment costs;
    - ii. Interference with POTW treatment processes;
    - iii. Harm to the general public or POTW personnel;
    - iv. Equipment damage;
    - v. Negative operational changes;
    - vi. Damage to the conveyance system piping through pipe corrosion or blockage;
    - vii. Explosion in conveyance system or POTW; and/or
    - viii. Sludge contamination resulting in increased disposal cost.
  - c. Any labor costs or repair costs will be passed onto the User that caused the problem to occur.
  - d. Minimum enforcement actions will include an Administrative Order with associated penalties including cost recovery for the damage.
- (5) Compliance history of the User
  - a. The compliance history of a User will be evaluated when assessing the severity of the violation.
  - b. A User who has a pattern of recurring violations (same or different parameters or regulatory requirements) can be an indication that the User does not take wastewater issues seriously or their system is inadequately designed for the specific wastewater conditions.
  - c. A User that has recurring violations has an increased likelihood of causing future significant violations.
  - d. A User who has recurring violations may be dealt with more severely to ensure that compliance is achieved.
  - e. A recurring violation history will result in more advanced enforcement actions being assessed against a User.
- (6) Good faith of the User in reporting, and responding to, the violation
  - a. A User who takes measures to correct the violation and take care of any issues as quickly as possible will have shown good faith efforts.
  - b. Good faith is demonstrated by cooperation and completion of corrective measures in a timely manner.
  - c. This effort will be considered when deciding what enforcement actions will be taken.
  - d. Good faith does not eliminate the need to take an enforcement action.
  - e. Good faith is not defined as compliance with previous enforcement actions.
  - f. Recovery of costs from an upset will take place regardless of good faith actions that may have been taken.

### **C.3 Timeframes for Responses**

- (1) The Pretreatment Department will respond to violations in accordance with the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
  - a. All violations shall normally be identified and documented within ten (10) working days of receiving compliance information.
  - b. Initial enforcement responses involving contact with the User and requesting information on corrective or preventative action(s) will occur within thirty (30) days of violation detection.

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- c. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violation, the response will include a compliance schedule.
- d. Violations which threaten or affect health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- e. All violations meeting the criteria for Significant Noncompliance shall normally be addressed with an enforceable order within thirty (30) to sixty (60) days of the identification of Significant Noncompliance event.

### **C.4 Industrial User Response to Noncompliance**

- (1) Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becoming aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submitted to report the violation.
- (2) The notification shall be followed by a written report, when required, within five (5) working days. The report of noncompliance shall include:
  - a. A description of the characteristics of the noncompliance;
  - b. Sampling results;
  - c. A statement of the cause of noncompliance; and
  - d. An account of the time and duration of noncompliance including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities begin taken to reduce, eliminate, and prevent recurrence of the violation.
- (3) For noncompliance of permit limitations, repeat sampling for the parameters violated and submit the repeat results to the OJRSA Pretreatment department within thirty (30) days.
- (4) Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, persons or property, or environmental harm (i.e., fish kills, etc.); nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Regulation or other applicable laws.

### **C.5 Assignment of Responsibilities**

- (1) The Pretreatment Coordinator for the OJRSA is designated by the Director to implement the Industrial Pretreatment Program and to enforce compliance with permits and regulations. It is the responsibility of the PC or person designated by the PC to coordinate the collection of evidence for use in enforcement actions, possible civil litigation, or criminal investigations. The PC may employ the services of any OJRSA employee or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that an illegal activity could be observed, sampled, or documented by any OJRSA employee, either through purposeful investigation or in the normal course of duties performed.
- (2) In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, whichever OJRSA employee or consultant is in position to do so may be used to collect evidence of the violation. The PC may employ the services of outside laboratories or consultants in the collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence, compile and copy records, provide statements, or in any way assist the PC and the OJRSA's attorney(s) in preparing and executing enforcement actions.

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### C.6 **Enforcement Response Guide (ERG)**

- (1) The ERG is a matrix that establishes consideration for action based on the whether the noncompliance involves:
  - a. Sampling, monitoring, and reporting (Table C-1);
  - b. Compliance schedules (Table C-2);
  - c. Effluent limits (Table C-3);
  - d. Noncompliance detected through inspections, site visits, review of records, or field investigations (Table C-4); and/or
  - e. Other permit violations (Table C-5).
- (2) The matrices for each are listed in the tables within this Section and suggest a range of appropriate enforcement responses to various types of noncompliance and appropriate OJRSA personnel to implement those responses.
- (3) The suggested responses and personnel are guidelines and do not limit the OJRSA in its response to any given instance of noncompliance. The Director may delegate his/her role and authority in any enforcement action as deemed appropriate.
- (4) The legal basis for the ERG is the OJRSA SEWER USE REGULATION as well as State and Federal pretreatment regulations.
- (5) The terms and types of enforcement actions used in the ERG are defined in the Regulation.
- (6) The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Conference or Notice of Violation when the violation does not meet the criteria of Significant Noncompliance or when the User is cooperative in quickly resolving the problems.
- (7) Users in SNC or Users that fail to promptly correct any problems will incur more severe enforcement actions including up to termination of sewer service.
- (8) Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted.
- (9) The enforcement actions chosen for a particular violation or group of violations will be appropriate and representative of the magnitude and nature of the violation. Enforcement actions for ongoing violations will be progressive and more severe as the violations continue. When violations are initially found, an enforcement action will be taken at that time. At the end of each calendar quarter, each user will be evaluated for SNC. If a user is found to be in SNC for the violation(s), then additional enforcement actions will be taken as delineated in this ERG. The enforcement actions taken will be adequate to promote a timely solution to the violations.

***Table C-1: ERG for Sampling, Monitoring, and Reporting Violations***

<b><u>Violation</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Personnel</u></b>
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	Phone call; NOV with response required within 10 days.	PC
	IU does not respond to NOV and/or AO.	AO; civil action; Adjudicatory hearing including penalty.	PC, Dir
	Frequent violations or SNC.	NOSNC; AO; Adjudicatory hearing including penalty; civil action; terminate sewer.	PC, Dir
	No response received.	Adjudicatory hearing; criminal	Dir

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		investigation.	
	Report is improperly signed or certified, first offense.	Phone call and/or NOV.	PC
	Report is improperly signed or certified after notice by POTW.	AO; Adjudicatory hearing; civil action.	PC
	Isolated not significant; Report less than 45 days late.	Phone call and/or NOV.	PC
	Significant - Report 45 days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; civil action.	PC
	Reports are always late or no report at all.	AO and/or penalty; adjudicatory hearing; civil action / cost recovery; terminate sewer.	PC, Dir
	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; civil action / cost recovery.	PC, Dir
	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, civil action / cost recovery; adjudicatory hearing; terminate sewer.	PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory hearing; terminate sewer.	PC, Dir
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	Phone call and/or NOV - Response required within 10 days; AO.	PC
	No response received.	NOV; AO.	PC
	Frequent or continued violation.	NOV; AO; adjudicatory hearing and/or penalty; civil action.	PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory hearing and penalty; sewer ban; civil and/or criminal investigation.	PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	Phone call and/or NOV; request corrected form.	PC
	Recurring deficiencies.	AO and/or penalty.	PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	PC
	Continued - Remains uncorrected 45 days or more - SNC.	NOSNC; AO; adjudicatory hearing; penalty.	PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	PC

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	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty; civil action; criminal investigation.	PC, Dir
	Improper sampling, no evidence of intent.	NOV; AO.	PC
	Improper sampling - Evidence of negligence or intent.	AO; civil action; adjudicatory hearing; Criminal investigation; terminate sewer.	Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory hearing; civil action; penalty; criminal investigation; terminate sewer.	Dir
Repetitive violations	Three (3) or more NOV's for the same parameter in twelve (12) month rolling period	Compliance schedule; AO; civil action / cost recovery; penalty.	PC, Dir
	Five (5) or more NOV's for any combination of parameters in twelve (12) month rolling period	Compliance schedule; AO; civil action / cost recovery; penalty.	PC, Dir

**Table C-2: ERG for Compliance Schedules (construction phases or planning)**

<b><u>Violation</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Personnel</u></b>
Missed interim date	Will not cause late final date or other interim dates (less than 90 days).	NOV.	PC
	Missed milestone by 90 days or less, negatively affects final date, good cause for delay.	NOV; AO; civil action / cost recovery.	PC, Dir
	Missed milestone by 90 days or less, negatively affects final date, no good cause or delay.	NOV; AO; civil action / cost recovery; adjudicatory hearing; criminal investigation.	PC, Dir
	Missed milestone by more than 90 days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; civil penalty / cost recovery; judicial action.	PC, Dir
	Missed milestone by more than 45 days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; adjudicatory hearing; penalty; civil action; terminate sewer.	PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; civil penalty / cost recovery; judicial action; request criminal investigation; terminate sewer.	PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; adjudicatory hearing.	PC, Dir
	90 days or more outstanding - Failure or	AO; Adjudicatory hearing; penalty; civil action.	PC, Dir

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	refusal to comply - Without good or valid cause - SNC.		
Failure to install monitoring equipment	Delay of less than 45 days.	NOV; AO.	PC
	Delay of 45 days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Civil action. Penalty for each additional day. Temporary sewer ban.	PC, Dir
	Recurring failure to install monitoring equipment or violation of AO.	AO; adjudicatory hearing; civil action; criminal investigation; terminate sewer.	Dir

**Table C-3: ERG for Effluent Limit Violations**

<b><u>Violation</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Personnel</u></b>
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO; civil action / cost recovery; adjudicatory hearing.	PC, Dir
	Violations that are recurring and/or SNC (meet chronic definition); no damage to POTW and/or environment.	If violation has already been corrected - NOSNC; AO; civil penalty / cost recovery; adjudicatory hearing; criminal investigation.	PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO with penalty; civil action / cost recovery; criminal investigation; terminate sewer.	PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO.	PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; adjudicatory hearing; civil action.	PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; civil penalty / cost recovery.	PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory hearing; civil action / cost recovery.	PC, Dir
	Recurring - SNC.	NOSNC; AO; civil action / cost recovery; Adjudicatory hearing including penalty; terminate sewer.	PC, Dir
Discharge of untreated wastewater - spill, bypass,	Isolated; no harm to POTW and/or environment.	NOV.	PC

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or improper operation of pretreatment facility			
	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; civil action / cost recovery; adjudicatory hearing; criminal investigation.	PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; civil action / cost recovery; adjudicatory hearing; criminal investigation.	PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; civil action / cost recovery; adjudicatory hearing; criminal investigation; terminate sewer.	PC, Dir
Discharge without a permit or approval	One time without known environmental or POTW damage; User unaware of requirement.	NOV; include application for permit.	PC
	Continuing violation without known environmental or POTW damage; User fails to apply for permit after notice - SNC.	AO; adjudicatory hearing including penalty; civil action / cost recovery; criminal investigation; terminate sewer.	PC, Dir
	One time that results in environmental and/or POTW damage; User unaware of requirement - SNC.	AO to include application for discharge; adjudicatory hearing; civil action; cost recovery.	PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory hearing, civil action / cost recovery; criminal investigation; terminate sewer.	Dir
	First Offense - User aware of requirement.	AO to include application for discharge; adjudicatory hearing; civil action; cost recovery.	PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; civil penalty / cost recovery; criminal investigation; terminate sewer.	PC, Dir
Nonpermitted discharge (failure to renew permit)	IU has not submitted questionnaire within 10 days of due date.	NOV - Response required within 10 days.	PC

**Table C-4: ERG for Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations**

<u><b>Violation</b></u>	<u><b>Circumstances</b></u>	<u><b>Range of Response</b></u>	<u><b>Personnel</b></u>
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	Phone call; NOV and/or AO.	PC
	Major noncompliance with approved analytical procedure, no evidence of	NOV; AO; civil action / cost recovery.	PC, Dir



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	negligence or intent.		
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; civil action / cost recovery; Adjudicatory hearing; criminal investigation; terminate sewer.	PC, Dir
Violation of permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	PC
	Evidence of negligence or intent - SNC.	Adjudicatory hearing; criminal investigation; sewer ban.	PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	PC
	Unintentional use of incorrect sample collection techniques.	NOV.	PC
	Unintentional use of incorrect sample type.	NOV.	PC
Entry Denial or consent withdrawn; copies of records denied; permission to photograph, videotape or electronically record image denied	Entry denied or consent withdrawn; Copies of records denied; electronic recordings denied.	Obtain warrant and return to IU; NOV; AO; civil action / cost recovery; adjudicatory hearing; criminal investigation; terminate sewer.	PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; civil action / cost recovery; penalty; criminal investigation.	PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; civil action / cost recovery; Adjudicatory hearing; criminal investigation; terminate sewer.	PC, Dir
	Recurring Violation.	NOV; AO; civil action / cost recovery; Adjudicatory hearing; criminal investigation; terminate sewer.	PC, Dir

**Table C-5: ERG for Other Permit Violations**

<b><u>Violation</u></b>	<b><u>Circumstances</u></b>	<b><u>Range of Response</u></b>	<b><u>Personnel</u></b>
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; civil action and/or penalty.	PC, Dir
	Recurring violation.	AO; Adjudicatory hearing; civil action / cost recovery; criminal investigation; terminate sewer.	PC, Dir
Failure to properly operate and maintain pretreatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within 10 days; AO; civil action / cost recovery.	PC, Dir
	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; civil action; adjudicatory hearing; terminate sewer.	PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	PC
	Recurring.	NOV; AO; civil action / cost	PC, Dir

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		recovery; penalty.	
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	PC
	Minor, evidence of negligence or intent.	NOV; AO; civil action / cost recovery.	PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; civil action / cost recovery.	PC, Dir
	Major violation of any permit condition, evidence of negligence or intent - SNC.	NOSNC; AO; civil action / cost recovery; Adjudicatory hearing; criminal investigation; terminate sewer service.	PC, Dir
Failure to mitigate noncompliance or curtail production	No damage to POTW and/or environment.	NOV; AO; civil action / cost recovery.	PC, Dir
	Damage to POTW and/or environment - SNC.	NOSNC; AO; civil action / cost recovery; adjudicatory hearing; criminal investigation; terminate sewer service.	PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within 10 days.	PC
	Recurring.	AO; civil action / cost recovery; penalty.	PC, Dir

## **Attachment D – Pretreatment Local Limits and Allocation Methodology**

This attachment is in support of the OJRSA SEWER USE REGULATION and in no way alters or supersedes any item or article contained therein.

### **D.1 Definitions, Acronyms, and Abbreviations**

Unless the context specifically indicates otherwise, the meaning of the terms, abbreviations and acronyms used in this Attachment shall be defined in Section 1 of the current version of the OJRSA SEWER USE REGULATION.

### **D.2 Permit Review**

- (1) After review of the User's Discharge Permit Application/Questionnaire form, the Standard Industrial Classification (SIC), and the North American Industry Classification (NAICS); the Director and/or SCDHEC may require that the User be issued a Wastewater Discharge Permit. The Permit itself may apply to either total industrial process discharge or to a combined sanitary/industrial wastestream discharge. The industrial process discharge may or may not be pretreated. Normally, sanitary/industrial combined wastestreams are discouraged for monitoring purposes.
- (2) During the review process, unique conditions are established for each industrial category. The final permit specifies the exact conditions which are applicable to the specific Permittee. In the Permit process, specific self-monitoring characterization of the wastewater is required for certain industrial categories. Every Permit has established selected pollutants for self-monitoring purposes. This is established through Categorical Pretreatment Standards or the pollutants that are present and/or are suspected of being present in the wastewater discharge. If the User has been determined to be Categorical, effluent parameters will be based upon the EPA's Categorical Standards. The effluent limits will be established to either Categorical Standards or Local Limits, whichever is more stringent. Limitations on all pollutants regulated by the Categorical Standards must be included in the Permit, even though the User may not discharge all of the regulated pollutants.
- (3) Reporting frequency is at the discretion of the Director. Contributing factors are: Categorical Requirements, potential of User's discharge to impact the Sewer System, volume of User's discharge, type and concentrations of pollutants in the wastestream, past compliance history, and reasonable potential to adversely affect the sewer system.
- (4) Permit limits will be developed based on the historical data from an industry and the industrial wastewater permit application. Permit limits will be based on need and pollutants of concern for the permitted industry.

### **D.3 Headworks Loading**

The Industrial Pretreatment Department performs Headworks Analysis on the Coneross Creek Wastewater Treatment Facility as required by OJRSA's NPDES Permit. The purpose of the Headworks Analysis is to develop technically based limits for SIUs under the Pretreatment Program. The Headworks analyses is calculated through a required design loading program utilizing treatment efficiencies, process inhibition levels, and water quality criteria on the receiving stream. The information obtained from the Headworks Loading aids in the development of Industrial Permit Limits. Sludge disposal is a specific criteria on the total

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allowable loading for the Coneross Creek Wastewater Treatment Facility and may significantly alter total allowable loading. Total allowable loading is at the discretion of the Director.

## Attachment E – Fats, Oils, and Grease (FOG) Control Program

This attachment is in support of the OJRSA SEWER USE REGULATION and in no way alters or supersedes any item or article contained therein.

### **E.1 Purpose**

- (1) The Fats, Oils, and Grease (FOG) Control Program has been developed in accordance with Section 2.12 of the Regulation. The purpose of this document is to provide for the regulation of the collection, control, and transportation of non-hazardous FOG of animal or vegetable origin generated by Users. All Users, including FOG Generators, such as Food Service Establishments, must comply with established grease limits as contained in the OJRSA Sewer Use Regulation 4.2.
- (2) Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on the following criteria:
  - a. Properly sized and approved FOG Control Devices;
  - b. Implementation of Best Management Practices (BMPs);
  - c. Regularly scheduled maintenance of FOG control device(s);
  - d. Documentation of maintenance and proper disposal;
  - e. Employee education and training; and/or
  - f. Demonstrated adherence to established quantitative limit(s), concentration or mass, as measured at the nearest accessible point prior to Generator's connection to the public sewer.

### **E.2 Definitions, Acronyms, and Abbreviations**

Unless the context specifically indicates otherwise, the meaning of the terms, abbreviations and acronyms used in this Attachment shall be defined in Section 1 of the current version of the OJRSA SEWER USE REGULATION.

### **E.3 Duties**

- (1) The Director has the authority to enforce compliance with permits and regulations. Acting under the Director is the Pretreatment Coordinator or his/her assigned representatives, who shall be responsible for implementing this Regulation.
- (2) The Pretreatment Coordinator or their assigned representatives shall be responsible for all administrative actions such as inspections, plan review, analyses, and records maintenance.
- (3) Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the designated and assigned OJRSA representatives.
- (4) Duties regarding the enforcement of these requirements are outlined in Attachment C of this Regulation.

### **E.4 Applicability**

- (1) The FOG Control Program is applicable to all Nonresidential Users who generate or transport FOG. The Regulation also applies to Hauled Waste Transporters of the FOG generated from these and other facilities.
- (2) All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation or any permit issued by OJRSA.

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- (3) This Regulation does not apply to FOG waste removed from pumping stations or facilities owned and maintained by OJRSA or its Satellite Sewer Systems.
- (4) Food Service Establishments
  - a. All FSEs which are proposed, constructed, expanded, renovated, reconstructed, or change ownership shall meet the requirements included herein prior to opening, expanding, or reopening the FSEs.
  - b. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the OJRSA Regulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues, manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior to installation.

### **E.5 Inspections**

- (1) Provisions in the Regulation regarding monitoring, inspection, and right of entry to the Generator's facility and the Hauled Waste Transporter's vehicle and facilities are incorporated fully within these Regulations and shall be implemented to ensure that maintenance is being completed as recorded.
- (2) Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices or obtain representative samples and perform other duties as necessary to ensure compliance.
- (3) Transporters shall provide OJRSA staff or its agents access to inspect records, obtain representative samples, and perform other duties as necessary to ensure compliance.

### **E.6 Permitting**

OJRSA may issue a FOG Permit or other control document to Hauled Waste Transporters and Generators as a condition of use, or continued use, of OJRSA facilities and services. A FOG Permit may be issued to a single User or a group of Users with similar processes, practices, and wastewater characteristics. Although not necessary in all cases, FOG Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring requirements and reporting requirements as well as any other conditions or requirements that OJRSA determines necessary to ensure compliance of the User and protection of the collection and treatment facilities.

### **E.7 Generator Requirements**

- (1) Best Management Practices (BMPs)
  - a. All Generators shall have BMPs in place to control excessive discharges of FOG to the Public Sewer and to ensure proper performance of FOG Control Devices.
  - b. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans and food containers into the trash before washing, having proper sink, floor sink, and dishwasher strainers on all drains, disposing of all yellow grease into proper recycling containers and procedures for observing and approving all maintenance activities that require access to the control device.
  - c. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a FOG Control Devices, the Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.
- (2) Inground FOG Interceptors are necessary and required for most Generators to be in compliance with established limits and standards. Requirements and details for FOG Control

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Devices are found in Attachment E of these Regulations. In some circumstances, FOG Traps may be allowed if:

- a. It is determined by OJRSA that a FOG Trap provides adequate control due to site specific conditions; or
  - b. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor impractical and/or unserviceable.
- (3) FOG Control Devices shall be purchased, maintained, and secured by the Generator at the Generator's expense. It is the Generator's responsibility to ensure that proper maintenance of the device includes removal of all contents including floating materials, wastewater, and solids at a maintenance frequency which will allow proper operation of the FOG Control Device. The Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of the disposal and treatment of wastewater and FOG material at OJRSA facilities.
- (4) It is the responsibility of the Generator, new or existing, to notify OJRSA prior to the purchase and installation of any FOG Control Device. Generators required to install new devices shall request and complete a Food Service Establishment Questionnaire. The survey, along with the FOG Control Device specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the Generator, the OJRSA will provide a written determination of the required FOG Control Device prior to installation. Additionally, the survey will be considered a request to discharge to the OJRSA system. Approval must be granted by OJRSA prior to connecting the device to the Public Sewer.
- (5) Prior to installation or modification of FOG Control Device, details of the details showing piping configurations shall be submitted to OJRSA. The details and installation shall comply with OJRSA Regulation as well as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) days and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed by an OJRSA authorized representative. Prior to commencement of construction or installation, the Generator shall secure applicable local building, plumbing, and other permits. The Generator shall notify OJRSA at least forty-eight (48) hours prior to backfilling the Fog Control Device and piping to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify the local building inspector if the installation does not meet the requirements of this Regulation.
- (6) No Generator shall alter, modify, or change from original design specifications a required interceptor or any other FOG Control Device without written approval from an OJRSA authorized representative.

### **E.8 FOG Control Devices**

- (1) No FOG Control Device shall be installed or replaced without OJRSA approval.
- (2) All FOG Control Devices are evaluated and approved in accordance with the requirements listed within this Section giving consideration to factors such as number of seats, menu, site plan and location.
- (3) OJRSA reserves the right to make determinations of FOG Control Device sizing and adequacy based on performance and condition and may require repairs to, modifications, or replacement of control devices as such.
- (4) OJRSA has established the following minimum requirements for the installation, operation, and maintenance of FOG Control Devices:
  - a. FOG Interceptor Requirements

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- i. FOG Interceptors shall be sized based on 20 gallons per seat for FSEs or 20 gallons per bed for healthcare facilities.
- ii. Minimum FOG Interceptor size requirement is 1,000 gallons. Maximum single FOG Interceptor size is 2,500 gallons. If sizing requires more than 2,500 gallons, two or more tanks shall be installed in series.
- iii. FOG Interceptors shall be installed in non-traffic areas where feasible. Traffic rated tops or tanks must be used in traffic areas.
- iv. FOG Interceptors shall not be installed near garbage containment enclosures.
- v. FOG Interceptor access manholes shall be installed with twenty-four-inch (24") metal covers and rings, and the ninety-degree (90°) tee shall be visible from all manholes. Access manholes shall extend at least to finished grade and be designed and maintained to prevent inflow and infiltration. Manhole covers shall be readily removable to facilitate inspection, FOG removal, and wastewater sampling activities and shall be kept clear of obstructions such as trees, shrubs, flowers, mulch, etc.
- vi. A potable water supply (hose bib) shall be located near all FOG Interceptors for maintenance and cleaning.
- vii. Vent lines from FOG Interceptors shall be vented according to local plumbing codes.
- viii. Mop sinks, floor drains, floor sinks, three (3) compartment sinks, dishwasher output lines, and the pre-rinse of the dishwasher shall be connected to the FOG Interceptor.
- ix. FOG Interceptors shall be maintained on an interval deemed appropriate by the OJRSA.
- x. All FOG Interceptors shall be adequately secured against unauthorized access.
- xi. Discharge of, or addition of, the following materials to an inground FOG Interceptor is strictly prohibited:
  - 1. Garbage Grinder waste;
  - 2. Water from refrigerator drain lines, beverage dispenser drain lines, ice machines, hand washing sinks, food prep sinks, showers, toilets, washing machines, and baths; and
  - 3. Emulsifiers, enzymes, biological, or chemical additives.
- b. FOG Trap Requirements
  - i. All FOG Traps shall be constructed of non-metallic, non-corrosive materials.
  - ii. All FOG Traps shall be located above grade of floor.
  - iii. All FOG Traps shall be located to allow access for maintenance and inspection.
  - iv. A minimum FOG Trap size of twenty pounds (20 lb) and ten (10) GPM is required.
  - v. FOG Traps shall be maintained on a weekly basis. Modified maintenance schedules must be approved by the OJRSA.
  - vi. Food Service Establishments shall maintain a detailed, written log of FOG Trap maintenance.
  - vii. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:
    - 1. Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit (140°F);
    - 2. Wastewater discharged from a dishwasher;
    - 3. Acidic or caustic cleaners, i.e. lye or root killer.



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4. Wastewater discharged from a Garbage Grinder.
5. Fryer oil or grill trap FOG waste; and
6. Emulsifiers, enzymes, biological or chemical additives.

### **E.9 Hauled Waste Transporter Requirements**

Hauled Waste Transporters shall:

- (1) Submit a log of all FSEs maintained to the OJRSA Pretreatment Coordinator by January 15 and July 15 of each year.
- (2) Use only disposal sites or methods approved in the Hauled Waste Disposal Permit that is issued to the Transporter.
- (3) Not transport hazardous materials and shall not mix septic tank contents or other holding tank waste with FOG waste. Hauled Waste Transporters permitted to discharge FOG and septage at OJRSA facilities shall not be used to pump, contain, or transport any other type of waste to avoid potential cross-contamination with hazardous or unapproved waste products.
- (4) Be responsible for determining the nature of the waste and completing a manifest before transport. For disposal at OJRSA facilities, a completed FOG Waste Disposal Record Form must accompany each load and be given to the OJRSA attendant prior to discharge. The form must contain signatures of both the driver and the Generator representative/owner where the waste originated.
- (5) Perform the following FOG Control Device maintenance activities:
  - a. Complete removal of all contents of the FOG Control Device rather than skimming the top grease layer. Top skimming, decanting or back-flushing of the device, its contents, septage waste, or other materials back into the FOG Control Device for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from FOG shall not discharge separated water into the FOG Control Device or into the wastewater conveyance system.
  - b. Provide a thorough cleaning of the FOG Control Device to remove FOG buildup from inner walls and baffles.
  - c. Provide a completed disposal manifest with the Generator's representative signature to accompany each load of FOG waste to the disposal site.

### **E.10 Fees**

Provisions in the Sewer Use Regulation regarding fees and charges shall be assessed to Generators and Hauled Waste Transporters as stated in Attachment B of these Regulations.

### **E.11 Compliance and Enforcement**

- (1) Failure on the part of any Generator or Transporter to maintain continued compliance with any of the requirements set forth in this Regulation may result in the initiation of enforcement action. Violations of these provisions are subject to the enforcement provisions contained in Section 8 of the Regulation, which may include administrative and civil penalties. In addition, fines assessed for violations involving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance expenses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation, costs and expenses incurred by OJRSA for preventing interference or

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adverse impact on the public sewer, may be charged to and paid by the discharger upon written notice.

- (2) A compliance schedule shall be developed and issued to FSEs found to be in violation of this Regulation or in need of the addition, repair or upgrade of a FOG Control Device. Accelerated compliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. The FSE will be notified in writing of any compliance schedule or date. Compliance schedules shall contain milestones necessary to achieve compliance with the Regulation. Failure to meet a compliance schedule or component of a schedule shall be grounds for enforcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at least thirty days in advance of the compliance date. The request shall include the reasons for failure to comply, additional time required for compliance, and steps taken to avoid further delays.
- (3) OJRSA reserves the right to monitor, or require monitoring, of any Generator or Transporter to demonstrate compliance
- (4) Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement action.

### **E.12 Requests for Variance**

- (1) Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained in this Regulation must be submitted in writing to the OJRSA Pretreatment Coordinator within thirty (30) days of the Generator or Hauled Waste Transporter being notified of a requirement or compliance schedule. The request for variance must specifically state the reason for the request and how the User will ensure demonstrated compliance with established limits.
- (2) Conditional variances may be granted at the discretion of the Pretreatment Coordinator and will typically require additional control measures be placed on the User to ensure compliance which may include but are not limited to: additional maintenance requirements, more stringent BMPs, monitoring requirements, permit(s) and/or cost recovery. In no case shall a variance be issued in lieu of compliance with established numerical limits or when damage to the collection sewer is evident.

## **Attachment F – Specifications for Sewer Construction**

This attachment is in support of the OJRSA SEWER USE REGULATION and in no way alters or supersedes any item or article contained therein.

All construction methods, materials, and details for sewer construction and connections to the OJRSA system must meet the minimum requirements stated within the current edition of the OJRSA TECHNICAL SPECIFICATIONS FOR SEWER CONSTRUCTION manual.