



ADMINISTRATOR'S REPORT
Kevin Bronson
OFFICE OF THE CITY ADMINISTRATOR
WESTMINSTER, SOUTH CAROLINA

February 7, 2025

GENERAL INFORMATION

City Council Planning Session (Rescheduled)

Based on input from the majority of City Council Members, the Planning Session has been rescheduled for **Monday, February 10, 2025 from 1:00 to 5:00 pm at the Westminster Depot – Amended Location.**

Statement of Economic Interests (SEI) for the South Carolina Ethics Commission

A reminder to all city councilmembers to file 2024 SEI's prior to noon on March 30th. The website is <https://ethics.sc.gov/>

This Week in Rec: An Update from Recreation Director Herb Poole

- Spring volleyball registration has ended, but the Rec will be accepting late registrations.
- Westminster hosted IN SEASON Basketball Tournaments last week, with other games being played at Salem and Walhalla. This was the first time the City has participated in a mid-season tournament,
- All Championship games are being played Saturday in these locations. The County Tournaments will be held next week.
- Baseball, Tee ball, and Softball registration will continue until February 14.
- We will distribute donated volleyball knee pad, bats, and baseball/softball/tball practice shirts during registration for players that need them.

SCIIP Sewer Project

Tugaloo/McClam have been installing new sewer pipe from the county connection moving towards Johnson St crossing and will begin on Spring Street shortly after. The project is progressing with our anticipated schedule.

Anderson Park

Contractors are waiting on delivery of the shade structures before starting the layout of the play area. Delivery is expected by the end of February.

Horton Outdoor Recreational Area

Same report this week as last week - The contractor continued to make progress this week excavating and grading the site. Significant progress was made this week. Local contractors continue assisting City Staff with the cleaning and leveling of areas of the site that are not under construction.

Heirloom Farms

Sewer invoices have been paid in full by the developer and the City has lifted the stop work order, however, Long and Sons has not restarted work.

Long Creek Highway Chauga River Bridge (*from Utilities Director Scott Parris*)

Materials are on site and HDH has Completed construction of Phase 1 of the 10" Water line. Phase 2 will be bid out by the Crowder Construction (Bridge Contractor) to begin as soon as the bridge is complete. DOT continues to review the MOA and verify the compliance of the proposal with state law for reimbursement of costs. DOT hopes to have a final decision soon. FEMA has verbally informed us that the cost of the upgrade is an eligible expense for reimbursement.

Bridge demolition is complete with new construction beginning in the coming weeks. SCDOT is preparing the foundation of bridge footing and will begin pouring the concrete foundation next week.

Chief's Report

The monthly report from Chief of Police Fred Miller is attached.

Westminster Codes Report

The monthly Westminster Code Enforcement Report.

Westminster Board of Zoning Appeals

The Westminster Board of Zoning Appeals will be meeting on February 25 at 4:00 pm at City Hall to consider a variance request to subdivide property located at 403 S Hampton Street (TMS # 530-22-11-008).

Local Development Corporation (LDC)

The LDC met this week, it approved a building improvement grant for floor repairs at 113 Retreat Street. As a reminder to business and property owners in town, the **Commercial Building Improvement Program** is an potential funding source for improving buildings. Excerpts from the grant application (attached):

Program Oversight and Funding

The City of Westminster Local Development Corporation (LDC) is responsible for administering the Commercial Building Improvement Grant Program, intended to stimulate improvements to the exterior or interior of commercial buildings in the Downtown Business District, in commercial corridors located along major state highways, or commercial structures that are reasonably expected to provide an increase in commerce within the City limits.

Grant Amount

Grants may be awarded up to 50% of the total project with a maximum amount of \$5,000 per property per year. (For example, if total project costs are \$11,000 the applicant is to match 50% (which would be \$5,500) the LDC will award 50% of the project cost (\$5,500) but will not exceed \$5,000.) Projects must begin within 45 days of grant approval and be completed within six (6) months of start date. The grantee will be

reimbursed after completion and inspection. No work completed prior to receipt and approval of the application is eligible.

Westminster Planning Commission

Nothing to report.

OJRSA

The Board of Commissioners met on February 3, 2025; the draft minutes are attached. At the meeting, the Board voted to make available to the public the *Memorandum from Pope Flynn, LLC Titled “Options for Future Reorganization; Next Steps” (Dated November 26, 2024) That Was Presented to the Ad Hoc Sewer Feasibility Implementation Committee on January 9, 2025*. The memorandum begins on page 247 of the draft minutes.

PMPA

Nothing to report.

PLEASE MARK YOUR CALENDARS

February 10, 2025 at 1:00 pm City Council Annual Planning Session at the Westminster Depot

February 11, 2025 at 6:00 pm City Council Meeting at the Westminster Fire Department

February 13, 2025 at 9:00 am OJRSA Ad-hoc Feasibility Implementation Committee at OJRSA

February 17, 2025 – City Offices closed to observe Presidents Day

February 18, 2025 at 5:30 om Recreation Planning Committee at City Hall

February 19, 2025 at 8:30 am Operations & Planning Committee at OJRSA

February 20, 2025 at 10:00 am PMPA Board Meeting at PMPA

February 24, 2025 at 6:00 pm Westminster Planning Commission Meeting at Westminster City Hall

February 25, 2025 at 9:00 am Finance & Administration Committee at OJRSA

February 25, 2025 at 4:00 pm Board of Zoning Appeals Meeting at Westminster City Hall

March 6, 2025 at 4:00 pm OJRSA Board Meeting at OJRSA *(date changed)*

City Council Meeting Schedule

January 14, 2025		6:00 PM	City Council Meeting
February 11, 2025	4:00 PM	6:00 PM	Budget Workshop/City Council Meeting
March 11, 2025	4:00 PM	6:00 PM	Budget Workshop/City Council Meeting
April 8, 2025	4:00 PM	6:00 PM	Budget Workshop/City Council Meeting
April 29, 2025	4:00 PM		Budget Workshop
May 13, 2025		6:00 PM	City Council Meeting
June 17, 2025		6:00 PM	City Council Meeting
July 8, 2025		6:00 PM	City Council Meeting
August 12, 2025		6:00 PM	City Council Meeting
September 9, 2025		6:00 PM	City Council Meeting
October 14, 2025		6:00 PM	City Council Meeting
November 18, 2025		6:00 PM	City Council Meeting
December 9, 2025		6:00 PM	City Council Meeting

Special Events Calendar

March 15, 2025 Westminster 150th Birthday Kickoff at the Westminster Depot

(Festivities, vendors, and a live band to celebrate the City of Westminster's 150th Birthday)



Westminster Chief of Police Monthly Report

January 2025

Offenses/Incident Reports	12
Vehicle Accidents	8
Use of Force Incidents	0
DUI	0
Arrests	9
Citations Issued	67
Warnings Issued	219
Traffic Stops	286
Security Checks	0
Total Calls	568
Training Hours	40

01/04 WMPD officers arrested a female subject for Assault and Battery

01/05 WMPD officers worked a case reference to a larceny that took place on Retreat St.

01/08 Male subject was arrested for a drug violation resulting from a traffic stop.

01/08 WMPD officers assisted OCSO with a chase that ended in the city limits. Driver was arrested

01/08 WMPD officers responded for emergency backup just outside the city by request OCSO deputies

01/09 WMPD officers worked on a larceny case that occurred on Mimosa Dr. The stolen item was located and returned to the owner.

01/13 A male subject was arrested for DUS And vehicle violations resulting from a traffic stop

01/13 WMPD officers worked on a larceny case about a stolen umbrella. A female subject was identified by video surveillance. A warrant was obtained, and the female was arrested.

01/17 WMPD officers responded to a house fire on Retreat Street, where a male subject passed away

01/18 WMPD officers worked on malicious damage that occurred at Westminster Elementary School. 2 juveniles were identified, and school officials were elected to handle the issue.

01/23 WMPD officers arrested an individual for a moving violation.

01/28 WMPD officers arrested a male subject for drug charges resulting from a traffic stop.

01/28 A male subject was arrested for DUS And vehicle violations resulting from a traffic stop

01/31 A female subject was arrested for DUS And vehicle violations resulting from a traffic stop

01/31 A female subject was arrested for Breach of Trust after stealing hair and money after she pretended to be a hairdresser on Spring Street.

Notes from the Chief

01/06 Osterbrink started 8-weeks training at the Criminal Justice Academy.

01/07 Budget meeting with Department Heads.

01/09 Department meeting related to the snowstorm

01/13 Meet with Law Trak personal in reference to issues with their software

01/14 Budget Meeting Kickoff

01/15 WMPD officers spent half the day at Fair Play Camp School for LE DAY

01/15 Meet with a representative from Mobile Crisis to discuss more resources for people suffering from mental illness.

01/16 Zoom meeting with the Grants Department from Columbia

01/16 Foundation Board Meeting

01/17 Community Law Enforcement Breakfast

01/22 Officer Wilson was sworn in and officially started

01/22 I Spoke with the insurance company, and they advised the wrecked Tahoe was totaled out.

01/24 Took all the equipment out of the Tahoe

01/27 Lt. Merck Academy for FTO Manager Course.

01/27 Davis and Pressley certified as radar operators.

01/28 Visited Foothills Christian School for school threat assessment.

01/29 Sheppard Pre Academy

01/29 Feeding at DOC's kitchen

01/30 Chili Day at Senior Center.

Fred Miller

Chief of Police

Westminster Code Enforcement Report							
Address	Owner Name	Violation	IPMC/City Code	Date Noticed	Method of Notification	Due Date	Notes
112 West Oak Hwy	Tawada Group LLC.	Grass	93.25	7/3/2024	Mail	7/15/2024	Completed
110 Maartin St.	Marc Baillagreon	Grass	93.25	7/5/2024	Mail/Phone	7/17/2024	Completed 8/5/24
E. North Ave Property	Randy Dickson	Fence	151.268	7/3/2024	Mail	10/3/2024	Completed
110 Small St.	Nathaniel Dougles	Inspection	N/A	7/3/2024	On property	N/A	
401 N. Piedmont St.	Lisa Orr	Junk	151.101	7/3/2024	Mail	8/3/2024	Completed
100 Gaston cir.	Randall Polmeroy	Vehicals	302.8	7/11/2024	Mail	8/16/2024	Completed
102 Martin St.	Luther Elrod	Vehicals	302.8	7/11/2024	Mail	8/16/2024	Completed
111 Wood St.	Marsha Swafford	Vehicals	302.8	7/11/2024	Mail	8/16/2024	completed
331 Cornila ave	Sandra Blackwell	Junk	302.8	7/23/2024	Mail	8/30/2024	Needs dumpster dumped 2nd time
304 retreat st	George Knight	Camper	151.22	7/23/2024	Mail	N/A	completed
216 Retreat st	Stephen Butts	Grass	93.25	7/23/2024	Mail	8/5/2024	completed
1114 E. Main St.	James Lyle	Clean up	302.4	7/23/2024	Mail	12/15/2024	2nd letter sent
113 Holcombe	Mike Donahue	Grass	93.25	7/25/2024	Email	8/5/2024	completed
422 Highland Ave.	Rodney Massey	Clean up	302.4	7/31/2024	Phone call	8/31/2024	completed
200 Oak St.	Kimberly Rhodes	Vehicle	302.8	7/31/2024	Mail	8/31/2024	completed
310 Bermuda St.	Ruby Taylor	Vehicles	302.8	7/31/2024	Mail	8/31/2024	Completed
509 S. Piedmont St.	Brianna Miller	Grass/Shrubs	93.25	7/31/2024	Mail	8/12/2024	completed
511 S. Piedmont St.	Dylan Reed	Grass	93.25	7/31/2024	Mail	8/12/2024	completed
Singlewide Bermuda St.	Betty Phinney	Grass	93.25	7/31/2024	Mail	8/12/2024	completed
Aug-24							
106 Jenkins St.	Philip Burton	Dogs	92.21	5/16/2024	Mail	N/A	
201 Willow Row	Bob Elliott/Current Res.	Chickens	92.21	8/16/2024	Mail	N/A	
208-210 E. Main St.	Fred Bland	Repairs/window	151.101	8/29/2024	Mail	10/15/2024	No progress
202 N. Bibb St.	Michelle Runyon/Curren	Junk	151.101	8/29/2024	Mail	9/29/2024	Completed
200 N. Bibb St.	Albert Scarfo	Junk/car	151.101	8/29/2024	Mail	10/15/2024	Car removed/Completed
102 B St.	James Webb	Grass	93.25	8/29/2024	Mail	9/10/2024	Completed
309 Lakeside Dr.	BKSA LLC.	Grass	93.25	8/29/2024	Mail	9/10/2024	Completed
310 Bermuda St.	Ruby Taylor	Cars	302.8	8/29/2024	Mail	9/29/2024	Completed

120 Cedar St.	Colman Davenport	Inspection		8/27/2024		N/A	INSPECTION
1727B President St.	Andrew Plummer	Inspection		8/29/2024		N/A	INSPECTION
Sept. - 24							
409 E. North ve	James Kay	Cars/Junk/Fence	151.101/302.8/302.7	9/4/2024	Mail	12/9/2024	New Fence 11/6/2024
317 N. King #6	Maurice Gilchrist	Inspection		9/9/2024		N/A	INSPECTION
102 Taccoa Hwy	Jackson Sharpe	Sign Permit		9/6/2024		N/A	Permit
Lot 31-38 Thrift Dr	Joshua Jacobs	Shed Permit		9/4/2024		N/A	Permit
401 N. Piedmont St	Westminater Church of	RV permit		9/7/2024		9/13/2024	RV permit
1725B President St.	Shelby Lingerfelt	Inspection		9/16/2024		N/A	INSPECTION
321 Doyle St.	Heather Harbinson	Shed Permit		9/16/2024		N/A	Permit
107 John St.	Steve James	Shed Permit		9/26/2024		N/A	Permit
Mostly Worked on VBR							
OCT. - 2024							
9327 Long Creek Hwy.	Judy Smith	Carport		10/10/2024	Office	N/A	Permit
224 E. Main St.	Randy Roberts	Temp Sign		10/10/2024	Office	N/A	Westminster Music Hall / Permit
109 Toccoa Hwy.	WSB 2011 LLC	Inspection		10/10/2024		N/A	Service inspection
1509 E. Main St.	Marathon Gas	Sign Replacment		10/10/2024	Office	N/A	Sign Permit
9327 Long Creek Hwy.	Judy Smith	Carport		10/10/2024	Office	N/A	Permit
500 E. Main St	Mary Perret	Payment Letter		10/25/2024	Mail and Certified	11/30/2024	Cert. letter was excepted on 10/27
318 Westminster Hwy.	Katly Baumgartner	Unfit		10/23/2024	Mail/Posted	N/A	Unfit due to storm damage
517 W. King St.	Rylan Fitzgerald	Unfit		10/23/2024	Email/Mail/Posted	N/A	Unfit due to fire
110 B St.	Michael Towe	Inspection		10/18/2024	N/A	N/A	Utility inspection
907 E. Main St.	Junis Ogburn LLC.	unsecured		10/17/2024	Mail	11/1/2024	4150,ext12. Getting new roof and
404 Simpson St.	Marvin Moore	Reclassification		10/22/2024	Mail	N/A	From Buss. To Resident
Willow Row Trailer	Anniase Hunter	Unfit		10/23/2024	Mail/Posted	N/A	Posted Condemned
309 Westminster Hwy.	Regina Moss	Permit		10/15/2024	Office	N/A	Carport extension permit
521 E. North Ave.	Lester McMahan	RV	151.22	10/30/2024	Mail/Posted	11/30/2024	Returned, Not deliverable
120 Riley St.	Helen Sims	Remove burnt shed		10/30/2024	Mail	11/30/2024	
1114 E. Main St.	James Lyle	Clean up	302.4	10/30/2024	Mail	11/30/2024	Second and Final Letter
Nov. - 2024							
304 N. Isundega St.	Andrew Washburn	Inspection		11/11/2024	Office	N/A	Utility Inspection
E. Main St. Spinks	Spinks	Permit		11/1/2024	Email	N/A	Sign Permit

300 E. Windsor St.	Crystal Bouknight	Permit		11/5/2024	Email	N/A	Roof Permit
108 Freeman St.	Judy Lawing	Permit		11/7/2024		N/A	Tiny Home Permit
306 Westminster Hwy.	Leonard Poole	Permit		11/7/2024		N/A	Roof Permit
304 N. Isundega St.	Andrew Washburn	Inspection		11/15/2024		N/A	Utility Inspection
426 West oak hwy	J Davis	Permit		11/19/2024		N/A	Building Permit
718 Wilson Ct.	Randy Moore	Permit		11/19/2024		N/A	Driveway Permit
306 E. Windsor St.	Capitol Signs	Permit		11/21/2024		N/A	Dogwood Bank Sign Permit
Worked on Vacant builing Registry and Billing							
Dec. - 2024							
115 Pritchard St.	Jenni Elliott	Trash/Junk	151.101	12/2/2024	Mail	12/17/2024	Completed
109 A St	James Yonce	condemned		12/5/2024	Mail	12/31/2024	owner. Unknwn, Building is secured.
1608 E Main st	Rosa Clark/Debbie Wall	Permit		12/9/2024		N/A	Sign Permit
319 Anderson Ave	Jerry Smith	Tree Debri	93.25	12/16/2024	Mail	12/31/2024	Completed
500 E. Main St.	Mary Perret	Downed Tree	93.25	12/20/2024	Mail	1/20/2025	remove
108 Martin St.	Lia Disomone	Fence Permit		12/27/2024		N/A	Permit
111 Small St	Mathew Alexander	Sewer		12/27/2024		N/A	Sewer right of way
403 S Hampton St.	Nathan Douglas	Sewer		12/27/2024		N/A	Same as above
Worked on Vacant builing Registry and Billing							
Jan. 2025							
1114 E. Main St.	James Lyle	Clean up	151.101	1/7/2025	Mail	2/15/2025	Final Notice
500 E. Main St.	Mary Perret	Payment Letter		1/8/2025	Cert. Mail	2/15/2025	Notice for payment and Lein
521 E. North ave.	Lester McMahan	Final Notice		1/8/2025	Mail/Posted	2/15/2025	Remove RV
517 W. King St #4	Rylan Fitzgerald	Inspection		1/10/2025			Utility inspection
205 Butler St.	Andrea Franklin	Condemned	151.101	1/15/2025	Cert. Mail	3/15/2025	Unfit. On list for demo
126 Park Ave.	Gabrid Urso	Inspection		1/16/2025			Utility inspection
115 Pritchard St.	Terresa Walker	Inspection		1/20/2025			Utility inspection
Worked on Vacant builing Registry and Billing and Non-contact from Property owner							



CITY OF WESTMINSTER

**Commercial Building Improvement
Grant Program**

APPLICATION AND AGREEMENT

City of Westminster
100 E. Windsor Street
PO Box 399
Westminster, South Carolina
www.westminstersc.org

City of Westminster

Commercial Building Improvement Grant Program

The City of Westminster, in its continuing effort to support the development of the Downtown Business District, and enhance commercial activity has created a Commercial Building Improvement Grant Program. The Commercial Building Improvement Grant Program will encourage economic growth and help create a more inviting character for the downtown area. The following outlines the details of the Commercial Building Improvement Grant Program.

Program Oversight and Funding

The City of Westminster Local Development Corporation (LDC) is responsible for administering the Commercial Building Improvement Grant Program, intended to stimulate improvements to the exterior or interior of commercial buildings in the Downtown Business District, in commercial corridors located along major state highways, or commercial structures that are reasonably expected to provide an increase in commerce within the City limits.

The funding of this program is provided through the City of Westminster and the LDC. All activities relating to the funding of improvement projects will be reported to the Westminster City Council.

Grant Amount

Grants may be awarded up to 50% of the total project with a maximum amount of \$5,000 per property per year. *(For example, if total project costs are \$11,000 the applicant is to match 50% (which would be \$5,500) the LDC will award 50% of the project cost (\$5,500) but will not exceed \$5,000.)* Projects must begin within 45 days of grant approval and be completed within six (6) months of start date. The grantee will be reimbursed after completion and inspection. No work completed prior to receipt and approval of the application is eligible.

Eligible Properties and Applicants

1. Eligibility is limited to buildings or structures located within the downtown business district, commercial corridors located along major state highways or commercial structures that are reasonably expected to provide an increase in commerce within the City limits.
2. Owners or tenants may apply for the grants; however, a letter of consent from the property owner is required.
3. Businesses whose existing use is allowable by the City's current codes and regulations. The LDC reserves the right to deny funding to applicants who are delinquent on payment of fines or fees.
4. The Property must be subject to the 6% assessment and the property must be subject to property taxes under the current levy. Tax exempt properties are not eligible.

Eligible and Ineligible Improvements

Eligible expenditures shall include expenses detailed below:

Improvements must be consistent with recommendations set forth in the City of Westminster Comprehensive Plan. Unless otherwise approved, all work shall be completed by a licensed contractor, legally operating in the City. Applicants should contact the City for assistance with permitting and business licensing. Contractors must supply a detailed written estimate to accompany the application. In some cases, self-contracted projects may be approved. These projects will require an itemized list of materials. Reimbursement of self-contracted labor costs are subject to approval.

1. Examples of **eligible** improvements include:
 - a. Removing of false façades
 - b. Cleaning of brickwork, which includes chemical stripping, water wash, or scraping.
 - c. Exterior painting or surface treatment

- d. Interior work for code requirements ADA/DHEC
 - e. Repair/replacement of windows and doors
 - f. Installation of canvas awnings
 - g. Decorative awnings
 - h. Structural repair/roof repair
 - i. Drainage
 - j. Underground Utilities
 - k. Historical reconstructions and replacement of original architectural details
 - l. Window and/or door replacements or modifications
 - m. Storefront enhancements
 - n. Outdoor patios and decks
 - o. Exterior wall lighting
 - p. Decorative post lighting and architectural features
 - q. Electrical improvements interior and/or exterior to meet building code
 - r. Plumbing improvements interior and/or exterior to meet building code
2. Examples of **ineligible** improvements include:
- a. Sandblasting
 - b. Demolition of historic features
 - c. Illuminated Signs
 - d. Parking Lot improvements

Time Expectations

Project must begin within 45 days of grant approval and be completed within six (6) months of approval and will be reimbursed after final inspection. A reasonable extension may be granted, based upon the good faith efforts of the applicant, through written notification to the City Administrator. Work must not be started by or on behalf of the applicant prior to the date of the grant award.

Guidelines

1. All proposals shall meet the zoning, building, and fire code requirements of the City.
2. Top priority will be given to projects which make a highly visible contribution to revitalization of commercial structures.
3. Colors should be chosen to coordinate with neighboring buildings.
4. Retention and repair of existing cornices is strongly encouraged wherever possible.
5. Side elevations and rear façades should be treated as seriously as main façades. The development of rear or side entrances with appropriate design is encouraged.
6. Applicants are responsible for all aspects of the project, any relationships with contractors and suppliers, and securing all necessary City permit approvals before the project begins.

Application Deadline

Applications accepted on a rolling basis and considered as funding is available.

Application Process

1. Applicant submits the application and attaches the following information:
 - A minimum of two (2) photographs of existing building façade
 - Photos, plans, or sketches of proposed improvements
 - Quotes, fee proposal, and any other back up that supports the proposed budget
 - Owner's permission, if applicant is not the owner
 - Business Type
 - Rent/Lease Agreement
2. Owner/tenant submits the Application to the City Administrator.

3. The LDC considers the application. The LDC reserves the right to deny an application. A notification letter is sent to the applicant stating whether the project has been accepted as described in the application, accepted with conditions, or rejected. If the application is rejected, it may be resubmitted with modifications within 30 days.
4. The Commercial Building Improvement Grant Agreement is upon approval and prior to beginning work. Parties in the agreement will be the applicant, building owner (if other than applicant), and the City Administrator, who is authorized to sign on behalf of the City.
5. Any changes to the approved design must be submitted for consideration.
6. Upon project completion, copies of all of the applicant's dated statements or invoices shall be submitted to the City Administrator.
7. A representative of the LDC and/or a city representative will inspect the completed work, Grant funds are dispersed to the applicant.

Grant Policy

The LDC will not use race, sex, age, or religion as grounds for refusing a grant to an eligible applicant.

Grant recipients will agree to place a *City of Westminster Commercial Building Improvement Grant Recipient* sign at the construction site, during the time of improvements and in their storefront window for 180 days after the completion of the project.

More Information

More information may be obtained: or have questions about the Commercial Building Improvement Grant Program, please contact the Westminster City Clerk:

- by phone at (864).647.3202
- by email at info@westminstersc.org
- by mail at City of Westminster, PO Box 399, Westminster, SC 29693
- in person at City Hall, 100 E. Windsor Street
- online at www.westminstersc.org

City of Westminster Commercial Building Improvement Grant Program Application



Designated Property

Address: _____

Applicant Information

Applicant Name: _____ Phone: _____

Mailing address: _____

City, State, Zip: _____

Applicant Relationship to Designated Property:

_____ Own _____ Rent _____ Other

\$ _____ Rent/Lease

_____ New or Existing Business

Owner Information (if different from applicant)

(A letter of consent from the property owner is required.)

Owner Name: _____ Phone: _____

Address: _____

City/State/Zip: _____

Scope of Proposed Project: Include a summary of the building's current condition, areas to be improved and how, as well as any proposed materials or colors. (Attach additional sheets if necessary)

Commercial Building Improvement Grant Program

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Financial Information

Estimated Project Cost: \$ _____
(Attach an itemized budget.)

Grant money applied for: \$ _____
(Maximum 50% of total cost - maximum \$5,000)

Application Check List

- _____ Application must be complete
- _____ Budget summary/Cost estimate attached
- _____ Letter of consent from property owner (if leasing/renting)
- _____ Architectural sketch of proposed project (if necessary)
- _____ A minimum of two (2) photographs of building with existing conditions
- _____ Paint and awning samples (if applicable)
- _____ City permits applied for (if applicable)

I agree to comply with the guidelines and standards of the City of Westminster Commercial Building Improvement Grant Program and I understand that this is a voluntary program, under which the City has the right to approve or deny any project or proposal or portions thereof.

Applicant's Signature _____ Date _____

Submit application to:

City of Westminster
PO Box 399
100 E. Windsor Street
Westminster, SC 29693

For additional information, contact:

City Clerk
864-647-3202
info@westminstersc.org

Grant Committee Use:

Date Received: _____ Date Reviewed: _____

Application: _____ Granted _____ Denied

Comments _____

City of Westminster

Commercial Building Improvement Grant Agreement

THIS AGREEMENT is entered into this _____ day of _____, _____, by and between the CITY OF WESTMINSTER (City) and _____ (Grantee), whose address is _____.

WHEREAS the City has approved a façade improvement grant to Grantee subject to the execution of this Agreement, and Grantee desires to accept the grant and to abide by the terms of this Agreement, and

WHEREAS the City has approved a grant in an amount not to exceed Three Thousand and No/100 Dollars (\$5,000.00) for commercial building improvements at _____, Westminster, South Carolina,

NOW THEREFORE, the parties agree as follows:

1. Grantee reaffirms that all information provided to the City in its Commercial Building Improvement Grant Application is correct and accurate.
2. Grantee has read and agrees to abide by the provisions and requirements of the City of Westminster Commercial Building Improvement Grant Program.
3. All work performed by Grantee will be consistent with the approval by the City. If Grantee desires to make any changes in the project, Grantee will obtain written approval from the City before implementing such changes. Grantee understands that the City is not required to approve any changes.
4. Grantee agrees to complete the improvements within six (6) months from the date of this Agreement and understands that failure to complete the improvements within such period will result in forfeiture of the grant.
5. Grantee understands that the grant will be paid to Grantee only upon completion of the work, submission of all dated statements or invoices to the City, and approval by the City of the completed work.
6. Grantee will notify the City immediately if Grantee's interest in the subject property changes in any way. This Agreement is not assignable by Grantee without prior written approval of the City, which will not be unreasonably withheld.
7. Grantee hereby grants to the City the right to use pictures, renderings, or descriptions of the work for any and all promotional purposes desired by the City.

IN WITNESS WHEREOF, the parties have signed this Agreement on the day and year first written above.

WITNESSES FOR THE CITY

CITY OF WESTMINSTER

By: _____

WITNESSES FOR THE GRANTEE

GRANTEE

By: _____

WITNESSES FOR OWNER

OWNER (if other than Grantee)

By: _____

**Substitute W-9
Request for Taxpayer Identification Number & Certification**

In order to comply with the Internal Revenue Code, we are required to obtain your Federal Identification Number to be used in reporting the payments we make to you. Please complete the following information and return to the address below. Please type or print your information on the form below. Your cooperation in this matter is greatly appreciated.

Vendor: _____
Address: _____
City, State, Zip: _____

Please mark the Type of Entity:

_____ Individual	_____ Partnership
_____ Sole Proprietor	_____ Governmental Unit
_____ Corporation	_____ LLC or other

_____ Company Name	_____ Employer Identification #
--------------------	---------------------------------

If individual or sole proprietor, also give name and SSN.

_____ Name (print)	_____ SSN
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Authorized Signature _____

Title _____	Date _____
-------------	------------

Telephone # _____

_____ Email Address	_____ Name of Primary Contact
---------------------	-------------------------------



Oconee Joint Regional Sewer Authority

623 Return Church Road
Seneca, South Carolina 29678
Phone (864) 972-3900
www.ojrса.org

OCONEE JOINT REGIONAL SEWER AUTHORITY

Commission Meeting

February 3, 2025

The Oconee Joint Regional Sewer Authority Commission meeting was held at the Coneross Creek Wastewater Treatment Plant.

Commissioners that were present:

- Seat 8 (Westminster): Kevin Bronson, Board Chair
- Seat 1 (Seneca): Bob Faires, III, Board Vice-Chair
- Seat 2 (Seneca): Scott Moulder
- Seat 3 (Seneca): Scott McLane
- Seat 4 (Seneca At-Large): Marty McKee *(arrived at 4:09 p.m.)*
- Seat 5 (Walhalla): Celia Myers
- Seat 6 (Walhalla): Laramie Hinkle
- Seat 7 (Westminster): Scott Parris
- Seat 9 (Walhalla-Westminster At-Large): David Dial

Commissioners that were not present:

- None. All Commissioners were in attendance.

OJRSA appointments and staff present were:

- Lynn Stephens, Secretary/Treasurer to the Board and Office Manager
- Chris Eleazer, Executive Director

Others present were:

- Larry Brandt, OJRSA Attorney
- Norm Cannada, [The Journal](#)
- Dick Mangrum, WGOG Radio
- Robert Royer, AQD
- Kenneth Marshall, AQD
- Tony Adams, Oconee County citizen

A) Call to Order – Mr. Bronson called the meeting to order at 4:00 p.m. Mr. Bronson informed the board that this meeting will not be streaming live today but will be uploaded to YouTube later.

B) Invocation and Pledge of Allegiance – By Ms. Myers.

C) Public Session – None.

D) Approval of Minutes:

- **Board of Commissioners Meeting of January 6, 2025**
Mr. Dial made a motion, seconded by Mr. McLane, to approve the January 6, 2025 Board Meeting minutes as presented. The motion carried.
- **Annual Members' Meeting of January 6, 2025**
Mr. Dial made a motion, seconded by Mr. McLane, to approve the January 6, 2025 Annual Members' Meeting minutes as presented. The motion carried.

E) Committee and Other Meeting Reports:

- **Sewer Feasibility Implementation Meeting of December 2, 2024** *(Minutes from the January 9, 2025 Meeting to be Considered at the March 3, 2025 Board Meeting)* – Mr. Eleazer explained how

these minutes will always be a couple months behind as the Feasibility Implementation Committee will have to approve them prior to being brought to the board.

Ms. Myers made a motion, seconded by Mr. Dial, to approve the December 2, 2024 Sewer Feasibility Implementation Meeting minutes as presented. The motion carried.

- **Operations & Planning Meeting of January 15, 2025** – Mr. Faires presented the report to the Commission. **See attached minutes.*

Mr. Faires made a motion, seconded by Mr. McLane, to approve the January 15, 2025 Operations & Planning Meeting minutes as presented. The motion carried.

- **Executive Committee Meeting of January 15, 2025** – Mr. Bronson presented the report to the Commission. **See attached minutes.*

Mr. Faires made a motion, seconded by Ms. Myers, to approve the January 15, 2025 Executive Committee Meeting minutes as presented. The motion carried.

- **Finance & Administration Meeting of January 28, 2025** – Ms. Myers presented the report to the Commission. **See attached minutes*

Ms. Myers made a motion, seconded by Mr. Moulder, to approve the January 28, 2025 Finance & Administration Meeting minutes as presented. The motion carried.

F) Secretary/Treasurer's Report (Exhibit A) – Ms. Stephens presented the Secretary/Treasurer's Report to the board.

Mr. Parris made a motion, seconded by Mr. Dial, to approve the Secretary/Treasurer's Report as presented. The motion carried.

G) Oconee County Government Update Regarding Matters Involving Wastewater – None.

H) Presentation and Discussion Items:

- **Board of Commissioners to Assess Goals They Established for the Agency During the February and March 2024 Board Meetings (Exhibit B)** – Mr. Bronson stated that most of the goals have been completed. He asked the board if they wanted to set new goals for 2025. No one responded.

Mr. Eleazer stated that two or three (2 or 3) years ago, Mayor Ramey asked (while OJRSA board chairman) that the board annually assess the previous year's goals and put together goals for the upcoming year. He stated that this will be on the agendas for the February committee meetings to come up with goals. Everyone was good with that.

I) Action Items:

- 1. Approve Executive Director to Execute Agreement with Harper General Contractors, Incorporated for No Fee to Establish the Contract Terms for the CMAR Contract as a Function of OJRSA Project #2024-06 as Recommended by KCI Technologies, Pending Funding Agency Approval** – Mr. Eleazer stated that items I1 & I2 on this agenda are for the SCIIP grant (Dewatering Equipment Replacement Project) and that the OJRSA already has the funds for this.

Mr. Faires made a motion, seconded by Mr. Dial, to approve the Executive Director to execute the agreement with Harper for no fee to establish contract terms for the CMAR contract as a function of project #2024-06. The motion carried.

- 2. Approve Executive Director to Execute Contract Amendment No. 1 with Harper General Contractors, Incorporated in the Amount of \$4,200,000, to Include \$176,902.39 for Contingency, for the Release and Authorization of Work for the Dewatering Upgrades Project as a Function of OJRSA Project #2024-06 as Recommended by KCI Technologies, Pending Funding Agency Approval** – Mr. Eleazer said this item went through the O&P Committee but the fee had not been set at that time and had since been determined.

Mr. Faires made a motion, seconded by Mr. McKee, to approve the Executive Director to execute contract Amendment #1 with Harper in the amount of \$4,200,000 (including \$176,902.39 contingency) for release and authorization of work for Dewatering Upgrades Project as a function of project #2024-06. The motion carried.

- 3. Consider Making the Memorandum from Pope Flynn, LLC Titled “Options for Future Reorganization; Next Steps” (Dated November 26, 2024) That Was Presented to the Ad Hoc Sewer Feasibility Implementation Committee on January 9, 2025 Available to the Public** – As part of the Feasibility Study, Mr. Flynn was asked to look at the possible options for the OJRSA’s structure (status quo, reorganization or restructuring for efficiency, or relinquishing services to outside utility provider). The results were given to the committee at their December 2, 2024 meeting and were discussed at their January 9, 2025 meeting.

The consensus of the committee members was to make all discussions open to the public as much as possible, and it was discussed that this memorandum (which has an attorney/client privilege) be made public and be brought to the board to make it public.

Mr. Moulder asked Mr. Brandt if this would release any future memorandums to the public automatically. Mr. Brandt replied that this would apply only to this memo to give the public some information and that he was in support of doing this.

Mr. Moulder made a motion, seconded by Mr. Dial, to open Lawrence Flynn’s memorandum to the public. The motion carried.

Mr. Eleazer distributed copies of the memorandum to those in attendance at today’s meeting that wanted it. The memorandum to be included as a part of these minutes.

- 4. Adopt Necessary Changes Based on South Carolina Department of Environmental Services (SCDES) Review of the OJRSA Sewer Use Regulation (SUR) and Authorize OJRSA to Publicly Advertise for Public Comments, Which Shall Be Considered at the March 8, 2025 Board Meeting (Exhibit C)** – The Director stated that he recently sent this draft SUR out to the board. Any red writing or yellow highlighted areas as stated in his summary memo (in Exhibit C) were addressed by Mr. Michael Traynham (OJRSA attorney) or Ms. Kayse Jarman with SCDES. He added that this approval is not to approve the implementation of the SUR at this time, but rather to approve to put this out for public notice. This will be on the agenda for the board to approve at the April 7, 2025 board meeting.

Mr. Moulder made a motion, seconded by Mr. McLane, to adopt the changes in the Sewer Use Regulation as presented and authorize the OJRSA to publicly advertise it for public comments. The motion carried.

Ms. Myers requested that the OJRSA create a one- or two-page handout that could be shared with the community to help them easily understand the regulations. Mr. Eleazer replied it would probably take up more than two (2) pages, but he would get something together.

- 5. Adopt Resolution 2025-01 to Amend the OJRSA Financial and Accounting Policy (Exhibit D)** – The Director stated that this went before the F&A Committee who are recommending the board adopt the changes. He stated that the changes are basically tasks that are part of Ms. Stephens’ position and that Mr. Lawrence Flynn of Pope Flynn was involved and made the revisions in the policy. He added that the amended policy would go into effect as soon as the board approves it.

Ms. Stephens added that these changes included duties she has been performing all along, such as making bank deposits, stopping payments on checks, and transferring funds from one bank account to another that were not allowed for her to perform in the current policy.

Mr. Moulder made a motion, seconded by Mr. Parris, to adopt Resolution #2025-01 to amend the Financial and Accounting Policy as presented. The motion carried.

- 6. Approve Moving the March Board Meeting to Thursday, March 6, 2025 at 4:00 p.m. to Allow for Willdan Financial to Present Its Findings from the Rate and Cost of Service Study** – Mr. Eleazer

stated that Mr. Daryll Parker of Willdan Financial is unavailable for today's meeting, as well as the scheduled March board meeting, to come and discuss the findings from the cost of service study. It was determined that he could come on March 6, 2025.

Mr. Parris made a motion, seconded by Ms. Myers, to move the March board meeting to Thursday, March 6, 2025 at 4:00 p.m. to allow for Willdan Financial to present its findings from the cost of service study. The motion carried.

J) Executive Director's Discussion and Compliance Matters – Mr. Eleazer reported on the following:

- 1. Environmental and Regulatory Compliance Matters** – There was a Sanitary Sewer Overflow (SSO) on the Speeds Creek force main, which is the line on the southeast portion of Seneca. It was a small break with a loss of approximately four hundred (400) gallons, of which two hundred (200) were recaptured. This was not reportable to SCDES as it was under the threshold in gallons lost and did not reach a waterway.

Mr. Eleazer added that this is about the twentieth (20th) break in this force main line in the last ten (10) years, and the breaks were determined by an engineer to have been caused by electrolysis affecting the structural integrity of the pipe. He stated replacing this line has been a top priority on the projects list, but the OJRSA had been holding off to see what the Master Plan decides to do with this pump station (re-routing line, eliminating pump station, etc.); however, repairing this line piece-by-piece is the most expensive way to handle this situation, so the OJRSA may need to look at putting this in the budget for Fiscal Year 2026 at a cost of approximately \$2.8 million. This line is 14" in diameter which is an unusual size, and it is hard to get fittings and pipe for this diameter.

Mr. Dial asked how many feet of line there is; Mr. Eleazer replied he didn't know now but could look it up. Mr. Dial asked if the OJRSA crew could perform the replacement; Mr. Eleazer replied that due to the amount of flow that would need to be bypassed and personnel restrictions, the OJRSA would need to hire an outside repair crew. Mr. Faires asked for this to be put on the next O&P Committee Meeting agenda for discussion.

- 2. I-85 Corridor Sewer Update** – The OJRSA received its first application on January 28, 2025 for residential connection on the new Sewer South pipeline. Mr. Eleazer stated that originally customers were going to apply at Pioneer Water for connection and then Pioneer would alert the OJRSA; however, the OJRSA discovered that Pioneer would start charging the customer for sewer immediately upon application, even if the customer was not connected for months. Therefore, customers will now apply with the OJRSA, and the OJRSA will notify Pioneer when the customer is connected.

Mr. Dial asked if Pioneer will bill for water and sewer. Mr. Eleazer replied yes, it will be done the same way as the Member Cities are doing now. The customer will be billed by Pioneer, and then Pioneer will calculate the bill based on flow and forward the payment to the OJRSA.

Mr. Eleazer added that the OJRSA sent out mailers to the parcel owners in that area with a copy of the sewer map. They were told if the line was near their property, they were eligible for connection to sewer; however, they aren't being forced to connect.

The Director also stated that Moorhead Construction is still addressing some small punch list items under the warranty of the system, and in some cases where they are having to wait on materials, they are using the OJRSA's inventory and replenishing it when their material orders come in. He also added the OJRSA has withdrawn the liquidated damages assessment.

Mr. Eleazer stated that the OJRSA is currently working with the attorney to write up an operational contract with Oconee County for Phase III.

- 3. Miscellaneous (If Any)** – None.

K) Commissioners' Discussion – None.

L) Executive Session - NOTE: Board May Act on Matters Discussed in Executive Session Upon Returning to Open Session:

- **Receipt of Legal Advice – Discussion of Reconstitution Options** [*Executive Session Permissible Under SC Law 30-4-70(a)(2), Which States: Discussion of Negotiations Incident to Proposed Contractual Arrangements and Proposed Sale or Purchase of Property, the Receipt of Legal Advice Where the Legal Advice Relates to a Pending, Threatened, or Potential Claim or Other Matters Covered by the Attorney-Client Privilege, Settlement of Legal Claims, or the Position of the Public Agency in Other Adversary Situations Involving the Assertion Against the Agency of a Claim.*]

At 4:46 p.m., Mr. Dial made a motion, seconded by Mr. McKee, to enter an Executive Session to receive legal advice. The motion carried.

At 5:31 p.m., Ms. Myers made a motion, seconded by Mr. Dial, to return to Regular Session. The motion carried.

Mr. Bronson stated that the OJRSA received legal advice related to reconstitution options for the OJRSA board. Mr. Bronson asked for any motions regarding the legal advice received.

Mr. Moulder made a motion, seconded by Mr. Dial, to affirm the decision of the Executive Committee to request Mr. Lawrence Flynn (OJRSA attorney) to continue evaluating the legal procedures regarding the reconstitution of the board as presented by the Sewer Feasibility Study group. The motion carried.

M) Upcoming Meetings:

- **Sewer Feasibility Implementation Ad Hoc Committee** – Thursday, February 13, 2025 at 9:00 a.m.
- **Operations & Planning Committee** – Wednesday, February 19, 2025 at 8:30 a.m.
- **Finance & Administration Committee** – Tuesday, February 25, 2025 at 9:00 a.m.
- **Board of Commissioners** – Thursday, March 6, 2025 at 4:00 p.m. *(date changed)*

N) Adjourn – Mr. Bronson adjourned the meeting at 5:34 p.m.

Approved By: _____
Kevin Bronson, OJRSA Commission Chair

Approved By: _____
Lynn M. Stephens, OJRSA Secretary/Treasurer

Approved By: _____
Christopher R. Eleazer, OJRSA Executive Director

Notification of the meeting was distributed on January 10, 2025 to *Upstate Today*, *Anderson Independent-Mail*, *Westminster News*, *Keowee Courier*, WGOG Radio, WSNW Radio, City of Seneca Council, City of Walhalla Council, City of Westminster Council, Oconee County Council, SC DHEC, www.ojrsa.org, and posted at the OJRSA Administration Building.

***ATTACHMENTS STARTING NEXT PAGE**



Board of Commissioners Meeting
OJRSA Operations & Administration Building
Lamar Bailes Board Room
February 3, 2025 at 4:00 p.m.

OJRSA commission and committee meetings may be attended in person at the address listed above. The OJRSA will also broadcast meetings live on its YouTube channel at www.youtube.com/@OconeeJRSA (if there is a technical issue preventing the livestreaming of the meeting, then a recording will be published on the channel as soon as possible). For those not able to attend in person, then the OJRSA Board or Committee Chair will accept public comments by mail (623 Return Church Rd, Seneca, SC 29678) or at info@ojrsa.org. Comments must comply with the public session instructions as stated on the meeting agenda and will be received up until one hour prior to the scheduled meeting. If there is not a public session scheduled for a meeting, then comments shall not be accepted.

Agenda

- A. Call to Order** – Kevin Bronson, Board Chair
- B. Invocation and Pledge of Allegiance** – Led by Commissioner Celia Myers
- C. Public Session** – Receive comments relating to topics that may or may not be on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- D. Approval of Minutes**
- Board of Commissioners Meeting of January 6, 2025
 - Annual Members' Meeting of January 6, 2025
- E. Committee and Other Meeting Reports**
- Sewer Feasibility Implementation Meeting of December 2, 2024 – Chris Eleazer, Director and Lynn Stephens, Secretary/Treasurer *Minutes from the January 9, 2025 meeting to be considered at the March 3, 2025 board meeting*
 - Operations & Planning Meeting of January 15, 2025 – Bob Faires, Committee Chair
 - Executive Committee Meeting of January 15, 2025 – Kevin Bronson, Committee Chair
 - Finance & Administration Meeting of January 28, 2025 – Celia Myers, Committee Chair
- F. Secretary/Treasurer's Report** (Exhibit A) – Lynn Stephens, Secretary/Treasurer
- G. Oconee County Government Update Regarding Matters Involving Wastewater** – Oconee County Administrator or Appointed County Representative
- H. Presentation and Discussion Items** *[May include vote and/or action on matters brought up for discussion]*
- Board of Commissioners to assess goals they established for the agency during the February and March 2024 board meetings (Exhibit B) – Led by Kevin Bronson, Board Chair
- I. Action Items**
1. Approve Executive Director to execute agreement with Harper General Contractors, Incorporated for no fee to establish the contract terms for the CMAR contract as a function of OJRSA Project #2024-06 as recommended by KCI Technologies, pending funding agency approval – Chris Eleazer, Director (and Steve Barbian, KCI Technologies by phone, if necessary)
 2. Approve Executive Director to execute Contract Amendment No. 1 with Harper General Contractors, Incorporated in the amount of \$4,200,000, to include \$176,902.39 for contingency, for the release and authorization of work for the Dewatering Upgrades project as a function of OJRSA Project #2024-06 as recommended by KCI Technologies, pending funding agency approval – Chris Eleazer, Director (and Steve Barbian, KCI Technologies by phone, if necessary)
 3. Consider making the memorandum from Pope Flynn, LLC titled "Options for Future Reorganization; Next Steps" (dated November 26, 2024) that was presented to the Ad Hoc Sewer Feasibility Implementation Committee on January 9, 2025 available to the public – Chris Eleazer, Director
 4. Adopt necessary changes based on South Carolina Department of Environmental Services review of the OJRSA Sewer Use Regulation and authorize OJRSA to publicly advertise for public comments, which shall be considered at the March 8, 2025 Board Meeting (Exhibit C) – Chris Eleazer

-
5. Adopt Resolution 2025-01 to amend the OJRSA Financial and Accounting Policy (Exhibit D) – Chris Eleazer, Director
 6. Approve moving the March board meeting to Thursday, March 6, 2025 at 4:00 p.m. to allow for Willdan Financial to present its findings from the rate and cost of service study – Chris Eleazer, Director
- J. Executive Director’s Discussion and Compliance Matters** – Chris Eleazer, Director
1. Environmental and regulatory compliance matters
 2. I-85 Corridor Sewer Update
 3. Miscellaneous (*if any*)
- K. Commissioners’ Discussion** – Led by Kevin Bronson, Board Chair
Discussion can be related to matters addressed in this meeting or for future consideration by the Board or Committee. Voting is not permitted during this session.
- L. Executive Session** *NOTE: Board may act on matters discussed in executive session upon returning to open session*
- Receipt of Legal Advice – Discussion of Reconstitution Options [*Executive Session permissible under SC Law 30-4-70(a)(2), which states: Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.*]
- M. Upcoming Meetings** *All meetings to be held in the OJRSA Lamar Bailes Board Room unless noted otherwise.*
- Sewer Feasibility Implementation Ad Hoc Committee – February 13, 2025 at 9:00 AM
 - Operations & Planning Committee – February 19, 2025 at 8:30 AM
 - Finance & Administration Committee – February 25, 2025 at 9:00 AM
 - Board of Commissioners – March 6, 2025 at 4:00 p.m. *Please note planned date change*
- N. Adjourn**



Secretary/Treasurer's Report for Board of Commissioners

Prepared for the February 3, 2025 OJRSA Board of Commissioners Meeting

Cash and investment information stated herein come from bank and other financial records as of: January 31, 2025

UNRESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Wholesale Operations & Maintenance (O&M)	404,516	2,695,000	3,099,516
Retail Operations & Maintenance (RO&M)	3,123,754	245,000	3,368,754
TOTAL UNRESTRICTED FUNDS	3,528,270	2,940,000	6,468,270

RESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Projects and Contingency (PCF)	868,004	0	868,004
Wholesale Impact Fund (WIF)	137,805	5,327,000	5,464,805
Retail Impact Fund (RIF)	3,400	0	3,400
TOTAL RESTRICTED FUNDS	1,009,209	5,327,000	6,336,209

Combined Total for All Funds

Cash 4,537,479 Investments 8,267,000 Combined 12,804,479

Account Notes:

DAYS CASH ON HAND

Financial & Accounting Policy Section 2.10(H) states the minimum balances established for OJRSA Wholesale O&M and Retail O&M funds are 120 Days Operating Cash on Hand.

$$\text{Formula for Cash on Hand} = \frac{\text{Cash} + \text{Cash Equivalents}}{(\text{Annual Operating Expense} - \text{Depreciation}) \div 365 \text{Days}}$$

	Cash on Hand (Days)	Annual Operating Expense minus Depreciation (\$)	Budget Amended During Fiscal Year?
O&M Fund	169.9	6,657,488	X NO YES
RO&M Fund	91.8	13,390,177	X NO YES

INDEPENDENT RECONCILIATION OF ACCOUNTS

All transactions for all funds have been satisfactorily reconciled by an independent accounting firm for the month of December 2024 (mark with an "X" on appropriate line): YES NO See attached document(s) from accountant.

Reconciliation Notes:

The accountant's reconciliation letters for September through December 2024 reconciliations were emailed to board members on 1/27/25.

See next page for more information



Assessment of 2024 Goals as Established by the Board of Commissioners February 5, 2024 and March 5, 2024

1. Determine what the OJRSA's role will be with the expanded sewer in the Fair Play area.
2. Complete the Feasibility Study to look at what the OJRSA serves and how to govern.
3. Complete the Central Basin Study. [This was renamed the "Oconee County and Western Anderson County Sewer Master Plan"]
4. Follow up on recouping capacity for the water reclamation facility.
5. Continue to have regular meetings with Oconee County.
6. Complete the CMOM and required SCDHEC [SCDES) compliance matters.
7. Pursuing RIA grants for necessary projects.

The consideration of goals for 2025 will be added to the February standing committee agendas and will be presented and considered by the board in March.



Oconee Joint Regional Sewer Authority

623 Return Church Road
Seneca, South Carolina 29678
Phone (864) 972-3900
www.ojrja.org

MEMORANDUM

TO: Board of Commissioners

FROM: Chris Eleazer, Executive Director

COPY: Larry Brandt, Esq.; OJRSA General Counsel
Michael Traynham, Esq; OJRSA Outside Environmental Counsel

DATE: January 31, 2025

SUBJECT: Draft revision to Sewer Use Regulation – Following SCDES review
For the February 3, 2025 OJRSA Board of Commissioners Meeting

As directed by the OJRSA Board of Commissioners at its July 1, 2024 meeting, OJRSA staff and consulting experts familiar with state and federal requirements have reviewed the Sewer Use Regulation (SUR) for pretreatment and fats, oils, and grease (FOG) requirements, which were approved for legal review by the Board at the September 9, 2024 meeting and approved for review by the South Carolina Department of Environmental Services (SCDES) on October 7, 2024.

Kayse Jarman, SCDES Pretreatment Coordinator, completed her review of the proposed SUR update and had four comments. These comments were considered by OJRSA administration and Michael Traynham, OJRSA's attorney for environmental law and compliance, and addressed as necessary. Once presented with the proposed changes, Ms. Jarman issued a letter of approval, which is attached to this memo.

Below is a table containing changes within the draft SUR revision. Unless otherwise indicated, the numbers in the left column of the table reference the line in the SUR to which a change was made. Only modifications requiring explanation are provided below—see the document in its entirety for all proposed changes.

All comments in the table were previously approved by the board except for those in **yellow highlighted** font, which were modifications requested by Ms. Jarman. Other inclusions are marked by **red** font.

SUR Line Number (beginning)	Comment
<i>General</i>	The addition of Hydromechanical FOG Devices and its acronym have been added in various places in the SUR
<i>General</i>	In most cases, the South Carolina Department of Health and Environmental Control (SCDHEC) has been updated to the South Carolina Department of Environmental Services (SCDES). This is to reflect the state agency's change from a combined health/environmental organization to one with the sole function of environmental compliance.
<i>General</i>	Added Hotel with Kitchen to various sections of the SUR
<i>General</i>	Added notes to certain sections that require Wet Signature as defined in the SUR. <i>Note: There may be others this requirement is added to as we continue to review and receive input from consultants and legal experts.</i>
<i>General</i>	Green text with double green underlines (EXAMPLE) in the marked up document were moved. The location where they were moved from are indicated by green text with double strikethrough lines (EXAMPLE).
<i>General</i>	In Section 8.12 Enforcement Management Strategy, changed "terminate water and/or sewer" to "seek termination of water and/or sewer. In most cases, the customer is not connected directly to OJRSA sewer; thus, OJRSA will not be able to disconnect or plug their sewer service. Since most customers are connected to a line owned by a satellite sewer system, the OJRSA can request the disconnection of water and/or sewer service by the retail utility provider but cannot enforce this without further authorization by a legal authority.
<i>General</i>	Corrected scrivener's errors
2	Update to revision table to be completed upon adoption of SUR
121	Update to Section 1 and document header will be necessary upon adoption of SUR
404	Allowed smaller units for Multi-Family Developments on a case-by-case basis
473	Added definition of a Hotel with Kitchen
477	Added definition of a Hydromechanical FOG Device
551	Clarified what sewer plumbing is for a Multi-Family Development and removed information from the definition that is referenced later in the SUR. For clarification, added sentence inside parenthesis regarding dormitories, communal living spaces, etc.
597	Added "dormitories, communal living spaces (e.g., hostels)"
791	Made change to shared service/plumbing for Single-Family Residential that will allow shared services for up to two (2) units, meaning that certain facilities like townhomes can have a shared connection between two adjacent units and not be required to install a FOG Control Device.
803	Added definition of Special Pretreatment Device
845	Added definition for Wastestream (and capitalized throughout document to reference definition)
1000	Added "Construction" to section title and included Item B and subitems 1 and 2 following similar recent inclusion in the Financial and Accounting Policy. This was at the recommendation of Lawrence Flynn, Esq.
1012	Added section for electronic submittal of documents. <i>Note: This may be moved to a different section of the document prior to final draft is presented to Board.</i>
1267	Added sentence regarding specific variances that may be found elsewhere in the Regulation (e.g., variances for FOG devices)

SUR Line Number (beginning)	Comment
1997	Slightly modified language regarding CROMMER per request by Ms. Jarman, who stated that only EPA can currently authorize OJRSA's use of a reporting system that is compliant with CROMMER
2152	Slightly modified language regarding sampling at request of Ms. Jarman
2833	See comment for Line 791 above
2839	Added section for Hotels with Kitchens as defined in SUR
2919	Added comment to allow for acceptance of certain electronic records
2974	Paragraphs D and E were moved to Section 9.9 and placed in the appropriate section for FOG Interceptors
3023	Starting here and as applicable elsewhere following this section, references to the need of the NAICS codes to be provided to OJRSA has been removed
3027	Added language to allow for HFDs to be used for this class
3030	Changed regulations associated with Retail Food Establishments from SCDHEC to the SC Department of Agriculture, which took effect when SCDHEC dissolved on July 1, 2024. This was also changed as needed following this revision.
3050	Added language to allow for HFDs to be used for this class
3069	Added Hotels with Kitchens as a Class 2 facility
3070	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3073	Added language to allow for HFDs to be used for this class
3082	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3097	Grouped the contents of this section into General Requirements, General FCD, FOG Trap, HFDs, and FOG Interceptors for easier use
3119	Added requirement that FOG Traps be certified by PDI for flow and capacity
3130	Added design and installation requirements for HFD
3138	Added minimum retention time for liquid in FOG Interceptor, which is based on International Plumbing Code
3146	Added language that allows the OJRSA to consider maintenance requirements on a case-by-case basis, which are to be determined on any number of conditions
3149	Statement allowing the OJRSA to require increased cleaning if there is evidence of excess FOG in public sewer system
3155	Established objective criteria for cleaning FOG Traps, including the "25% Rule" (defined in footnote of SUR) or evidence of visible solids leaving the treatment device (defined "evidence" in footnote of SUR). Also changed the maximum cleaning cycle from two (2) weeks to twenty-one (21) calendar days for FOG Traps.
3163	Added maintenance requirements for HFD. Added that there shall be no evidence of prohibited solids or other matter in the effluent of the device.
3175	Most of these changes were from Section 9.6(D)
3186	Was moved from Section 9.6(E)
3187	Added that 25% Rule applies for FOG Interceptor maintenance
3196	Was moved from Section 9.6(E)
3218	Some of the companies do not know how often the interceptors are pumped out and a few have included this on their form, which is very helpful to the Regulatory Services Coordinator and Commercial Pretreatment & Construction Inspector

SUR Line Number (beginning)	Comment
3219	Certain establishments have their facilities cleaned out afterhours, so there should be an agreement with a waste hauler and a copy of it should be at the facility and available to OJRSA upon request
3224	Moved here from Line 3235
3278	Starting here, numerous additions were made regarding maintenance variance requests, including the procedure for requesting a variance
3321	Added authorization for Executive Director to accept hauled waste from outside OJRSA service area during declared emergencies. This recommendation has been added due to Hurricane/Tropical Storm Helene. It has been reviewed and approved by ojrsa environmental counsel.
3444	Removed "FOG Trap or Interceptor" because the OJRSA no longer accepts brown grease for disposal

See following page for 2025 Sewer Use Regulation Update Approval letter from Kayse Jarman.

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Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	<u>South Carolina Department of Health and Environmental Control (SCDHEC) Approved Sewer Use Ordinance</u>	SCDHEC
7/18/1995	Oconee County Ordinance 1995-07	Oconee County Council
10/3/2011	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
4/1/2017	Sewer Use Regulation revision	OJRSA Board of Commissioners
3/1/2018	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
8/23/2019	Non-substantial modification to correct discrepancy Enforcement Management Strategy	SCDHEC and OJRSA Board of Commissioners
10/01/2023	Comprehensive revision and inclusion of attachments into the main body of the Regulation, update to comply with SCDHEC Consent Order and CMOM requirements, and to further develop the FOG Management Program for OJRSA. Adopted by <i>OJRSA Resolution 2024-02</i> on 09/11/2023.	SCDHEC and OJRSA Board of Commissioners
XX/XX/XXXX	<u>Revision to address FOG, Special Pretreatment Devices, record-keeping requirements, and comments from South Carolina Department of Environmental Services (SCDES) review. Adopted by <i>OJRSA Resolution 2025-XX</i> on XX/XX/XXXX.</u>	<u>SCDES and OJRSA Board of Commissioners</u>

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Section 1 – 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.

As reviewed by the Approval Authority (South Carolina Department of ~~Health and Environmental Control~~ Environmental Services) and approved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on August 7, 2023, a thirty (30) day public notice given on August 11, 2023 in *The Journal* (Seneca, South Carolina), on the OJRSA website (www.orjsa.org), and on social media accounts updated by OJRSA.

The Approval Authority was made aware of the public notice and comment period on August 4, 2023.

A public comment period was granted from August 11, 2023, until the OJRSA Board of Commissioners Meeting on the evening of September 11, 2023. The agency also accepted written comments as stated in the legal notices advertised in *The Journal* (Seneca, South Carolina) on August 11, 2023 and September 2, 2023; at www.ojrsa.org/info; and on OJRSA social media accounts.

APPROVED and ADOPTED by *OJRSA Resolution* 2024-02 by the Oconee Joint Regional Sewer Authority Board of Commissioners on September 11, 2023 during the Board of Commissioners Meeting.

EFFECTIVE DATE: 12:01 AM LOCAL TIME ON OCTOBER 1, 2023.

143 **Section 2 – Administrative Information**

144 **2.1 PURPOSE AND POLICY**

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

151
152 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)
153 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal
154 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations
155 are:

- 156 A. To prevent discharges to the POTW which will interfere with the operation of the POTW;
- 157 B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately
158 treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;
- 159 C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the
160 sludge;
- 161 D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;
- 162 E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement
163 of the POTW;
- 164 F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their em-
165 ployment and to protect the general public; and
- 166 G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which
167 the POTW is subject.

168
169 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-
170 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement
171 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.
172 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users
173 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly
174 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these
175 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items
176 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the
177 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

178
179 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 3.17.

180 **2.2 APPLICATION OF REGULATIONS**

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

185 **2.3 DEFINITIONS**

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

188

189 Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33
190 USC §1251 et seq.)

191 Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations
192 regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have
193 occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing
194 Officer will be appointed by the Director and shall have no connection with the preparation or presentation of
195 the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be
196 guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for
197 the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of
198 evidence.

199 Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take
200 corrective action or refrain from an activity. It describes the violations and actions to be taken and can be en-
201 forced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and
202 Desist Order.

203 Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of
204 presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. Also see
205 Fermented Beverages.

206 Approval Authority shall mean the State of South Carolina, by and through the Department of ~~Health and Environ-~~
207 ~~mental Control~~ Environmental Services, or any successor agency having jurisdiction to review OJRSA's Pretreat-
208 ment Program and associated regulations.

209 Authorized Representative or Duly Authorized Representative of the User shall mean:

210

A. If the User is a corporation:

211

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal
212 business function, or any other person who performs similar policy or decision-making functions
213 for the corporation; or

214

2. The manager of one or more manufacturing, production, or operating facilities, provided the man-
215 ager is authorized to make management decisions that govern the operation of the regulated facil-
216 ity including having the explicit or implicit duty of making major capital investment recommenda-
217 tions, and initiate and direct other comprehensive measures to assure long-term environmental
218 compliance with environmental laws and regulations; can ensure that the necessary systems are
219 established or actions taken to gather complete and accurate information for individual wastewater
220 discharge permit requirements; and where authority to sign documents has been assigned or del-
221 egated to the manager in accordance with corporate procedures.

222

B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

223

C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or des-
224 signed to oversee the operation and performance of the activities of the government facility, or their de-
225 signee.

226

D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized
227 Representative if the authorization is in writing, the authorization specifies the individual or position re-
228 sponsible for the overall operation of the facility from which the discharge originates or having overall re-
229 sponsibility for environmental matters for the company, and the written authorization is submitted to the
230 OJRSA. If the designation is no longer accurate because a different individual or position has responsibility
231 for the overall operation of the facility or overall responsibility for environmental matters for the company,
232 a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior
233 to or together with any reports to be signed an Authorized Representative.

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- 234 E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or
235 Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.
- 236 Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from
237 wastewater.
- 238 Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater
239 through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that
240 does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A
241 slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at
242 the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.
- 243 Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to
244 the water reclamation facility and its treatment process.
- 245 Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures,
246 and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also
247 include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or
248 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and
249 methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by
250 OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of*
251 *certain established Categorical Pretreatment Standards and effluent limits.]*
- 252 Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in
253 the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty
254 degrees Centigrade (20°C).
- 255 Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.
- 256 Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale.
257 Breweries also produce non-alcoholic products (e.g., “non-alcoholic beer”). Breweries shall also include craft
258 brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced
259 at the facility. *Also see Alcoholic Beverage.*
- 260 Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion
261 of fat, oil, grease, solids, and water.
- 262 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater
263 and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five
264 (5) feet outside the building wall.
- 265 Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.
266 Building drains are considered a portion of the building sewer.
- 267 Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee*
268 *Handbook* or when otherwise established by the OJRSA Board of Commissioners.
- 269 Bypass shall mean the intentional diversion of ~~wastestream~~ Wastestreams from any portion of a User’s treatment
270 facility.
- 271 Calendar Day shall mean all days, including weekends and holidays.
- 272 Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive)
273 each year.
- 274 Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.
- 275 Capacity Permit. See definition for Permit.

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- 276 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.
- 277 Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Con-
278 trol Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease
279 retained in the control device.
- 280 Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste
281 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.
- 282 Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and
283 a tasting room products for produced at the facility. *Also see Alcoholic Beverage.*
- 284 CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that
285 assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has
286 adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to elimi-
287 nate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of over-
288 flows on Waters of the State/United States, the environment, and public health.
- 289 Collection System. See definition for Conveyance System.
- 290 Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or
291 equivalent methods approved by EPA.
- 292 Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. *OJRSA cur-
293 rently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer
294 system.*
- 295 Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for
296 commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.
- 297 Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater,
298 are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional)
299 Users may be subject to Local Limits as determined by the Director.
- 300 Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative
301 Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address
302 a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may
303 include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA,
304 with failure to meet such deadlines subject to potential additional enforcement action as stated within the Reg-
305 ulation, including civil penalties.
- 306 Cumulative Consumer Price Index, as applicable to SECTION 8.6, shall mean the aggregate administrative, civil, or
307 criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index
308 as reported for the month of December each calendar year beginning with December 2023. *This amount shall
309 be rounded up or down to the next whole dollar.*
- 310 Contact Cooling Water. See definition for Cooling Water.
- 311 Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and
312 challenges to the environmental community as a result of:
- 313 A. The recent development of new chemicals or other products;
314 B. New or recently identified byproducts or waste products;
315 C. Newly discovered or suspected adverse health or environmental impacts;
316 D. Physical or chemical properties that are not fully evaluated or understood;
317 E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other
318 environmental program levels of control; and
319 F. Other factors.

320 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-
321 maceuticals and their constituents, and steroids and hormones.

322 Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this
323 Regulation.

324 Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and
325 appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treat-
326 ment facility. The conveyance system is considered to be a component of the POTW.

327 Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling,
328 evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product,
329 intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water
330 can be generated from any cooling equipment blowdown or produced as a result of any cooling process through
331 either a single pass (once through) or recirculating system. There are two types of cooling water:

332 A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact
333 with any raw material, waste intermediate or final product, and which does not contain levels of contami-
334 nants detectably higher than that of intake water and does not have added chemicals for water treatment
335 at the facility.

336 B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact
337 means the water has chemical(s) added at the facility or comes into contact with the product produced at
338 the facility. This includes water contaminated through any means, including chemicals added for water
339 treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, pro-
340 cess materials, intermediate materials, final products, waste product, and/or wastewater.

341 County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any*
342 *county.*

343 Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-
344 four (24) hour period.

345 Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where
346 Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the
347 course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge
348 is the arithmetic average measurement of the pollutant concentration derived from all measurements taken
349 that day.

350 Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment
351 or solids that have settled in the tank or vessel.

352 Director. See definition for Executive Director.

353 Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic
354 wastewater source.

355 Discharge Permit. See definition for Permit.

356 Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and ~~SCDHECSCDES~~ approved
357 location.

358 Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail
359 store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*

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

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

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- 363 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-
364 tion.
- 365 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set
366 forth in SECTION 8 of this Regulation.
- 367 Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appro-
368 priate, the Administrator or other duly authorized official of the EPA.
- 369 Environmental Harm shall mean a pollutant effluent which:
370 A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;
371 B. Causes a violation of the POTW's NPDES permit (including water quality standards); or
372 C. Causes a pass-through.
- 373 Equivalent Permitting Record. See definition for Permit.
- 374 Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA*
375 *Sewer Use Regulation* or Industrial User permit.
- 376 Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the
377 person serving as the chief administrative officer (CAO) of the agency.
- 378 Existing Source shall mean any source of discharge that is not a New Source.
- 379 Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for
380 commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products
381 produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence
382 or amount of alcohol volume. *Also see Alcoholic Beverage.*
- 383 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- 384 FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal
385 and/or vegetable or plant sources.
- 386 FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liq-
387 uefy the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices
388 must be cleaned manually to remove any FOG accumulation.
- 389 FOG Control Devices shall mean FOG Interceptors, FOG Traps, Hydromechanical FOG Device, or other OJRSA ap-
390 proved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment
391 works.
- 392 FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support
393 elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system
394 and treatment works. This program is detailed in SECTION 9 of these Regulations.
- 395 FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and
396 grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated
397 living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to
398 the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering and other such oper-*
399 *ations are considered a commercial purpose subject to FSE regulations*).
- 400 FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats,
401 oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Inter-
402 ceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not con-
403 sider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be con-
404 structed as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller
405 devices will be considered by OJRSA on a case-by-case basis for Multi-Family Developments.

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- 406 FOG Permit. See definition for Permit.
- 407 FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the
408 responsibility of administering the provisions of the FOG Control Program to ensure User compliance with ap-
409 plicable laws, rules, regulations, and policies.
- 410 FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.
- 411 FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the ~~wastestream-~~
412 Wastestream. These are identified as an “under the sink” reservoir or a “floor trap” which is a small container
413 or tank with baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be
414 connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease
415 interceptor” but should not be confused with a FOG Interceptor as defined by the OJRSA.
- 416 FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial oper-
417 ations through the use of a FOG Interceptor, Hydromechanical FOG Device, or FOG Trap.
- 418 FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to
419 include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within
420 the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumb-
421 ers must perform an inspection on a FCD when the device is being cleaned.
- 422 FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and ap-
423 pliances to the FOG Control Device.
- 424 Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where
425 several food preparation establishments having different Owners may share seating space or plumbing facilities.
- 426 Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or
427 making food available for consumption. Single-Family Residential locations and Multi-Family Developments with
428 four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator
429 and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes
430 (catering operations are considered a commercial purpose subject to FSE regulations). FSEs will include but are
431 not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens,
432 assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities,
433 and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establish-
434 ment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-
435 related wastes. Also see definition of FOG Generator.
- 436 Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A
437 force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.
- 438 Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events
439 must be unforeseeable and unavoidable, and not the result of the User’s actions, hence they are considered “an
440 act of God,” such as an earthquake, flood, or riot.
- 441 Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and
442 dispensing of food, and from the Commercial handling, storage, and sale of produce.
- 443 Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for
444 discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”
- 445 Grab Sample shall mean a sample that is taken from a ~~wastestream~~Wastestream without regard to the flow in the
446 ~~wastestream~~Wastestream and over a period of time not to exceed fifteen (15) minutes.
- 447 Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous
448 rights, privileges, uses, or practices.

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- 449 Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such
450 as toilets and urinals. *This does not include process wastewater from industrial facilities.*
- 451 Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that
452 may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal
453 grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common
454 effluent line shared by a number of wash stations.
- 455 Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from ves-
456 sels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, Hydrome-
457 chanical FOG Devices, and vacuum pump tank trucks.
- 458 Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of
459 transporting solid and/or liquid waste products for treatment or disposal.
- 460 Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concen-
461 tration, or characteristics, may:
462 A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;
463 B. Pose a substantial hazard to human health or the environment if improperly handled; or
464 C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of
465 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal
466 law.
- 467 Hazardous Waste. See definition for Hazardous Material Item B.
- 468 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in
469 accordance with SCDHECSCDES and EPA regulations.
- 470 Hearing Officer shall be defined by OJRSA SUR 8.2(D)(5).
- 471 Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trail-
472 ers, septic tanks, and vacuum pump tank trucks.
- 473 Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for
474 lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing
475 dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility
476 shall be considered a Food Service Establishment.
- 477 Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity be-
478 tween wastewater and FOG to affect separation of FOG of FOG from wastewater, and may incorporate a flow
479 control device, air entrainment, and other means or principles to improve the efficacy of separation as demon-
480 strated by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by
481 an independent entity using specific equipment or devices that have been tested and meet or exceed standards
482 established by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which
483 may include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical
484 Engineers (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combina-
485 tion of these and other entities to include the aforementioned requirements. Some jurisdictions refer to these
486 as “hydromechanical grease interceptors”.
- 487 Indirect Discharge. See definition for Discharge.
- 488 Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under
489 regulations issued pursuant to Section 402 of Act. An Industrial User may or may not be a CIU and/or SIU.
- 490 Industrial User Permit. See definition for Permit.
- 491 Industrial Wastewater. See definition for Wastewater.

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492 Infiltration shall mean water other than wastewater flow that enters a sewer system from the ground through pipes,
493 pipe joints, connections, or manholes.

494 Inflow shall mean water other than wastewater flow entering the sewer system from such sources as, but not lim-
495 ited to: roof leaders; cellar, yard, and area drains; foundation drains; unpolluted water (including cooling water
496 or condensation discharges); drains from springs and swampy areas; manhole covers; cross connections from
497 storm sewers and/or Combined Sewers; catch basins; stormwaters; surface runoff; street wash waters, or drain-
498 age.

499 Inflow and Infiltration shall collectively mean inflow and/or infiltration as defined in this Regulation.

500 Informal Conference shall mean a meeting between a User and the Director, or Director's designee, to discuss one
501 (1) or more alleged violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA, to exchange
502 information regarding such alleged violations and any corrective actions taken or proposed to be taken, and to
503 discuss methods to obtain compliance with the Regulation by consent of all parties. An Informal Conference may
504 result in the entry of a Consent Agreement outlining agreed upon relief, including an enforceable Compliance
505 Schedule, but will not result in the entry of a unilateral final decision by the OJRSA on an alleged violation prior
506 to the User's opportunity for an Adjudicatory Hearing.

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

510 Institution (or Institutional) shall mean an organization that provides services to the public or a specific sector of
511 the public. Examples includes schools, places of worship, colleges, government buildings, hospitals, prisons, etc.

512 Institutional User. See definition for Commercial User.

513 Interference means a Discharge which, alone or in conjunction with a discharge(s) from other sources, both:

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

524 Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompli-
525 ance.

526 Isolated (or Infrequent) [regarding violations] shall mean violations that do not meet the definition of recurring
527 violations.

528 Lateral (or Service Lateral). See definition for Sewer Service.

529 Lint Interceptor shall mean a device used to remove lint and other debris from wastewater prior to its discharge to
530 the sewer system. Facilities that may be required to install a Lint Interceptor include, but not limited to, laun-
531 dromats, hotels/motels, dormitories, and apartment complexes with common laundry facilities shared by users.

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

534 May is permissive. Shall is mandatory and requires compliance.

535 Measured Daily Flow shall mean the actual flow, in gallons, measured at the flowmeter for each day.

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536 Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological
 537 wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially con-
 538 taminated laboratory wastes, and dialysis wastes.

539 Member City (or Member Cities) shall mean the cities of Seneca, Walhalla, and Westminster and others as defined
 540 by legally binding Intergovernmental Agreement(s).

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

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

546 Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, cal-
 547 culated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily
 548 discharges” measured during that month.

549 Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside
 550 in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condomini-
 551 ums, duplexes/multiplexes, etc. ~~(Under certain conditions, dormitories, communal living spaces, hostels and the~~
 552 ~~like may be considered a Multi-Family Development.)~~ A structure or complex of buildings is also considered to
 553 be a Multi-Family Development if it has a shared privately-owned sewer service (the portion located on private
 554 property) sewer plumbing serving two (2) or more individual living units (e.g., apartments, townhomes, etc.)
 555 that is combined prior to connection to the public sewer system. ~~Multi-Family Developments with five (5) or~~
 556 ~~more separate living units shall have FOG Control Devices as stated in OJRSA SUR 9.3(C).~~

557 National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits prom-
 558 ulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of
 559 Industrial Users. NCPs are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

560 National Pollutant Discharge Elimination System Permit. See definition for Permit.

561 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, stormwater retention/detention pond,
 562 or other surface water or groundwater.

563 New Source shall mean:

- 564 A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the
 565 construction of which commenced after the publication of proposed Pretreatment Standards under Section
 566 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in ac-
 567 cordance with that section, provided that:
- 568 1. The building, structure, facility, or installation is constructed at a site at which no other source is
 569 located; or
 - 570 2. The building, structure, facility, or installation totally replaces the process or production equipment
 571 that causes the discharge of pollutants at an Existing Source; or
 - 572 3. The production or wastewater generating processes of the building, structure, facility, or installa-
 573 tion are substantially independent of an Existing Source at the same site. In determining whether
 574 these are substantially independent, factors, such as the extent to which the new facility is inte-
 575 grated with the existing plant and the extent to which the new facility is engaged in the same gen-
 576 eral type of activity as the Existing Source, should be considered.
- 577 B. Construction on a site at which an Existing Source is located results in a modification rather than a New
 578 Source, if the construction does not create a new building, structure, facility, or installation meeting the
 579 criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production
 580 equipment.

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- 581 C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator
582 has:
- 583 1. Begun, or caused to begin, as part of a continuous onsite construction program:
 - 584 (a) any placement, assembly, or installation of facilities or equipment; or
 - 585 (b) significant site preparation work including clearing, excavation, or removal of existing build-
586 ings, structures, or facilities which is necessary for the placement, assembly, or installation
587 of New Source facilities or equipment; or
 - 588 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are
589 intended to be used in its operation within a reasonable time. Options to purchase or contracts
590 which can be terminated or modified without substantial loss, and contracts for feasibility, engi-
591 neering, and design studies do not constitute a contractual obligation under this paragraph.
- 592 Noncontact Cooling Water. See definition for Cooling Water.
- 593 Non-Process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.
- 594 Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not
595 limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educa-
596 tional facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also in-
597 clude apartments, condominiums, dormitories, communal living spaces (e.g., hostels) and other multi-unit hous-
598 ing complexes with a common sewer service lateral or system serving multiple units prior to connecting with a
599 public sewer.* Also see Single-Family Residential, Multi-Family Development, *Hotel with Kitchen, Single-Family
600 Residential, User, and others.*
- 601 Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling re-
602 quirements but is permitted and may have other requirements to meet.
- 603 North American Industry Classification System or NAICS shall mean the standard reference classification system
604 used by agencies for the United States business economy. It was developed under the auspices of the Executive
605 Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to
606 replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreat-
607 ment regulations.
- 608 OJRSA shall mean the Oconee Joint Regional Sewer Authority.
- 609 Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sedi-
610 ment and other liquid contaminants can be removed from wastewater prior to being discharged to the convey-
611 ance system or treatment facility. These drain lines may come from variety of facilities including, but not limited
612 to, covered parking garages, machine shops, service stations, and manufacturing facilities.
- 613 Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital
614 related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, re-
615 viewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to as-
616 sure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regula-
617 tions and assures optimal long-term facility management.
- 618 Owner shall mean an individual or entity in possession of title for land, building or other item. The Owner can be a
619 claimer, controller, holder, homeowner, householder, landowner, landlord, lessor, occupier, person holding
620 ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.
- 621 Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or
622 concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of
623 any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the viola-
624 tion).

625 Paunch Manure shall mean the partially digested contents of the stomach during the time period immediately be-
626 fore and after the animal is slaughtered for meat and other by-products.

627 Permit (or Permitted) shall mean the following, as appropriate:

- 628 A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this
629 purpose) issued to a User or facility after January 1, 1990.
- 630 B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and
631 tracking connections to the public sewer. This record may be issued to users before or since January 1,
632 1990.
- 633 C. FOG Permit is a permit to which a FSE or FOG Generator may be issued, and it is valid for a period of five
634 (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
- 635 D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the
636 potential to impact the POTW.
- 637 E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this defi-
638 nition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Per-
639 mit, as appropriate. It does not include the NPDES Permit.
- 640 F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land
641 Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of
642 the SC Pollution Control Act, or (SC R61-9 122 or 505).
- 643 G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.

644 Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company,
645 trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This
646 definition includes all Federal, State, and local governmental entities.

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

649 Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer
650 system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices
651 or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on
652 individual sinks or on a common effluent line shared by a number of sinks.

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

654 Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge;
655 munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or dis-
656 charged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other
657 pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD,
658 toxicity, SS, odor) as may be defined by EPA, ~~SCDHECSCDES~~, or OJRSA regulations; discharged into water.

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

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

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- 670 Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment
671 Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Reg-
672 ulatory Services Coordinator, depending on who is authorized to perform this function.*
- 673 Pretreatment Facility. See definition for Pretreatment System.
- 674 Pretreatment Program shall mean a program approved by ~~SCDHECSCDES~~ to enforce the national pretreatment pro-
675 gram requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Stand-
676 ards to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs
677 to proactively protect its infrastructure while overseeing its management responsibilities.
- 678 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other
679 than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.
- 680 Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Stand-
681 ards, and Local Limits.
- 682 Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before dis-
683 charging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.
- 684 Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include
685 sewer services (“laterals” or “service laterals”). It is not a public sewer.
- 686 Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public
687 Service Commission.
- 688 Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of
689 certain substances; these prohibitions appear in SECTION 4 of these Regulations.
- 690 Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by
691 the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems
692 that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.
- 693 Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is
694 owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment,
695 recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyance systems that
696 transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other con-
697 veyances not connected to a facility providing transportation and/or treatment for wastewater.
- 698 Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform
699 wastewater analyses.
- 700 Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12)
701 month period.
- 702 Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the
703 Board of Commissioners.
- 704 Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA reg-
705 ulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This
706 position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*
- 707 Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential
708 User.
- 709 Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings,
710 minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance
711 facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities.
712 These devices may also be referred to as a “grit interceptor,” “sand trap,” or other such name.

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713 Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.

714 Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision,
715 company, or other such party (all collectively referred to as “party” in this definition) that discharges to a system
716 that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-
717 9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party
718 for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not
719 mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

720
721 A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite
722 Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General
723 Permit as issued by ~~SCDHECSCDES~~ (or other such permit issued by ~~SCDHECSCDES~~ and/or EPA) are those that
724 would require a construction permit under SC R61-67 if built today. There are two (2) basic situations that would
725 normally apply:

- 726 A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)
727 B. Pretreatment systems at industries

728
729 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-
730 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

731 Satellite Sewer System Permit. See definition for Permit.

732 Satellite System shall collectively mean a Satellite Sewer System and private sewer.

733 Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate
734 governing body(ies).

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

739 Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

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

741 Sewer Service (aka “Lateral” or “Service Lateral”) shall mean piping or plumbing that serves individual properties
742 and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public
743 sewer line.

744 Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

745 Shall is mandatory and requires compliance. May is permissive.

746 Significant Industrial User shall mean:

- 747 A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); or
748 B. An Industrial User that:
749 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the
750 POTW (excluding non-process wastewater); or
751 2. Contributes a process ~~wastestream~~ Wastestream which makes up five percent (5%) or more of the
752 average dry weather hydraulic or organic capacity of the POTW treatment plant; or
753 3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting
754 the POTW’s operation or for violating any Pretreatment Standard or Requirement (in accordance
755 with SC R61-9 403.8(f)(6)).

756 Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for
757 adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement,
758 OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User,

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759 and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be consid-
760 ered a Significant Industrial User.

761 C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may
762 be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

763 Significant Noncompliance shall mean one or a combination of any of the following:

764 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or
765 more of all of the measurements taken for the same pollutant parameter during a six (6) month period
766 exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous lim-
767 its;

768 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or
769 more of all of the measurements taken for the same pollutant parameter during a six (6) month period
770 equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantane-
771 ous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats,
772 oil, and grease; and one and two-tenths (1.2) for all other pollutants except pH);

773 C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maxi-
774 mum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused,
775 alone or in combination with other discharges, interference or pass- through including endangering the
776 health of POTW personnel or the general public;

777 D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the
778 environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a dis-
779 charge;

780 E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone
781 contained in an individual wastewater discharge permit or enforcement order for starting construction,
782 completing construction, or attaining final compliance;

783 F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including
784 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, pe-
785 riodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;

786 G. Failure to accurately report noncompliance;

787 H. Any other violation(s), which may include a violation of Best Management Practices, which the Director
788 determines will adversely affect the operation or implementation of the local Pretreatment Program.

789 Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended
790 to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-
791 Family Developments (if units have individual sewer plumbing that is not combined, or no more than two (2)
792 units have shared sewer plumbing or service line, prior to connection to the public sewer system), and recrea-
793 tional vehicles ("RV")/camper sites with an individual Water Meter and sewer connection.

794 Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the
795 prohibited discharge standards in SECTION 4 of these Regulations; or any discharge of a nonroutine, episodic na-
796 ture, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable
797 potential to cause interference or pass through, or in any other way will violate OJRSA Regulations, Local Limits,
798 or Permit conditions.

799 South Carolina Department of Environmental Services shall mean the State cabinet agency established by state law
800 on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South
801 Carolina's environment and natural resources. Prior to July 1, 2024, SCDES was a division of the South Carolina
802 Department of Health and Environmental Control (SCDHEC).

803 Special Pretreatment Device shall mean equipment used to reduce, remove or alter the nature of pollutants in
804 wastewater prior to entering the Public Sewer. Such devices include, but are not limited to: FOG Control Devices,
805 Oil/Water Interceptors, Sand/Oil Interceptors, Hair Trap/Interceptors, Lint Interceptors, Plaster Interceptors.

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806 Pretreatment Systems, and others as necessary to protect the conveyance system, treatment facility, and/or to
807 comply with NPDES Permit requirements.

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

812 State shall mean the state of South Carolina.

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

815 Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting there-
816 from.

817 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water,
818 wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or
819 equivalent methods approved by EPA, and referenced as non-filterable residue.

820 Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater
821 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this com-
822 pound is $\text{NH}_3\text{-N}$.

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

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

827 Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which
828 when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment
829 process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the
830 POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or com-
831 bination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307
832 (33 USC §1317) of the Act, or other acts.

833 Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water
834 quality standards if such water were discharged to Waters of the State/United States.

835 Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Cate-
836 gorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An up-
837 set does not include noncompliance to the extent caused by operational error, improperly designed treatment
838 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

839 User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignifi-
840 cant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of
841 wastewater to the POTW. Also see Industrial User and Nonsignificant Industrial User.

842 User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the
843 wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board
844 of Commissioners.

845 Wastestream shall mean the complete flow of liquid waste from its source to its final disposal. The contributors of
846 Wastestreams are Residential and Nonresidential Users.

847 Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial build-
848 ings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.

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849 A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet
850 and other sanitary plumbing facilities.

851 B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any
852 industrial establishment and resulting from any trade or process carried on in that establishment and shall
853 include the wastes from pretreatment facilities and cooling water.

854 Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by
855 the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of
856 the effluent and accumulated residual solids.

857 Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or
858 other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures
859 any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in
860 the sewer that is conveyed to the OJRSA wastewater treatment plant. A Water Meter does not include meters
861 on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation
862 systems as they are not typically connected to a collection system; however, if it is determined that they are on
863 a case-by-case basis, then they shall be treated as a Water Meter defined herein.

864 Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reser-
865 voirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or
866 underground, natural or artificial, public or private, which are contained within, flow through, or border upon
867 the State or any portion thereof.

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

869 Wet Signature shall mean an original signature created when a person physically marks a document using pen and
870 ink with the intent to sign the record.

871 Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product
872 of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for
873 products for produced at the facility Also see Alcoholic Beverage.

874 Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources
875 (water, wastewater, solid waste, etc.) and can be recycled. Most “yellow grease” is deep fat fryer grease that
876 has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not
877 accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA
878 water reclamation facility.

879 **2.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

880 °C: Celsius

881 °F: Fahrenheit

882 §: Section

883 ADF: Average Daily Flow (unit of volume during a pe-
884 riod of time)

885 ADMI: American Dye Manufacturers Institute

886 AO: Administrative Order

887 ASCE: American Society of Civil Engineers

888 ASME: American Society of Mechanical Engineers

889 ASTM: American Society of Testing and Materials-In-
890 ternational

891 Atty: OJRSA Attorney (General Counsel) and/or

892 Other Legal Counsel as Designated by OJRSA

893 Board of Commissioners

894 BMP or BMPs: Best Management Practice(s)

895 BOD: Biochemical Oxygen Demand

896 CAO: Chief Administrative Officer

897 CCPI: Cumulative Consumer Price Index

898 CEC: Contaminants of Emerging Concern

899 CEO: Chief Executive Officer

900 CFR: Code of Federal Regulations

901 CIU: Categorical Industrial User

902 CMOM: Capacity, Management, Operation, and
903 Maintenance Audit

904 CPI: Consumer Price Index of All Urban Consumers

905 (CPI-U)—U.S. city average, All items (as issued by
906 the US Bureau of Labor Statistics)

907 COD: Chemical Oxygen Demand

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908 CROMERR: Cross Media Electronic Reporting Rule	954 OMB: Office of Management and Budget, an office
909 CSA: Canadian Standards Association	955 within the Executive Office of the President of the
910 CWA: Clean Water Act	956 United States
911 Dir: Executive Director of the OJRSA	957 OSHA: Occupational Safety and Health Administra-
912 DMR: Discharge Monitoring Report	958 tion
913 e.g.: <i>Exempli Gratia</i> , Latin for “for example”	959 PC: Pretreatment Coordinator or person(s) author-
914 EPA: United States Environmental Protection Agency	960 ized to serve in this capacity by or Inspector for
915 ERG: Enforcement Response Guide	961 the OJRSA
916 et seq.: <i>Et Sequentes</i> , Latin for “and the following”	962 PFAS: Per- and Polyfluoroalkyl Substances
917 FCD: FOG Control Device	963 PDF: Portable Document Format
918 FOG: Fats, Oils, and Grease	964 PDI: Plumbing and Drainage Institute
919 FOG Insp: FOG Inspector (or person(s) authorized to	965 pH: Potential of Hydrogen or Power of Hydrogen
920 serve in this capacity for the OJRSA)	966 (unit of acidity/basicity)
921 FOIA: South Carolina Freedom of Information Act (SC	967 PL: Public Law
922 Law Title 30 Chapter 4)	968 POTW: Publicly Owned Treatment Works
923 FSE: Food Service Establishment	969 PU: Private Utility
924 gal: Gallon (unit of volume)	970 QAC or QACs: Quaternary Ammonium Compound(s)
925 gpd: Gallons per Day (unit of volume during a period	971 RSC: Regulatory Services Coordinator or Inspector
926 of time)	972 (or person(s) authorized to serve in this capacity
927 HFD: Hydromechanical FOG Device	973 for the OJRSA)
928 I&I: Inflow and Infiltration	974 SC Rxx (where “xx” is either letters and/or numbers):
929 in.: Inch or Inches, as appropriate (unit of distance)	975 South Carolina Regulation (“xx” references the
930 IU: Industrial User	976 regulation)
931 kg: Kilogram (unit of mass)	977 RCRA: Resource Conservation and Recovery Act
932 lb (or lbs): Pound or Pounds, as appropriate (unit of	978 SC: South Carolina
933 mass)	979 SCADA: Supervisory Control and Data Acquisition
934 MB: Megabyte	980 SCDES: South Carolina Department of Environmental
935 mg/L: Milligrams per Liter (unit of concentration)	981 Services or any successor agency
936 NAICS: North American Industry Classification Sys-	982 SCDHEC: South Carolina Department of Health and
937 tem	983 Environmental Control, successor agency to
938 NCPS: National Categorical Pretreatment Standard(s)	984 SCDES or any successor agency
939 NH ₃ -N: Ammonia Nitrogen	985 SDWA: Safe Drinking Water Act
940 No.: Number	986 SIC: Standard Industrial Classification System
941 NOAA: National Oceanic and Atmospheric Admin-	987 SIU: Significant Industrial User
942 istration	988 SNC: Significant Noncompliance
943 NOSNC: Notice of Significant Noncompliance	989 SS: Suspended Solids
944 NOV: Notice of Violation	990 SU: Standard Units for pH Measurements
945 NPDES: National Pollutant Discharge Elimination Sys-	991 SUR: <i>OJRSA Sewer Use Regulation</i>
946 tem	992 SWDA: Solid Waste Disposal Act
947 NSF: National Sanitation Foundation	993 TKN: Total Kjeldahl Nitrogen
948 O&M: Operation and Maintenance	994 TMS: Tax Map System
949 OD: Oxygen Demand	995 TRC: Technical Review Criteria
950 OJRSA: Oconee Joint Regional Sewer Authority	996 TSS: Total Suspended Solids
951 OJRSA SUR xx (where “xx” is either letters and/or	997 US: United States
952 numbers): Oconee Joint Regional Sewer Authority	998 USC: United States Code
953 Regulation (“xx” references the regulation)	999 WEF: Water Environment Federation

1000 **2.5 DOCUMENT FORMAT AND CONSTRUCTION**

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A. This ~~manual~~ Regulation contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Sewer Use Regulation*.

BOLD CAPITAL LETTERS	Important point of emphasis
<u>Dashed Underline</u>	Name of a form to use for documenting a referenced task
<i>Italic 'Cambria Math' Font</i>	Mathematic or chemistry formula
<i>Italics</i>	Title of books, manuals, and other documents or unfamiliar foreign words
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
<u>Underlined</u>	Word being defined (limited to SECTION 2.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

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B. In this Regulation, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Regulation.
2. The terms "hereby," "hereof," "hereto," "herein," "hereunder," and any similar terms refer to this Regulation, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before the date of adoption of this Regulation.

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2.6 ELECTRONIC SUBMITTAL OF DOCUMENTS

The following information does not apply to documents that require a Wet Signature as stated the appropriate sections of the *OJRSA Sewer Use Regulation* (SUR). Applications and documents may be submitted electronically in accordance with the following requirements:

- A. All electronic submittals must be in Portable Document Format (PDF).
- B. Each submittal document must be a separate PDF (there can be multiple pages within each PDF document so long as they are all associated with the same document, form, etc.).
- C. The file size for any single PDF submitted must not exceed fifty megabytes (50 MB) (building and site plan submittals can exceed this file size). It shall be the responsibility of the User submitting the document to ensure its delivery and receipt by the OJRSA.
- D. Ensure all layers are flattened in the authoring program prior to export and submittal. (Scanned documents are inherently flattened)
- E. Orient all sheets so the top of the page is always at the top of the computer screen (right side up).
- F. All sheets must be numbered, labeled, or titled.
- A-G. Documents requiring ~~original signatures~~ Wet Signatures as stated within the SUR may be submitted electronically but must be accompanied by the Wet Signature hard copy.

1028 Section 3 – Use of Sewers

1029 3.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE

1030 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User’s consent and
 1031 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations
 1032 promulgated hereunder, including enforcement and penalty provisions.

1033 3.2 SEWER SYSTEMS

- 1034 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-
 1035 quirement shall not apply to systems which are owned by multiple public entities.
- 1036 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or
 1037 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line
 1038 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby
 1039 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1040 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-
 1041 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force
 1042 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations
 1043 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-
 1044 tified in the *OJRSA Development Policy*;
 - 1045 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the
 1046 Sewer System in its entirety is owned by a public entity.
 - 1047 3. Further, the application to OJRSA will include an opinion from the PU’s legal counsel that such PU
 1048 is authorized to own and operate the Sewer System and to enter into the contracts by which it
 1049 gained ownership and control of the system.
- 1050 C. Sewer Systems that are to remain privately owned must be permitted by SCDHEGSCDES and/or the OJRSA
 1051 as a Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance
 1052 with the SCDHEGSCDES Satellite Sewer System Permit or other such permit or requirement of SCDHEGSCDES
 1053 and these Regulations.
- 1054 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1055 1. All requests for service inside the service area of a Member City, municipality, or County shall be
 1056 under the direction and approval of a Member City, municipality or County. This provision allows
 1057 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such
 1058 Sewer System a part of the Member City, municipality, or County’s Sewer System.
 - 1059 2. The application for service to OJRSA shall be under the direction and approval of the Member City,
 1060 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or
 1061 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured
 1062 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume
 1063 ownership, operational, maintenance, and financial responsibility for the PU.
 - 1064 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which
 1065 such entity obtained control of the system. A term of that contract shall require ownership of the
 1066 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System
 1067 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for
 1068 an unsafe or unsanitary operating condition. The contract will include express provision giving
 1069 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary
 1070 thereto.

3.3 PERMITS REQUIRED

- 1071
- 1072 A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via
- 1073 Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
- 1074 B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall
- 1075 not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Indus-
- 1076 trial Users must also comply with OJRSA SUR 3.3(D) and 6.1.
- 1077 C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting
- 1078 record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such
- 1079 permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
- 1080 D. Industrial Users
- 1081 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit
- 1082 Application and Questionnaire and obtain approval to connect and use the sewer facilities, regard-
- 1083 less of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite
- 1084 for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
- 1085 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by
- 1086 completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the
- 1087 Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of
- 1088 the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as pro-
- 1089 vided by the Director or his/her designee. This application shall be obtained from the OJRSA.
- 1090 E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements
- 1091 to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into
- 1092 the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source
- 1093 Wastewater Discharge Permit.

3.4 RESPONSIBILITY OF COSTS

1094 All costs and expense incident to the installation and connection of building sewers and/or extension of the con-

1095 veyance system shall be borne by the Owner.

1096

3.5 USE OF PUBLIC SEWERS REQUIRED

- 1097
- 1098 A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any
- 1099 wastewater, except where suitable treatment has been provided in accordance with subsequent provisions
- 1100 of these Regulations and with regulations of SCDHECSCDES.
- 1101 B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic
- 1102 tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 1103 C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or
- 1104 other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is
- 1105 hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such
- 1106 facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unu-
- 1107 sual or specific circumstances, the Director may waive this provision. This requirement shall not apply to
- 1108 any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic
- 1109 system permitted by SCDHECSCDES in compliance with S.C. Regulation 61-56. Such properties may continue
- 1110 to utilize their existing septic systems until and unless SCDHECSCDES requires those properties to connect
- 1111 to public sewer pursuant to S.C. Regulation 61-56.
- 1112 D. Exceptions
- 1113 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct con-
- 1114 nection of sewer service.
- 1115 2. Where annexation or easements to cross adjacent property are required to connect to the
- 1116 wastewater system at the time of application, then sewer shall not be considered accessible. A
- 1117 deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between

the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed shall be identifiable by County Tax Map System (TMS) number.

- E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to relieve a User of any additional requirements that may be imposed by other authorities having legal jurisdiction.

3.6 SEWER CONSTRUCTION AND MATERIALS

- A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable extension of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider these situations on a case-by-case basis.
- B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in accordance with the OJRSA's requirements as stated within the current version of the OJRSA Development Policy and shall be subject to their review and approval and be in compliance with any applicable SCDHEGSCDES requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the operation and maintenance costs of treatment systems and pump stations upon such terms and conditions as it deems appropriate.

3.7 CERTAIN CONNECTIONS PROHIBITED

- A. Connections Not Allowed to Sewer
1. 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.
 2. 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.
 3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a garbage grinder or allow any discharge from such grinder from any unit or portion of its facility unless written permission has been granted by the Director.
 4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR 4.2(D).
- B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer. Upon discovery, such disposals shall be reported to SCDHEGSCDES for investigation and enforcement.

3.8 MULTIPLE CONNECTIONS THROUGH ONE-BUILDING SEWER

A separate and independent building sewer shall be provided for every building; except where one (1) 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, easement, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by OJRSA.

3.9 USE OF OLD BUILDING SEWERS

- A. 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.
- B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm compliance with these Regulations prior to authorizing the connection to their system.

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- 1161 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall
 1162 be connected to private wastewater disposal systems subject to the requirements of the County or
 1163 SCDHECSCDES.

3.10 COMPLIANCE WITH OTHER REGULATIONS

1164 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and
 1165 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-
 1166 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.
 1167 All joints of the building sewer shall be tight and waterproof.
 1168

3.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER

- 1169 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement
 1170 floor.
 1171 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater
 1172 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the
 1173 building sewer.
 1174 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable
 1175 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-
 1176 tight and watertight.
 1177 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-
 1178 cordance with the *OJRSA Development Policy* before installation.
 1179

3.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION

1180 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection
 1181 and connection to the public sewer no less than two (2) full business days prior to making the connection. The
 1182 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.
 1183 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect
 1184 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work
 1185 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,
 1186 the Occupational Safety and Health Act of 1970.
 1187

3.13 SPECIAL PRETREATMENT DEVICES

- 1188 A. All Special Pretreatment Devices may be subject to construction and operational permitting by
 1189 SCDHECSCDES.
 1190 B. FOG Control Devices
 1191 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they
 1192 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,
 1193 sand, or other harmful ingredients as required by SECTION 9 of these Regulations. Applicable facili-
 1194 ties for these systems include those identified in that Section; except that such devices shall not be
 1195 required for Single-Family Residential or dwelling units unless associated with regulated Multi-Fam-
 1196 ily Developments or a Hotel with Kitchen as stated in OJRSA SUR 9.3(C).
 1197 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall
 1198 be located as to be readily and easily accessible for cleaning and inspection with adequate and
 1199 approved security mechanisms installed to prevent unauthorized access or use.
 1200 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the
 1201 Owner at their expense and in continuously efficient operation at all times.
 1202 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-
 1203 posal by appropriate means of the captured material and shall maintain records of the dates and
 1204

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- 1205 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body
 1206 as appropriate.
- 1207 5. Any removal and hauling of collected materials shall be performed according to applicable State,
 1208 Federal, and Local regulations.
- 1209 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance
 1210 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1211 C. Oil and Grit Removal Systems
- 1212 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for
 1213 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for
 1214 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical
 1215 maintenance shops, industries, etc.
- 1216 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall
 1217 be located as to be readily and easily accessible for cleaning and inspection with adequate and
 1218 approved security mechanisms installed to prevent unauthorized access or use.
- 1219 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-
 1220 cured by the Owner at their expense in continuously efficient operation at all times.
- 1221 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-
 1222 posal by appropriate means of the captured material and shall maintain records of the dates and
 1223 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body
 1224 as appropriate.
- 1225 5. Any removal and hauling of collected materials shall be performed according to applicable State,
 1226 Federal, and Local regulations.
- 1227 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-
 1228 less the facility can document that four (4) months does not affect the functionality of the devices
 1229 or impact the sewer system.
- 1230 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance
 1231 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1232 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to
 1233 meet the requirements of SECTIONS 4.4 and 4.9, Industries or other Users are required to install specialized
 1234 equipment on a case-by-case basis as determined by the OJRSA and/or SCDHEGSCDES in order to:
- 1235 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-
 1236 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1237 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1238 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1239 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-
 1240 cilities.
- 1241 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply
 1242 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair
 1243 Trap/Interceptors, and Plaster Separators.

3.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE

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- 1245 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1246 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-
 1247 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1248 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and
 1249 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g.,
 1250 SCDHEGSCDES).

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- 1251 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for
1252 engineering standards or regulations met per SECTION 3.14, and be inspected and approved by County or
1253 Member City Codes Department (or other as appropriate), OJRSA, and/or SCDHECSCDES.

3.15 CONNECTION CONSTITUTES CONSENT

1254 Connection to the OJRSA's system shall constitute consent and agreement by the User to be bound by and to abide
1255 with all OJRSA Regulations and requirements.
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3.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER

1257 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*
1258 *Development Policy*.
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3.17 VARIANCES

- 1260 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or
1261 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and
1262 may be included in a Discharge Permit or other written document as issued by OJRSA.
1263 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and
1264 State laws.
1265 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and
1266 policies, including but not limited to these Regulations, fees, design, and construction matters. There may
1267 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,
1268 these shall only apply to the section and subsection in which it is stated.
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Section 4 – Prohibitions and Limitations on Wastewater Discharges

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4.1 PROHIBITED DISCHARGES

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A. 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 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.

B. Specific Prohibitions – A User shall not discharge the following substances to the POTW:

1. Uncontaminated cooling water, condensate, ground water from wells, and/or surface water may not be discharged to the conveyance system and POTW unless otherwise approved in an industrial wastewater discharge permit.
2. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flash-point 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, OSHA, or EPA identifies as a fire or explosive hazard or a hazard to the system.
3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (0.5 in.) 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, non-woven fabrics and wipes, hygiene products, 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. **GRINDING OR SHREDDING OF SOLIDS DOES NOT RENDER SUCH SOLIDS ACCEPTABLE FOR DISCHARGE TO THE POTW.**
4. pH Levels Considered to be Extremely Acidic or Basic
 - (a) Wastewater having a pH less than six-point-zero standard units (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.
 - (b) A pH greater than ten-point-zero standard units (10.0 SU) is only accepted with special permission from the Director in an industrial discharge permit.
 - (c) No wastewater with a pH greater than twelve-point-zero standard units (12.0 SU) will be accepted by OJRSA.
5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW.
6. Noxious liquids, gases, or solids which either singly, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
7. Wastewater, liquid, or vapors having a temperature higher than 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.

- 1316 8. 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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- 1318 9. Wastewater which constitutes a slug discharge as defined herein.
- 1319 10. Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
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- 1326 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
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- 1328 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1329 13. Any pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
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- 1331 14. Any trucked or hauled pollutants not authorized under SECTION 10 of these Regulations.
- 1332 15. 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 observable and/or measurable 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 ten percent (10%) from the seasonably established norm for aquatic life.
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- 1337 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1338 17. Any medical wastes, except as specifically authorized by the Director in writing by execution of a Capacity Permit, Industrial User Permit, other permit, or binding agreement. No medical waste may pose a biohazard risk to OJRSA staff, the public, or the environment. Liquid cremation processes and the like will be considered by OJRSA on a case-by-case basis.
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- 1342 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1343 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
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- 1345 20. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
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- 1348 C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
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- 1350 D. Inflow Prohibitions: Any wastewater drains located outside the building must be covered with a roof or hatch and also have a berm or appropriate stormwater barrier around it to prevent the drainage of stormwater into the sewer (e.g., mop basin, sampling point, etc.). Outdoor grated cleanouts are not allowed in the OJRSA territory to prevent the introduction of stormwater to the sewer, which includes industrial and other ~~wastestream~~ Wastestream sampling points. Dumpster pad drains are not allowed to be connected to any system that discharges wastewater to the OJRSA wastewater treatment plant. Any outside drain must be approved by OJRSA and will be evaluated on a case-by-case basis. Outside sampling locations are also included in this requirement. The sampling location must have an aluminum or lightweight cover to prevent stormwater from getting into the sewer line. A notch can be cut out of the lid to allow sampling tubing for the composite sampler.
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1360 **4.2 CONDITIONALLY PROHIBITED DISCHARGES**

1361 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, health, public property, or constitute a nuisance. The Director may revise the limitations established in this Section if, in their opinion, different limitations are necessary

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to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

A. Grease, Waxes, and Oils:

1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
 - (a) Wastewater shall not exceed an average concentration of more than one hundred milligrams per liter (100 mg/L) of such oil or grease.
 - (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Oil or Grease of Animal or Vegetable Origin
 - (a) Wastewater shall not exceed an average concentration of more than two hundred milligrams per liter (200 mg/L) of such oil or grease.
 - (b) 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.
3. Wastewater containing substances which may solidify or become viscous at a temperature between thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).
4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION 9 and SECTION 10 of this Regulation address provisions as they are applicable to hauled waste.

B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.

C. Holding tank waste.

D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including industrial wastewater), unless specifically authorized by the Director.

4.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS

- A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these Regulations.
- B. 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 Discharge Permit. The Director shall establish permit limitations on industrial and Commercial Users on a case-by-case basis in accordance with ~~SCDHECSCDES~~ and EPA regulations. Where appropriate and allowed by applicable regulations, the Director may impose concentration and/or mass limitations on a discharge.
- C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall discharge wastewater containing an excess of these pollutant limits.
- D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Discharge Permits to implement Local Limits and the requirements of SECTION 4.1 of these Regulations.

4.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS

- A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and/or SECTION 4.3.
- B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified in S.C. R.61-9 403.

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- 1409 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part
1410 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-
1411 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the
1412 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-
1413 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-
1414 corporated into the Pretreatment Program.
- 1415 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the
1416 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or
1417 mass limits in accordance with this Section.
 - 1418 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of
1419 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-
1420 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of
1421 calculating effluent limitations applicable to individual Industrial Users.
 - 1422 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not
1423 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC
1424 R61-9 403.6I.
 - 1425 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,
1426 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-
1427 mination to convert concentration limits to mass limits is within the discretion of the Director.
1428 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set
1429 forth below.
 - 1430 (a) To be eligible for equivalent mass limits, the Industrial User must:
 - 1431 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-
1432 nologies that substantially reduce water use during the term of its individual
1433 wastewater discharge permit;
 - 1434 (ii) Currently use control and treatment technologies adequate to achieve compliance
1435 with the applicable Categorical Pretreatment Standard, and not have used dilution
1436 as a substitute for treatment (SECTION 4.5);
 - 1437 (iii) Provide sufficient information to establish the facility's actual average daily flow
1438 (ADF) rate for all waste streams, based on data from a continuous effluent flow
1439 monitoring device as well as the facility's long-term average production rate. Both
1440 the actual ADF rate and the long-term average production rate must be representa-
1441 tive of current operating conditions;
 - 1442 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-
1443 cantly that equivalent mass limits are not appropriate to control the discharge; and
 - 1444 (v) Have consistently complied with all applicable Categorical Pretreatment Standards
1445 during the period prior to the Industrial User's request for equivalent mass limits.
 - 1446 (b) An Industrial User subject to equivalent mass limits must:
 - 1447 (i) Maintain and effectively operate control and treatment technologies adequate to
1448 achieve compliance with the equivalent mass limits;
 - 1449 (ii) Continue to record the facility's flow rates through the use of a continuous effluent
1450 flow monitoring device;
 - 1451 (iii) Continue to record the facility's production rates and notify the Director whenever
1452 production rates are expected to vary by more than twenty percent (20%) from its
1453 baseline production rates determined in paragraph 4.4(C)(4)(a)(iii) of this Section.
1454 Upon notification of a revised production rate, the Director will reassess the equiv-
1455 alent mass limit and revise the limit as necessary to reflect changed conditions at
1456 the facility; and

- (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 4.4(C)(4)(a)(i) of this Section as long as it discharges under an equivalent mass limit.
- (c) When developing equivalent mass limits, the Director:
 - (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average standards for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (ii) 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
 - (iii) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User’s actual ADF rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual ADF rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to SECTION 4.5. The Industrial User must also be in compliance with these Regulations regarding the prohibition of bypass.
- 5. 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.
 - (a) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.
 - (b) Many Categorical Pretreatment Standards specify one (1) 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.
 - (c) 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.

4.5 DILUTION PROHIBITION

Except where authorized by applicable Categorical 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.

4.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

- A. 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 for review and shall be approved by the OJRSA and ~~SCDHEC~~ SCDHECDES as necessary

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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.

- B. The accidental discharge/slug control plan when required shall be submitted to the Director and to SCDHECSCDES containing at a minimum the following:

1. Description of discharge practices, including nonroutine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

4.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE

- A. 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 4.7(B) are met.
- B. 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:
1. An upset occurred and the User can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and worker-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays) of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) calendar days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- D. Judicial Determination
1. 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, as outlined in SECTION 8 herein.
 2. 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.

4.8 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.

4.9 PRETREATMENT

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- A. Users shall provide wastewater pretreatment as required to comply with these Regulations or Discharge Permit and shall achieve compliance with these Regulations and all Categorical Pretreatment Standards within the specified time limitations. A permit to construct pretreatment facilities shall be obtained from ~~SCDHEC~~SCDES (see SC R61-67). 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.
 - B. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. The pretreatment system tanks and pipes must be labeled to clearly show the process and what is added to the wastewater.
 - C. Additional Pretreatment Measures
 1. 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 ~~wastestream~~Wastestreams from industrial ~~wastestream~~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.
 2. A Significant Industrial User (SIU) [or Categorical Industrial User (CIU) as all CIUs are SIUs] may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure 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 Discharge Permit may be issued solely for flow equalization in order to prevent a heavy flow discharge into the sewer.
 3. FOG Interceptors, Hydromechanical FOG Devices, FOG Traps, Oil/Water Interceptors, or Sand/Oil Interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease, oil, or sand; except that such interceptors shall not be required for Residential Users as defined in these Regulations. All interception units shall be of type and capacity as stated in the *OJRSA Development Policy* 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, as stated in SECTION 9.
 4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

4.10 BYPASS AS AN AFFIRMATIVE DEFENSE

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- A. Any User which bypasses treatment facilities as defined in SC R61-9 403.17 shall comply with the requirements of that State regulation and applicable other Federal and State regulations.
 - B. 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.
 - C. 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) calendar 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, regardless of day (including nights, weekends, and holidays), from the time the Industrial User becomes aware of the bypass.

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- 1599 D. A written submission shall be provided within five (5) calendar days of the time the Industrial User becomes
 1600 aware of the bypass. The written submission shall contain a description of the bypass and its cause; the
 1601 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-
 1602 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent
 1603 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral
 1604 report has been received within twenty-four (24) hours.
- 1605 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User
 1606 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:
 1607 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental
 1608 damage; and
 1609 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,
 1610 retention of untreated wastewater, or maintenance during normal periods of equipment down-
 1611 time. This condition is not satisfied if adequate backup equipment should have been installed in the
 1612 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal
 1613 periods of equipment downtime or preventative maintenance; and
 1614 3. The Industrial User submitted notices as required in this Section.
- 1615 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-
 1616 mines at it will meet the conditions listed in this section.

4.11 RECOVERY OF PREVENTATIVE EXPENSES

1617 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that
 1618 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA
 1619 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or
 1620 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative
 1621 measures shall be charged to and paid by the User and/or Owner.
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4.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS

1623 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to
 1624 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-
 1625 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving
 1626 waters/biosolids.
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- 1629 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-
 1630 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on
 1631 specified CEC; and specified information on Users' products and processes that may contribute to the cre-
 1632 ation of discharge of CEC.
- 1633 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs
 1634 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by
 1635 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall
 1636 include any existing data in the possession or control of the User and may include requirements for the
 1637 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,
 1638 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance
 1639 with this Regulation.
- 1640 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User
 1641 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 8.2) or
 1642 otherwise pursuant to the terms of this Regulation actions by a User to address CEC.
 1643 1. Such actions may include:
 1644 (a) Further or routine monitoring requirements;

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- 1645 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable
 1646 or User-specific technology-based limits; and
 1647 (c) Requirements for BMPs.
 1648 2. Any such requirements may be based on:
 1649 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;
 1650 (b) EPA or DHEC standards or criteria; or
 1651 (c) Generally accepted criteria determinations by recognized national scientific entities.

1652 **4.13 QUATERNARY AMMONIUM COMPOUNDS**

1653 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-
 1654 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long
 1655 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection
 1656 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial
 1657 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's
 1658 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-
 1659 form the wastewater treatment.

- 1661 A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right
 1662 to ban or require the addition of chemicals that deactivate the QAC.
 1663 B. OJRSA must approve the chemicals used to deactivate the QAC.
 1664 C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs
 1665 is subject to the enforcement actions delineated in this Regulation.

1666 **4.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1667 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to
 1668 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,
 1669 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,
 1670 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-
 1671 mum:

- 1672
 1673 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION 4
 1674 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then
 1675 the facility will be required to install and maintain that equipment at their expense.
 1676 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-
 1677 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.
 1678 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-
 1679 struction or equipment installation.
 1680 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of
 1681 discharge to the sewer system.
 1682 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids
 1683 removal, then they must comply with applicable sections of this Regulation as well as SCDHECSCDES re-
 1684 quirements for a construction permit (SC R61-67).
 1685 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to
 1686 the enforcement actions set forth in SECTION 8.

1687 **4.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

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- 1688 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition
 1689 of a Satellite Sewer System (collectively referred to in SECTION 4.15 as a "Satellite System") shall be required
 1690 to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
 1691 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not
 1692 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per
 1693 day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite
 1694 System is being measured. A high recurrence interval storm shall be classified as the following per NOAA
 1695 Atlas 14 Point Precipitation Frequency Estimates:
 1696 1. Five (5) year recurrence interval or greater
 1697 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length
 1698 in minutes or days
 1699 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude
 1700 or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-
 1701 site: PF Map: Contiguous US (noaa.gov)
 1702 C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow
 1703 criteria shall be evaluated at each connection point independently of any other connection points, which
 1704 may necessitate data collection from the Satellite System's infrastructure.
 1705 D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a
 1706 pump station as near to the connection point as practicable. All effort shall be made to establish a flow
 1707 monitoring point that minimizes:
 1708 1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
 1709 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any
 1710 other Satellite System flow monitoring points.
 1711 E. The Satellite System shall provide metering data and any required follow up information to OJRSA for re-
 1712 view. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date
 1713 for that analysis.
 1714 F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the
 1715 Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge
 1716 (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.
 1717 G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Meas-
 1718 ured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow ≤ Allowable Daily Flow).
 1719 H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as
 1720 follows:
 1721 1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influ-
 1722 ence. (See SECTION 4.15.1 for an example):
 1723 (a) For a flowmeter with at least twelve (12) months of flow data:
 1724 (i) Actual daily flows for the last twelve (12) months will be calculated for each month
 1725 and averaged to produce an average daily flow (ADF) for each month of data. Data
 1726 shall be reviewed to exclude any days with missing or questionable data that could
 1727 skew the calculation. For a month to have valid data to be included in the analysis,
 1728 at least seventy-five (75%) of the days within the month should have complete
 1729 data. A minimum of nine (9) months of valid data within the previous twelve (12)
 1730 month period should be used for the analysis; if there is less than nine (9) months
 1731 of valid data within the last twelve (12) months, then the evaluation period shall
 1732 extend to prior to the last twelve (12) month period until there is at least nine (9)
 1733 months of valid data.
 1734 (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and
 1735 the month with the lowest ADF shall be designated as the ADF to be used in the
 1736 analysis.

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- (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be performed with as many months of data as possible. Once there is twelve (12) months of data, the calculation shall be performed as detailed above.
 - (c) ADF shall be recalculated annually.
 - (d) For the ADF calculated in the above steps, the amount should be increased by a factor of five percent (5%) (or else by a different factor if documented by the meter manufacturer and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The maximum meter accuracy allowance that may be used is ten percent (10%).
2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide for Estimating Inflow and Infiltration*) (*See SECTION 4.15.2 for an example*):
- $$2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10) + (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$$
- Where "X" represents each additional diameter pipe in the satellite sewer system
- (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until otherwise verified.
3. For any particular day (*See SECTION 4.15.3 for an example*):
- $$Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage}) + Allowable \text{ I\&I Flow}]$$
- I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering practice.

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4.15.1 Average Daily Flow Calculation Formula and Example

Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five per cent (±5%)) as shown below:

Month	Number of Days Valid Data	% of Days Valid Data	Average Daily Flow (gpd)
December-2021	31	100%	587,597
November-2021	30	97%	556,671
October-2021	31	100%	474,201
September-2021	20	67%	443,275
August-2021	24	77%	505,127
July-2021	31	100%	536,053
June-2021	18	60%	510,282
May-2021	27	87%	515,436
April-2021	30	100%	566,980
March-2021	22	71%	556,671
February-2021	26	93%	824,698
January-2021	21	68%	721,610
December-2020	15	48%	551,517
November-2020	26	84%	530,899
October-2020	31	100%	489,664
September-2020	28	93%	407,194
August-2020	29	94%	489,664
July-2020	29	94%	463,892

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In looking at the last twelve (12) months of data, only eight (8) of the twelve (12) months have valid data for seventy-five percent (75%) or more of the days. Therefore, data for the highlighted months are thrown out, and November 2020 data is used to obtain nine (9) most recent months of valid data.

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1766 Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This
 1767 amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a
 1768 value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.

1769 4.15.2 Allowable I&I Flow Calculation Formula and Example

1770 This same system has the following size pipes in their system:

Size (inches)	Length of Sewer (Linear Feet)
4	2,200
6	9,800
8	107,000
10	10,500
12	7,200
15	800
18	1,800

1771
 1772 $Allowable\ I\&I\ Flow^1 = 2,000\ gpd * [(2,200*4/5,280) + (9,800*6/5,280) +$
 1773 $(107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) +$
 1774 $(1,800*18/5,280)]$
 1775 $Allowable\ I\&I\ Flow = 439,167\ gpd$

1776 4.15.3 Allowable Daily Flow Formula and Example

1777 $Allowable\ Daily\ Flow = [Average\ Daily\ Flow\ (ADF) * (1 + Meter\ Accuracy\ Percentage)] +$
 1778 $Allowable\ I\&I\ Flow] + Allowable\ I\&I\ Flow$
 1779 $= (474,201\ gpd * 1.05) + 439,167\ gpd$
 1780 $= 497,911\ gpd + 439,167\ gpd$
 1781 $Allowable\ Daily\ Flow = 937,078\ gpd$
 1782

1783 Therefore, all daily flows would be measured against this threshold and any individual days (not average daily flow
 1784 for the month) measuring above 937,078 gpd would be out of compliance, unless the system was under the influ-
 1785 ence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA)
 1786 or an abnormal authorized discharge as recognized by the OJRSA.

¹ NOTE: Must convert linear footage of pipe into miles by dividing by 5,280 feet per mile.

1787 **Section 5 – Revenue System**

1788 **5.1 FEES AND CHARGES AS REGULATION**

- 1789 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1790 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1791 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1792 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1793 developed for the following purposes:
- 1794 1. Industrial monitoring, inspections, and surveillance procedures;
 - 1795 2. Reviewing accidental discharge procedures and construction;
 - 1796 3. Reviewing permit applications and plans;
 - 1797 4. Reviewing appeals;
 - 1798 5. Special industrial discharges;
 - 1799 6. Recovering capital related expenditures or retiring bonded indebtedness;
 - 1800 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
 - 1801 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
 - 1802 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
 - 1803 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
 - 1804 to NPDES Permits and/or OJRSA Board of Commissioners;
 - 1805 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
 - 1806 expended for the system and/or its expansion;
 - 1807 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
 - 1808 to the sewer;
 - 1809 10. Construction and Compliance Inspections; and
 - 1810 11. Others deemed necessary by the OJRSA Board of Commissioners.

1811 **5.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**

1812 Reference current version of *OJRSA Schedule of Fees*.

Section 6 – Discharge Permits and Reporting

6.1 INDUSTRIAL USER DISCHARGE PERMITS

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- A. 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 (or his/her designee). 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 Discharge Permit with specific limitations different from those listed in these Regulations if it is determined that the discharge will otherwise comply with the remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Discharge 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.
- B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not discharged to the sewer are required to submit an application and will be placed under a zero discharge categorical permit.
- C. Applicable persons and Users shall complete and submit an application, accompanied by any application fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
1. Name, address, and location (if different from the address) of the facility, name of the operator and Owner;
 2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held by or for the facility;
 3. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in these Regulations;
 4. Time and duration of discharge;
 5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
 6. Description of activities, facilities, and plant processes on the premises unless subject to the confidentiality provisions of SECTION 6.12;
 7. Where known, the nature and concentration of any pollutants in the wastewater which are limited by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement regarding whether or not the person is complying or will comply with NCPS on a consistent basis, and if not, whether additional pretreatment or operational modifications are required to comply with applicable limitations or NCPS, or Local Limitations;
 8. If additional pretreatment or operational modifications will be required to comply with limitations or NCPS or Local Limitations, the shortest schedule by which the person will comply;
 9. Where required to develop pretreatment standards, a brief description of each product produced by type, amount, process or processes, and a rate of production;
 10. Where required to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
 11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
 12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to evaluate the permit application; and

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- 1857 13. Application Signatories and Certification – All wastewater discharge permit applications and Indus-
 1858 trial User reports must contain the following Certification Statement and be signed by an Author-
 1859 ized Representative of the Industrial User. These documents and records must be submitted to
 1860 OJRSA with Wet Signature.
 1861

1862 **I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE**
 1863 **PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DE-**
 1864 **IGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE**
 1865 **INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO**
 1866 **MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE**
 1867 **INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE**
 1868 **AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFI-**
 1869 **CANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY**
 1870 **OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.**
 1871

- 1872 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant
 1873 and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue
 1874 or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee)
 1875 shall draft the permit in accordance with the Regulation and State regulations. The draft industrial
 1876 wastewater discharge permit will be submitted to SCDHECSCDES for review and approval. The User shall
 1877 have thirty (30) calendar days from the receipt of the draft permit to review and comment on the draft
 1878 Permit. The Director shall issue the final Permit at the end of the comment period.
- 1879 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limi-
 1880 tation, the Permit of Users subject to such standards shall be revised to require compliance with such stand-
 1881 ard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation,
 1882 has not previously submitted an application for a permit, the User shall apply for a Permit within one-hun-
 1883 dred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing
 1884 Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of
 1885 an applicable standard, information regarding the nature and concentration of the regulated pollutant and
 1886 a schedule for providing additional pretreatment, if necessary.
- 1887 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of
 1888 permits except the following changes may be made upon thirty (30) calendar days' notice:
 1889 1. Modifications of the monitoring program contained in the permit;
 1890 2. Changes in the ownership of the discharge when no other change in the permit is indicated;
 1891 3. A single modification of any Compliance Schedule not in excess of four (4) months,
 1892 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not
 1893 discharge until process or pretreatment facilities are operational; or
 1894 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or reg-
 1895 ulations, or other modifications determined necessary by the Regulatory Services Coordinator or
 1896 Director under the Regulations.
- 1897 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached
 1898 as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal
 1899 regulations. Such conditions shall include but are not limited to the following:
 1900 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date,
 1901 expiration date, and effective date;
 1902 2. A Statement of non-transferability;
 1903 3. Applicable effluent limits which may include daily maximum and monthly average limits, including
 1904 Best Management Practices (BMPs), based on NCPS or Local Limitations;

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- 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to be present, in accordance with SECTION 6.4;
 - 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notification requirements for slug discharges as defined by SC R61-9 Part 403.5(b);
 - 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, requirements and Permit conditions;
 - 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 6.4 of this Regulation; or
 - 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limitations or other pretreatment requirements.
- H. Permit Duration – Discharge 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) calendar days prior to the expiration of the Permit.
 - I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or changed operation. In such event a new application shall be submitted with full information. The review of this application will be expedited if the new Owner or operator certifies:
 - 1. That there is no immediate intent to change the facility’s operation and process;
 - 2. The date the new Owner or operator shall take over; and
 - 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying with the existing wastewater discharge permit.
 - J. When requested by the Control Authority, a User must submit information on the nature and characteristics of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

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6.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE

- A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreatment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs subject to such NCPS shall be required to submit to the OJRSA a report which contains the information required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a report which contains the information required in SC R61-9.
- B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.
- C. Users described within this Section shall submit the information set forth below:
 - 1. All information required in SECTION 6.1 of this Regulation.
 - 2. Measurement of Pollutants
 - (a) The User shall provide the information required in OJRSA SUR 6.1(C).
 - (b) The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this Paragraph.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined

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- 1953 wastestream Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the
 1954 Pretreatment Standards. Where an alternate concentration or mass limit has been calcu-
 1955 lated in accordance with SC R61-9 403.6(f) this adjusted limit along with supporting data
 1956 shall be submitted to the OJRSA.
- 1957 (d) Sampling and analysis shall be performed in accordance with SECTION 7.3.
- 1958 (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data
 1959 so long as the data provides information sufficient to determine the need for industrial
 1960 pretreatment measures.
- 1961 (f) The baseline report shall indicate the time, date, and place of sampling and methods of
 1962 analysis, and shall certify that such sampling and analysis is representative of normal work
 1963 cycles and expected pollutant discharges to the POTW.
- 1964 3. Compliance Certification – A statement, reviewed by the User’s Authorized Representative as de-
 1965 fined in SECTION 2.3 and certified by a qualified professional, indicating whether Pretreatment
 1966 Standards are being met on a consistent basis, and, if not, whether additional operation and
 1967 maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Stand-
 1968 ards and pretreatment requirements.
- 1969 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pre-
 1970 treatment Standards, the shortest schedule by which the User will provide such additional pretreat-
 1971 ment and/or O&M must be provided. The completion date in this schedule shall not be later than
 1972 the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule
 1973 pursuant to this Section must meet the requirements set out in SECTION 6.5 of these Regulations.
- 1974 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance
 1975 with SECTION 6.11 of these Regulations and signed by an Authorized Representative as defined in
 1976 SECTION 2.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signa-
 1977 ture.

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

1978 Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment
 1979 Standards, or in the case of a New Source following commencement of the introduction of wastewater into the
 1980 POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA
 1981 a report containing the information described in SECTION 6.1 of this Regulation. For Users subject to equivalent mass
 1982 or concentration limits established in accordance with the procedures in SECTION 4.3, this Regulation shall contain a
 1983 reasonable measure of the User’s long-term production rate. For all other Users subject to Categorical Pretreatment
 1984 Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of opera-
 1985 tion), this report shall include the User’s actual production during the appropriate sampling period. All compliance
 1986 reports must be signed and certified in accordance with SECTION 6.1. All sampling will be done in conformance with
 1987 SECTION 7.3.
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6.4 PERIODIC COMPLIANCE REPORTS

- 1989 A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause prob-
 1990 lems, including any slug discharges.
- 1991 B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submit-
 1992 ted on the User discharge monitoring report (DMR) form. The DMR must include the following information
 1993 to be considered complete:
- 1994 1. DMR form completed correctly and submitted to OJRSA with a wet signature Wet Signature or are
 1995 in compliance with 40 CFR Part 3 Cross Media Electronic Reporting Rule (e.g., CROMERR) if and
 1996 when OJRSA’s CROMMER is approved by EPA (NOTE: The only exception is if the EPA and
 1997 SCDHECSCDES have approved other methods for DMR submittal and the OJRSA has approved the
 1998 acceptance of such DMRs).
 1999

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- 2000 (a) If no monitoring was required for a previous month, then the blank DMR form must be
 2001 signed and submitted with the words “No monitoring required”.
- 2002 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the
 2003 signed DMR form must be submitted with the words “No Discharge” written across the
 2004 form.
- 2005 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12th) calendar day
 2006 of each month. The recognized date of acceptance is:
- 2007 (a) The paper form can be dropped off at OJRSA by the twelfth (12th).
- 2008 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12th) of the
 2009 month. Should the twelfth (12th) of the month fall on a weekend or holiday observed by the
 2010 US Postal Service, then the following day the US Postal Service is operating becomes the
 2011 submittal date based on the postmark. If the DMR was mailed by the twelfth (12th) but not
 2012 received by the OJRSA by the twenty-fourth (24th) day of the month, then it shall be consid-
 2013 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-
 2014 ance with these Regulations.
- 2015 3. DMR Components
- 2016 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-
 2017 ducted for the previous month.
- 2018 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no
 2019 flow for a day, then a zero (0) must be entered for that day.
- 2020 (c) Daily pH reporting log.
- 2021 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-
 2022 porting month.
- 2023 (e) An explanation for any violations (if necessary).
- 2024 (f) Additional information as set forth in the User’s permit as part of a completed DMR.
- 2025 4. DMRs that do not contain all the information designated above and DMRs that are not filled out
 2026 completely will be considered incomplete and subjects the User to the enforcement actions set
 2027 forth in SECTION 8 of this Regulation. DMRs are considered incomplete if the:
- 2028 (a) Data is not reported correctly,
- 2029 (b) DMR does not have a Wet Signature ~~wet signature~~ and a date (unless using an EPA approved
 2030 method as stated in 6.4(B)(1)),
- 2031 (c) Flow sheet does not have all flows reported for each day,
- 2032 (d) Reporting period is not shown on the DMR, or
- 2033 (e) User failed to submit all required data as stated on the Permit.
- 2034 (f) DMRs that are not submitted with all this information by the twelfth (12th) will be consid-
 2035 ered incomplete and subject to enforcement.
- 2036 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**
 2037 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,
 2038 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR
 2039 was not complete before the due date. The User will be notified of the incomplete DMR in the
 2040 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as
 2041 stated in 6.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the
 2042 User be waiting on laboratory data, then the remaining data must be submitted on the DMR form
 2043 by the twelfth (12th) and a revised DMR submitted as soon as the missing data is received. Users
 2044 that notify OJRSA of the missing data before the date as stated in 6.4(B)(2) and submit this missing
 2045 information as soon as received will not be subject to enforcement actions.
- 2046 6. Reports for “No Discharge” Industrial Users are subject to these conditions and may have specific
 2047 reports in their Discharge Permit as necessary.
- 2048 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-
 2049 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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2050 Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used
2051 for all sampling analysis.

- 2052 D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such
2053 NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit
2054 to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless re-
2055 quired more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of
2056 pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of
2057 all measured or estimated average and maximum daily flows during the reporting period. At the discretion
2058 of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates,
2059 holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports
2060 are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet
2061 applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate.
2062 In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the
2063 discharge of the User. These reports shall contain the results of sampling and analysis of the discharge,
2064 including the flow and the nature and concentration, or production and mass where requested by the
2065 OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.
- 2066 E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sam-
2067 pling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demon-
2068 strated through sampling and other technical factors that the pollutant is neither present nor expected to
2069 be present in the Discharge or is present only at background levels from intake water and without any
2070 increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization
2071 is subject to the following conditions:
- 2072 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary
2073 wastewater discharged from the facility provided that the sanitary wastewater is not regulated by
2074 an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
 - 2075 2. The monitoring waiver is valid only for the duration of the effective period of the individual Dis-
2076 charge Permit, but in no case longer than five (5) years. The User must submit a new request for
2077 the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
 - 2078 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data
2079 from at least one (1) sampling of the facility's process wastewater prior to any treatment present
2080 at the facility that is representative of all wastewater from all processes.
 - 2081 4. The request for a monitoring waiver must be signed in accordance with SECTION 2.3 and include the
2082 Certification Statement in SECTION 6.1 (SC R61-9 403.6(b)(2)(ii)).
 - 2083 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present
2084 if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for
2085 that pollutant was used in the analysis.
 - 2086 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's
2087 Permit. The reasons supporting the waiver and any information submitted by the User in its request
2088 for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
 - 2089 7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the In-
2090 dustrial User must certify on each report with the Statement in OJRSA SUR 6.1(C)(13), that there
2091 has been no increase in the pollutant in its ~~wastestream~~ Wastestream due to activities of the Indus-
2092 trial User.
 - 2093 8. In the event that a waived pollutant is found to be present or is expected to be present because of
2094 changes that occur in the User's operations, the User must immediately: Comply with the monitor-
2095 ing requirements in SECTION 6, or other more frequent monitoring requirements imposed by the
2096 Director and notify the Regulatory Services Coordinator.
 - 2097 9. This provision does not supersede certification processes and requirements established in Categori-
2098 cal Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Stand-
2099 ard.

- 2100 10. All periodic compliance reports must be signed and certified in accordance with SECTION 6.1 of this
2101 Regulation.
2102 11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring
2103 and flow measurement facilities shall be properly operated, kept clean, and maintained in good
2104 working order at all times. The failure of a User to keep its monitoring facility in good working order
2105 shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
2106 12. All monitoring waivers must be approved by SCDHEGSCDES.

2107 **6.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2108 The following conditions shall apply to the Compliance Schedule required by SECTION 6.1 of this Regulation:

- 2109 A. The schedule shall contain progress increments in the form of dates for the commencement and completion
2110 of major events leading to the construction and operation of additional pretreatment required for the User
2111 to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engi-
2112 neer, completing preliminary and final plans, executing contracts for major components, commencing and
2113 completing construction, and beginning and conducting routine operation);
2114 B. No increment referred to above shall exceed nine (9) months;
2115 C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14)
2116 calendar days following each date in the schedule and the final date of compliance including, as a minimum,
2117 whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,
2118 the steps being taken by the User to return to the established schedule; and
2119 D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

2120 **6.6 REPORTS OF CHANGED CONDITIONS**

- 2121 A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations
2122 or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days
2123 before the change.
2124 B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed
2125 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit
2126 application under SECTION 6.1 of this Regulation.
2127 C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Dis-
2128 charge Permit under SECTION 6.1 of this Regulation in response to changed or anticipated changed condi-
2129 tions.

2130 **6.7 REPORTS OF POTENTIAL PROBLEMS**

- 2131 A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine,
2132 episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential
2133 problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of
2134 the time or day the incident occurs. This notification shall include the location of the discharge, type of
2135 waste, concentration and volume, if known, and corrective actions taken by the User.
2136 B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit
2137 a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User
2138 to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, dam-
2139 age, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any
2140 other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or
2141 other liability which may be imposed pursuant to this Regulation.
2142 C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising em-
2143 ployees who to call in the event of a discharge described in Paragraph 6.7(A). Employers shall ensure that

2144 all employees, who could cause such a discharge to occur, are advised of the emergency notification pro-
2145 cedure.

- 2146 D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director
2147 immediately of any changes at its facility affecting the potential for a slug discharge.

2148 **6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

2149 If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours
2150 of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and
2151 analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) cal-
2152 endar days after becoming aware of the violation. Resampling by the Industrial User is not required if OJRSA the
2153 Industrial User performs sampling of the violated parameter at the Industrial User at least once a month, or if OJRSA
2154 performs sampling at the User between the time when the initial sampling was conducted and the time when the
2155 User or OJRSA receives the results of this sampling.

2156 **6.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE**

- 2157 A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and
2158 State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed
2159 of, would be a hazardous waste under 40 CFR part 261. Such notification must include:
- 2160 1. Name of the hazardous waste as set forth in 40 CFR part 261;
 - 2161 2. The EPA hazardous waste number; and
 - 2162 3. The type of discharge (continuous, batch, or other).
- 2163 B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the
2164 POTW, the notification shall also contain the following information to the extent such information is known
2165 and readily available to the IU:
- 2166 1. An identification of the hazardous constituents contained in the wastes;
 - 2167 2. An estimation of the mass and concentration of such constituents in the wastewater discharged
2168 during that calendar month; and
 - 2169 3. An estimation of the mass of constituents in the wastewater expected to be discharged during the
2170 following twelve (12) months.
- 2171 C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge
2172 of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazard-
2173 ous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9
2174 403.12(g). The notification requirement does not apply to pollutants already reported under the self-mon-
2175 itoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a cal-
2176 endar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless
2177 the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) aI261.33(e). Discharge of more than
2178 fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute
2179 hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subse-
2180 quent months during which the IU discharges more than such quantities of any hazardous waste do not
2181 require additional notification.
- 2182 D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of haz-
2183 arduous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the
2184 EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge
2185 of such substance within ninety (90) calendar days of the effective date of such regulations.
- 2186 E. In the case of any notification, the IU shall certify that it has a program in place to reduce the volume and
2187 toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

2188 **6.10 USER RECORDS**

- 2189 A. Users subject to the reporting requirements of this Regulation 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 OJRSA SUR 4.4(D). Records shall include:
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- 2191
- 2192
- 2193
- 2194 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
- 2195 2. The dates analyses were performed;
- 2196 3. Who performed the analyses;
- 2197 4. The analytical techniques or methods used; and
- 2198 5. The results of such analyses.
- 2199 B. 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.
- 2200
- 2201

2202 **6.11 CERTIFICATION STATEMENTS**

2203 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 ~~wast-~~
2204 ~~estream~~ Wastestream due to activities of the User. The certification statement, including a Wet Signature, shall be
2205 provided by the Authorized Representative and must include the following:

2206

2207

2208 **BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING**

2209 **COMPLIANCE WITH THE PRETREATMENT STANDARD FOR 40 CFR _____ [specify applicable Na-**

2210 **tional Pretreatment Standard part(s)], I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BE-**

2211 **LIEF: THERE HAS BEEN NO INCREASE IN THE LEVEL OF _____ [list pollutant(s)] IN THE**

2212 **WASTEWATERS DUE TO THE ACTIVITIES AT THE FACILITY SINCE FILING OF THE LAST PERIODIC**

2213 **REPORT UNDER SECTION 6.4 OF THIS REGULATION.**

2214 **6.12 CONFIDENTIALITY**

2215 **INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS,**

2216 **MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE**

2217 **WITH FOIA LAWS OR TO OTHER GOVERNMENTAL AGENCY WITHOUT RESTRICTION UNLESS THE USER SPECIFI-**

2218 **CALLY REQUESTS AND IS ABLE TO DEMONSTRATE TO THE SATISFACTION OF THE DIRECTOR, THAT THE RELEASE**

2219 **OF SUCH INFORMATION WOULD DIVULGE INFORMATION, PROCESSES, OR METHODS OF PRODUCTION ENTITLED**

2220 **TO PROTECTION AS TRADE SECRETS OF THE USER. WHEN REQUESTED BY THE PERSON FURNISHING THE REPORT,**

2221 **THE PORTIONS OF A REPORT WHICH THE DIRECTOR HAS DETERMINED MIGHT DISCLOSE TRADE SECRETS OR SE-**

2222 **CRET PROCESSES SHALL NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC. IT SHALL, HOWEVER, BE**

2223 **MADE AVAILABLE UPON WRITTEN REQUEST TO GOVERNMENTAL AGENCIES FOR USES RELATED TO THESE REGU-**

2224 **LATIONS, THE NPDES PERMIT, OR OTHER USES DETERMINED APPROPRIATE BY THE DIRECTOR. THE INFOR-**

2225 **MATION SHALL BE AVAILABLE FOR USE BY THE STATE IN JUDICIAL REVIEW OR ENFORCEMENT PROCEEDINGS**

2226 **INVOLVING THE PERSON FURNISHING THE INFORMATION. WASTEWATER CONSTITUENTS AND CHARACTERISTICS**

2227 **SHALL NOT BE RECOGNIZED AS CONFIDENTIAL INFORMATION.**

2228 **6.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY**

- 2229 A. Industrial User Discharge Permit Review
- 2230 1. After review of the Industrial Discharge Permit Application and Questionnaire form, SIC, and NAICS,
- 2231 the Director and/or SCDHEGSCDES may require that the User be issued an Industrial User Discharge
- 2232 Permit. The Discharge Permit itself may apply to either total industrial process discharge or to a
- 2233 combined sanitary/industrial ~~wastestream~~ Wastestream discharge; however, sanitary/industrial

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- 2234 combined ~~wastestream~~Wastestreams are discouraged for monitoring purposes. The industrial pro-
 2235 cess discharge may or may not be pretreated.
- 2236 2. During the review process, unique conditions are established for each industrial category. The final
 2237 Discharge Permit specifies the exact conditions which are applicable to the specific permittee
 2238 (User). In the permit process, specific self-monitoring characterization of the wastewater is re-
 2239 quired for certain industrial categories. Every Discharge Permit has established selected pollutants
 2240 for self-monitoring purposes, which are established through Categorical Pretreatment Standards or
 2241 the pollutants that are present and/or are suspected of being present in the wastewater discharge.
 2242 If the User has been determined to be categorical, effluent parameters will be based upon the EPA's
 2243 Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL
 2244 BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS,
 2245 WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pre-
 2246 treatment Standards must be included in the Discharge Permit, even though the User may not dis-
 2247 charge all or any of the regulated pollutants.
- 2248 3. Reporting frequency is at the discretion of the Director. Contributing factors are:
 2249 (a) Categorical Requirements,
 2250 (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type
 2251 and concentrations of pollutants in the ~~wastestream~~Wastestream,
 2252 (c) Past compliance history, and
 2253 (d) Reasonable potential to adversely affect the sewer system.
- 2254 4. Discharge Permit limits will be developed based on the historical data from an industry and the
 2255 Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on
 2256 need and pollutants of concern for the permitted industry.
- 2257 B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water recla-
 2258 mation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to de-
 2259 velop technically based limits for Significant Industrial Users under the Pretreatment Program. The head-
 2260 works analysis is calculated through a required design loading program utilizing treatment efficiencies, pro-
 2261 cess inhibition levels, and water quality criteria on the receiving stream. The information obtained from the
 2262 headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a
 2263 specific criteria on the total allowable loading for the WRF and may significantly alter total allowable load-
 2264 ing. Total allowable loading is at the discretion of the Director.

2265 **Section 7 – Sampling and Monitoring**

2266 **7.1 RIGHT OF ENTRY AND INSPECTIONS**

- 2267 A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper cre-
2268 dentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter
2269 upon any property of Users to determine whether the User is complying with all the requirements of these
2270 Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall al-
2271 low OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying
2272 records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and
2273 filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their prem-
2274 ises for said purposes. Where a User has security measures in force which would require proper identifica-
2275 tion and clearance before entry into their premises, the User shall make necessary arrangements with their
2276 security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to
2277 enter, without delay, for the purposes of performing their specific responsibilities.
- 2278 B. The SIU inspection and sampling plan is as follows:
- 2279 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
 - 2280 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire,
2281 then OJRSA can inspect and sample the facility more often than annually.
 - 2282 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and
2283 sample the facility more often than annually.
 - 2284 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often
2285 than annually; especially if the causative agent is known and the SIU has this pollutant in their
2286 wastewater.
 - 2287 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more
2288 often than annually.
 - 2289 6. If the collection system has blockages or issues and the SIU discharges to that collection system
2290 section, then OJRSA can inspect and sample the SIU more often than annually.
 - 2291 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the
2292 facility more often than annually.
 - 2293 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction
2294 permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment
2295 system.
 - 2296 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event
2297 of an emergency where the public health or the environment can be impacted.
 - 2298 10. Should OJRSA need to gather site specific information to administer the pretreatment program,
2299 then OJRSA can inspect and sample the SIU more often than annually.
- 2300 C. The Nonresidential User inspection and sampling plan is as follows:
- 2301 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
 - 2302 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to
2303 the violation.
 - 2304 3. If the collection system has blockages or issues and the User discharges to that collection system
2305 section, then OJRSA can inspect and sample the User.
 - 2306 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and
2307 sample the User as part of their evaluation of their pretreatment program update.
 - 2308 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and
2309 sample the User as required by this regulation.

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- 2310 6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often
 2311 if the User has the potential to cause the upset.
- 2312 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.
- 2313 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where
 2314 the public health or the environment can be impacted.
- 2315 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.
- 2316 D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-
 2317 mented by the employee and the Director should be notified as soon as possible. The Director will discuss
 2318 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with
 2319 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.
 2320 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set
 2321 forth in this Regulation.
- 2322 E. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN-**
 2323 **NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREE-**
 2324 **MENTS.** Any records that are reviewed during the inspection and must be kept confidential must be
 2325 stamped with the word “confidential” and OJRSA will adhere to the confidentiality provisions set forth in
 2326 this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and
 2327 the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

7.2 COMPLIANCE DETERMINATION

- 2328 A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of com-
 2329 posite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour
 2330 period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific
 2331 circumstances.
- 2332 B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User’s property,
 2333 or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s
 2334 operations.
- 2335 C. OJRSA may require the User to install monitoring equipment as necessary. The facility’s sampling and mon-
 2336 itoring equipment shall be maintained at all times in a safe and proper operating condition by the User at
 2337 its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to
 2338 ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and avail-
 2339 able to OJRSA upon request.
- 2340 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or
 2341 sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not
 2342 be replaced. The costs of clearing or removing such access shall be borne by the User.
- 2343 E. Unreasonable delays in allowing OJRSA personnel access to the User’s premises shall be a violation of this
 2344 Regulation and subject to the enforcement actions set forth in this regulation.

7.3 ANALYSIS OF INDUSTRIAL WASTEWATERS

2346 All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit
 2347 Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR
 2348 Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.
 2349 If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the
 2350 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,
 2351 sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling
 2352 and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.

7.4 SAMPLING FREQUENCY

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2355 Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and
2356 limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct
2357 compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categori-
2358 cal Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set
2359 forth in the Industrial User Discharge Permit as issued by OJRSA.

2360 7.5 SAMPLE COLLECTION

- 2361 A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate
2362 sampling and analysis performed during the period covered by the report, based on data that is repre-
2363 sentative of conditions occurring during the reporting period.
- 2364 B. Except as indicated in this Paragraph and 7.5(C), the User must collect wastewater samples using twenty-
2365 four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite
2366 sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite sam-
2367 pling or grab sampling is authorized, the samples must be representative of the discharge.
- 2368 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic com-
2369 pounds must be obtained using grab collection techniques.
- 2370 D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required
2371 in SECTIONS 6.2 and 6.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples
2372 must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for
2373 facilities for which historical sampling data do not exist; for facilities for which historical sampling data are
2374 available, OJRSA may authorize a lower minimum. For the reports required by SECTION 6.4 the Industrial
2375 User is required to collect the number of grab samples necessary to assess and assure compliance by with
2376 applicable Pretreatment Standards and requirements.

2377 7.6 SAMPLING STRUCTURE

- 2378 A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA
2379 may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The
2380 purpose of this structure is so that a representative sample of the User's discharge to the sewer system
2381 may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA person-
2382 nel and shall be constructed in compliance with OJRSA specifications for these types of structures.
- 2383 B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the struc-
2384 ture to be located in public right-of-way in certain cases when an onsite location would be impractical.
2385 Approval for location in a public right-of-way must be obtained by the appropriate governing body.

2386 7.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING

2387 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 4.1(B)(4) except excursions
2388 from the range are permitted subject to the following limitations:

- 2389 A. The total time during which the pH values are outside the required range of pH values shall not exceed
2390 two (2) hours in any calendar month; and
- 2391 B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

2392 **Section 8 – Enforcement**

2393 **8.1 ENFORCEMENT MANAGEMENT STRATEGY**

2394 The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed
2395 by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforce-
2396 ment.

2397 **8.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES**

- 2398 A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these
2399 Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Per-
2400 mit, the Director or his/her designee may serve upon such a person an appropriate written notice stating
2401 the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may
2402 require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15)
2403 calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory
2404 correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission
2405 of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the
2406 notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice
2407 of Significant Noncompliance (NOSNC). Refer to SECTION 8 of this Regulation.
- 2408 B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come
2409 into compliance with the discharge permit.
- 2410 1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary
2411 compliance, or other similar documents establishing an agreement with the person responsible for
2412 the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall
2413 include specific action to be taken by the person to correct the violation within a time period spec-
2414 ified by the Consent Order and contain other terms and conditions. A violation of a Consent Order
2415 shall constitute a violation or violations under this Regulation.
 - 2416 2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any
2417 provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any
2418 other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the
2419 User responsible for the discharge directing that the User come into compliance within a specified
2420 time. If the User does not come into compliance within the time provided, sewer service may be
2421 discontinued unless adequate treatment facilities, devices, or other related appurtenances are in-
2422 stalled and properly operated. Compliance Orders also may contain other requirements to address
2423 the noncompliance, including additional self-monitoring and management practices designed to
2424 minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend
2425 the deadline for compliance established for a Pretreatment Standard or requirement, nor does a
2426 Compliance Order relieve the User of liability for any violation, including any continuing violation.
2427 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other
2428 action against the User.
 - 2429 3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement
2430 actions have failed to bring a User into compliance with their Discharge Permit.
 - 2431 (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this
2432 Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pre-
2433 treatment Standard or requirement, or that the User’s past violations are likely to recur,
2434 the Director may issue a Cease and Desist Order to the User directing it to cease and desist
2435 all such violations and directing the User to:
 - 2436 (i) Immediately comply with all requirements; and

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- 2437 (ii) Take such appropriate remedial or preventive action as may be needed to properly
2438 address a continuing or threatened violation, including halting operations and/or
2439 terminating the discharge.
- 2440 (b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking
2441 any other action against the User.
- 2442 C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User
2443 and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The
2444 Consent Order Agreement may contain such other terms and conditions, including but not limited to, pro-
2445 visions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pre-
2446 treatment, and payment of all administrative costs, expenses, attorney’s fees, and civil penalties.
- 2447 D. Notice to Show Cause at Adjudicatory Hearing
- 2448 1. The Director may order any User who causes or is responsible for an unauthorized discharge or
2449 other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action
2450 should not be taken. A notice shall be served on the User specifying the time and place for the
2451 hearing, the proposed enforcement action, the reasons for such action, and a request that the User
2452 show cause why this proposed enforcement action should not be taken.
- 2453 2. Service – The notice of the hearing to the User shall be served personally, by registered or certified
2454 mail (return receipt requested), or other trackable means to ensure delivery is made to the User at
2455 least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OF-
2456 FICER OF THE USER.**
- 2457 3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause
2458 Hearing
- 2459 (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) cal-
2460 endar days following mailing of any final administrative action or decision by the OJRSA to
2461 the User on any violation, application, permit, certificate, or other licensing matter.
- 2462 (b) A request for an Informal Conference prior to the show cause hearing may be made by a
2463 User but not to delay the hearing date. If the request is granted, an Informal Conference
2464 may be held by the Director or their designee to explore ways and means to obtain compli-
2465 ance by consent without the necessity of a formal Adjudicatory Hearing.
- 2466 4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath
2467 and transcribed by a court reporter. A copy of the transcript shall be made available to any member
2468 of a party to the hearing upon payment of the usual charges thereof to the court reporter employed
2469 to provide said transcription.
- 2470 5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudi-
2471 catory Hearing. The Hearing Officer shall have no connection with the preparation or presentation
2472 of the evidence at the hearing.
- 2473 6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set
2474 forth in SECTION 8 of this Regulation.
- 2475 E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions,
2476 prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding
2477 agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons
2478 in violation to perform any or all of the following:
- 2479 1. Comply forthwith;
- 2480 2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
- 2481 3. Take appropriate remedial or preventative action in the event of a continuing or threatened viola-
2482 tion;
- 2483 4. Prohibit or reduce the discharge;
- 2484 5. Provide wastewater storage or flow equalization;
- 2485 6. Make payment by the User to cover added costs of handling and treatment costs and the adminis-
2486 trative costs of the enforcement action;

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- 2487 7. Post performance bonds;
- 2488 8. Act to take other steps to achieve compliance;
- 2489 9. Pay fines and penalties to OJRSA;
- 2490 10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the
- 2491 OJRSA for the hearing or enforcement procedure.
- 2492 F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of
- 2493 this Regulation as described in SECTION 8.6. Prior to the imposition of civil penalties, an adjudicatory hearing
- 2494 will be offered to the User.
- 2495 G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DIS-**
- 2496 **CHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER TO STOP AN ACTUAL OR THREATENED DISCHARGE**
- 2497 **WHICH PRESENTS OR MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH**
- 2498 **OR WELFARE OF PERSONS OR THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM**
- 2499 **OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DIS-**
- 2500 **CHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR**
- 2501 **MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency sus-
- 2502 pension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calen-
- 2503 dar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit
- 2504 terminated. The User shall submit a detailed written statement describing the causes of the violations and
- 2505 the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE**
- 2506 **EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE**
- 2507 **DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE**
- 2508 **SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination
- 2509 of the violations or the risk for damage to life, health, property, and/or the environment has subsided.
- 2510 H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or appli-
- 2511 cable State and Federal regulations, is subject to having their permission to discharge revoked. The Director
- 2512 may revoke any Permit for the following reasons:
- 2513 1. Failure to factually report the wastewater constituents and characteristics of their discharge;
- 2514 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 2515 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- 2516 4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer
- 2517 system that connects with OJRSA conveyance and/or treatment facilities;
- 2518 5. Tampering with or deliberately altering monitoring equipment;
- 2519 6. Falsifying DMRs or other reports;
- 2520 7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment
- 2521 plant process, sludge disposal practices or requirements, or other modifications of a similar nature
- 2522 that impact the OJRSA's ability to accept industrial or other wastewaters;
- 2523 8. For causes necessitating an emergency suspension;
- 2524 9. Discharge of wastewater prohibited by these Regulations;
- 2525 10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms
- 2526 of the wastewater discharge permit or these Regulations;
- 2527 11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.
- 2528 I. A User whose permission to discharge has been revoked may apply for new permission to discharge and
- 2529 shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however,
- 2530 the OJRSA is under no obligation to allow the User to reconnect.

2531 **8.3 JUDICIAL REMEDIES**

2532 Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the

2533 wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

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2534 Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Admin-
 2535 istrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal
 2536 or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

2537 **8.4 INJUNCTIVE RELIEF**

2538 The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction,
 2539 damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or reg-
 2540 ulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time
 2541 or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User
 2542 or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of
 2543 any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, tak-
 2544 ings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or respon-
 2545 sible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation
 2546 of State or Federal Pollution Control laws, rules, or regulations.

2547 **8.5 CRIMINAL VIOLATIONS**

- 2548 A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper
 2549 Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with
 2550 criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has au-
 2551 thority to take actions to protect life, health, property, and/or the environment using means detailed in
 2552 Paragraph 8.2(G) and other sections of this Regulation.
- 2553 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 8.6 for such
 2554 violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

2555 **8.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS**

- 2556 A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.
- 2557 B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or per-
 2558 mit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees
 2559 associated with enforcement action may be taken against the User in violation of Regulations. These costs
 2560 may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time
 2561 of the violation.
- 2562 C. Administrative and Civil Penalties:
- 2563 1. A User will be subject to administrative and civil penalties up to two thousand dollars (\$2,000) per
 2564 violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the
 2565 maximum amount that may be administrated for each violation, per day the violation occurred
 - 2566 2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct of-
 2567 fense. In case of monthly or long-term discharge limits, fines may be assessed for each day during
 2568 the period of violation. The OJRSA shall have such remedies for the collection of such assessments
 2569 as it has for collection of other service charges.
- 2570 D. Payment of Costs -
- 2571 1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal
 2572 violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to
 2573 OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or
 2574 criminal penalties. Payments not received by the due date are subject to late fees as stated in the
 2575 *OJRSA Schedule of Fees*.
 - 2576 2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater
 2577 or discharges in excess of the limitations required under its permits or the Regulations of the
 2578 OJRSA.

2579 E. Failure to Pay – See SECTION 8.8.

2580 **8.7 PERFORMANCE BONDS**

2581 The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of
2582 these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory
2583 bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the
2584 costs of any scheduled improvements and to achieve consistent compliance.

2585 **8.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT**

2586 The Director shall have the right to discontinue sewer service to the property of a User of such service in the event
2587 of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been
2588 given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA
2589 or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis
2590 of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of
2591 ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of
2592 disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the
2593 notice as provided under the OJRSA Regulations.

2594 **8.9 TENANT RESPONSIBILITY**

- 2595 A. In matters where the property was used without a formal or informal arrangement, the Owner of the prop-
2596 erty shall be held responsible. *The burden of proof for providing a binding version of a formal or informal*
2597 *agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such
2598 evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of
2599 OJRSA costs.
- 2600 B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal
2601 arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or
2602 indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of
2603 these Regulations and recovery of OJRSA costs.

2604 **8.10 VANDALISM**

2605 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or pre-
2606 vent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation
2607 of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be
2608 subject to the sanctions established in SECTION 8 of this Regulation, which could include referral to the law enforce-
2609 ment agency with jurisdiction for potential criminal investigation.

2610 **8.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

2611 The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA
2612 and/or ~~SCDHESCDES~~) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the
2613 Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with ap-
2614 plicable Pretreatment Standards and requirements. This publication will be done during the first quarter of each
2615 year for the previous calendar year.

2616 **8.12 ENFORCEMENT MANAGEMENT STRATEGY**

- 2617 A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider
2618 the following criteria when determining a proper response to the violation and the context of the User’s
2619 prior violations:

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1. Magnitude of the Violation
 - (a) Unless a violation is Significant Noncompliance (SNC) 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 Compliance Schedule requiring the User to comply with regulations by a specific date. The magnitude or severity of the violation is determined by whether the violation meets the definition of SNC. The significance of the violation will influence the type of enforcement action taken by the Pretreatment Department based on this evaluation.
2. Duration of the Violation
 - (a) Prolonged periods of violation should subject the 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 shall not be 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 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 for a violation impacting receiving waters will include an Administrative Order, which is to include a penalty. The penalty will also include any penalties or fines paid by the POTW to a regulatory or response agency (e.g., ~~SCDHECSCDES~~, EPA, SCDNR, Oconee County Emergency Management, etc.) and may include damages for the destruction of natural resources, manmade structures, and/or the POTW. Termination of sewer service may be an option if noncompliance continues uncorrected.
4. Effect of the Violation on the POTW
 - (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed charges for correcting the impact.
 - (b) Adverse 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 adverse impact to occur in accordance with SECTION 8.6.
 - (d) Minimum enforcement actions will include an Administrative Order with associated penalties including cost recovery for adverse impacts in accordance with SECTION 8.6.

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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 (which may be the same or different parameters or regulatory requirements) can be an indication that the User does not take wastewater issues or environmental protection regulations 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, up to and including termination of service.
 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; however, good faith does not eliminate the need to take an enforcement action.
 - (d) Good faith is not defined as compliance with previous enforcement actions.
 - (e) Recovery of costs from an upset will take place regardless of good faith actions that may have been taken.
 - B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
 1. All violations shall normally be identified and documented within thirty (30) calendar days of receiving compliance information.
 2. Initial enforcement responses involving contact with the User and requesting information on corrective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
 3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar days of the initial enforcement response. For all continuing violations, the response will include a Compliance Schedule.
 4. 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.
 5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Administrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.
 - C. 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. This form must be submitted to the Regulatory Services Coordinator or Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of the day on which it occurs (including weekends and holidays).
 2. The notification shall be followed by a written report, when required by the Regulatory Services or Pretreatment Coordinator, within five (5) business 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 the violation including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities being taken to reduce, eliminate, and prevent recurrence of the violation.

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- 2720 3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit
2721 the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.
- 2722 4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which
2723 may be incurred as a result of damage to the POTW, persons or property, or environmental harm;
2724 nor shall such notification relieve the User of any fines, civil penalties, or other liability which may
2725 be imposed by this Regulation or other applicable laws.
- 2726 D. Assignment of Responsibilities
- 2727 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by
2728 the Director to implement the Pretreatment Program and to enforce compliance with all Permits
2729 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated
2730 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this
2731 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-
2732 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee
2733 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that
2734 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either
2735 through purposeful investigation or in the normal course of duties performed.
- 2736 2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, which-
2737 ever OJRSA employee or consultant is in position to do so may be used to collect evidence of the
2738 violation. The Coordinator may employ the services of outside laboratories or consultants in the
2739 collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon
2740 to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence,
2741 compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's
2742 attorney(s) in preparing and executing enforcement actions.
- 2743 E. Enforcement Response Guide
- 2744 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based
2745 on the whether the noncompliance involves:
- 2746 (a) Sampling, Monitoring, and Reporting (SECTION 8.12.1);
2747 (b) Compliance Schedules (Construction Phases or Planning) (8.12.2);
2748 (c) Effluent Limits (8.12.3);
2749 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-
2750 vestigations (8.12.4);
2751 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 8.12.5;
2752 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (8.12.6);
2753 and/or
2754 (g) Other Regulatory Violations (8.12.8).
- 2755 2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate
2756 enforcement responses to various types of noncompliance and appropriate OJRSA personnel to
2757 implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND
2758 DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**
- 2759 3. The Director may delegate his/her role and authority in any enforcement action as deemed appro-
2760 priate. (SECTION 8.1)
- 2761 4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES
2762 Permit, and other locally established regulations.
- 2763 5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.
- 2764 6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Con-
2765 ference or Notice of Violation when the violation does not meet the criteria of Significant Noncom-
2766 pliance (SNC) or when the User is cooperative in quickly resolving the problems.
- 2767 7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems
2768 will incur more severe enforcement actions, up to and including termination of sewer service.

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- 8. Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance Schedule for which the User is to follow.
- 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 shall 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.
- 10. Enforcement actions taken against each User shall be considered individually and are not necessarily based on penalties, actions, and/or fines issued to other Users who were in violation.

8.12.1 Sampling, Monitoring, and Reporting Violations ERG

Violation	Circumstances	Range of Response	Personnel
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	NOV with response required within ten (10) business days.	RSC, PC
	Industrial User does not respond to NOV and/or AO.	AO; civil action and penalties (SECTION 8.6); Adjudicatory Hearing including penalty (SECTION 8.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action; seek termination of terminate water and/or sewer.	RSC, PC, Dir
	No response received.	Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	Dir
	Report is improperly signed or certified, or is otherwise incomplete, first offense.	NOV.	RSC, PC
	Report is improperly signed or certified, or is otherwise incomplete, after notice by POTW.	AO; Adjudicatory Hearing; civil action and penalties (SECTION 8.6).	RSC, PC
	Isolated not significant violation; Report less than forty-five (45) calendar days late.	NOV.	RSC, PC
	Significant - Report forty-five (45) calendar days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC
	Reports are always late or no report at all.	AO and/or penalty; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir

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	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory Hearing; seek <u>termination of</u> terminate water and/or sewer.	RSC, PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	RSC, PC
	Unintentional use of incorrect sample collection techniques.	NOV.	RSC, PC
	Unintentional use of incorrect sample type.	NOV.	RSC, PC
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	NOV - Response required within ten (10) business days; AO.	RSC, PC
	No response received.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV; request corrected form.	RSC, PC
	Recurring deficiencies.	AO and/or penalty (SECTION 8.6).	RSC, PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	RSC, PC
	Continued violations- Remains uncorrected forty-five (45) calendar days or more - SNC.	NOSNC; AO; Adjudicatory Hearing; penalty.	RSC, PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	RSC, PC
	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Improper sampling, no evidence of intent.	NOV; AO.	RSC, PC

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	Improper sampling - Evidence of negligence or intent.	AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate-water and/or sewer.	RSC, Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation; seek termination of terminate-water and/or sewer.	Dir

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8.12.2 Compliance Schedules ERG (Construction Phases or Planning)

Violation	Circumstances	Range of Response	Personnel
Missed interim date	Will not cause late final date or other interim dates (less than ninety (90) calendar days).	NOV.	RSC, PC
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, good cause for delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, no good cause or delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC PC, Dir
	Missed milestone by more than ninety (90) calendar days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action.	RSC, PC, Dir
	Missed milestone by more than forty-five (45) calendar days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); seek termination of terminate-water and/or sewer.	RSC, PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action; request criminal investigation; seek termination of terminate-water and/or sewer.	RSC, PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; Adjudicatory Hearing.	RSC, PC, Dir
	Ninety (90) calendar days or more outstanding - Failure or refusal to comply - Without good or valid cause - SNC.	AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
Failure to install monitoring equipment	Delay of less than forty-five (45) calendar days.	NOV; AO.	RSC, PC
	Delay of forty-five (45) calendar days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Cost recovery and	RSC, PC, Dir

		civil penalties for each additional day (SECTION 8.6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of <u>seek termination of</u> terminate water and/or sewer.	Dir

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8.12.3 Effluent Limit Violations ERG

Violation	Circumstances	Range of Response	Personnel
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	RSC, PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	RSC, PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing.	RSC, 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; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of <u>seek termination of</u> terminate water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 8.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; seek termination of <u>seek termination of</u> terminate water and/or sewer.	RSC, PC, Dir
	Isolated; no harm to POTW and/or environment.	NOV.	RSC, PC

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Discharge of untreated wastewater - spill, bypass, or improper operation of pretreatment facility	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, 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 and timeframe for submission of the completed application.	RSC, PC
	Continuing violation without known environmental or POTW damage; User fails to apply for permit after notice - SNC.	AO; Adjudicatory Hearing including penalty; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate water and/or sewer.	RSC, 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; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate water and/or sewer.	RSC, Dir
	First (1 st) offense - User aware of requirement.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Nonpermitted discharge (failure to renew permit)	Industrial User has not submitted questionnaire within ten (10) calendar days of due date.	NOV - Response required within ten (10) business days.

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8.12.4 Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations ERG

Violation	Circumstances	Range of Response	Personnel
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	NOV and/or AO.	RSC, PC

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	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Violation of Discharge Permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	RSC, PC
	Evidence of negligence or intent - SNC.	Adjudicatory Hearing; criminal investigation; sewer ban.	RSC, PC, Dir
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.	Return to User (obtain a warrant if necessary); NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir

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8.12.5 Excessive Inflow and Infiltration from Satellite Sewer Systems and Other Users ERG

Violation	Circumstances	Range of Response	Personnel
Excessive inflow and infiltration from systems and connections not owned by OJRSA (for each location identified by OJRSA through means and methods detailed in SECTION 4.15)	Initial violation.	NOV.	Eng, Dir, Atty
	Second (2 nd) violation.	AO; Adjudicatory Hearing.	Eng, Dir, Atty
	Third (3 rd) violation.	AO; Adjudicatory Hearing; civil action; requirement for CMOM for entire Satellite Sewer System or privately-owned User's sewer system.	Eng, Dir, Atty
	Fourth (4 th) and subsequent violations.	AO; Adjudicatory Hearing; civil penalties (SECTION 8.6).	Eng, Dir, Atty

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8.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit)

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Violation	Circumstances	Range of Response	Personnel
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Failure to install FOG Control Device (FCD)	First (1 st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 nd) violation.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 rd) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of Terminate water and/or sewer.	RSC, PC, Dir
	No response to notifications.	Seek termination of Terminate water and/or sewer.	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; cost recovery (SECTION 8.6).	RSC, PC, Dir, Atty
FCD not maintained as required	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6);	RSC, PC, Dir

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		seek termination of terminate water and/or sewer.	
	Failure to address FCD maintenance issues within timeframes set forth by OJRSA.	Seek termination of Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Structure failure of FCD	First (1 st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 nd) violation.	NOV; penalty up to one-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 rd) violation.	SNC; AO to repair structural failures or install new FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Failure to address FCD structure failure within timeframes set forth by OJRSA.	Seek termination of Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to maintain records	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir

	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Failure to properly maintain records after previous enforcement actions.	Seek termination of Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to allow access	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Seek termination of Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Use of prohibited FOG Control Additives	First (1 st) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Second (2 nd) violation.	Seek termination of Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir

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	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
FOG waste hauler / plumber fails to properly clean and maintain FCD	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber fails to submit records to OJRSA in timely manner	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber discharges wastewater, FOG, or other prohibited materials back into the FCD	First (1 st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate User's water and/or sewer.	RSC, PC, Dir
FOG waste hauler / plumber decants	First (1 st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification;	RSC, PC, Dir

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wastewater back into the FCD or sewer system		cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate User's water and/or sewer.	
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2789 **8.12.7 Hauled Waste Acceptance Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Abuse of conditions established in Sections 10.1 and 10.2	First (1 st) violation.	Noncompliance notification letter sent to Hauled Waste Transporter company Owner ¹ detailing violation; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC
	Second (2 nd) violation.	Suspension of violator's Waste Hauler License for two (2) months or after all outstanding fees have been received by OJRSA, whichever is later; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC, Dir
	Third (3 rd) violation.	Permanent suspension of violator's Waste Hauler License and notification to SCDHEGSCDES of Hauled Waste Transporter's status. The company and person, regardless of whether he works for the same company or another Hauled Waste Transporter, will no longer be able to dispose of product at OJRSA facilities.	RSC, PC, Dir

2790 **8.12.8 Other Regulatory Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to properly operate and maintain pre-treatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within ten (10) business days; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir

¹ As stated on Waste Hauler License.

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	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	RSC, PC
	Inspection finds files incomplete or missing (evidence of intent).	Civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); penalty.	RSC, PC, Dir
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	RSC, PC
	Minor, evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Failure to mitigate non-compliance or curtail production	No damage to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within ten (10) business days.	RSC, PC
	Recurring violation.	AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir

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2792 **Section 9 – Fats, Oils, and Grease (FOG) Control Program**

2793 The OJRSA is mandated by Federal and State regulations to prevent the discharge of untreated sewer to the envi-
 2794 ronment. OJRSA is subject to enforcement actions from ~~SCDHECSCDES~~ and/or EPA when untreated wastewater
 2795 reaches the environment. Fats, oils, and grease (FOG) can block the sewer lines and cause the untreated sanitary
 2796 wastewater to overflow into the environment. In order to address this requirement, the OJRSA has established the
 2797 following FOG Control Program, which is also supported by the OJRSA Development Policy and other policies as
 2798 applicable.

2799 **9.1 PURPOSE**

- 2800 A. The FOG Control Program has been developed in accordance with SECTION 3 and SECTION 4 of this Regulation
 2801 with its purpose being to provide for the regulation of the collection, control, and transportation of non-
 2802 hazardous FOG of animal or vegetable origin generated by Users. All Users, including FOG Generators such
 2803 as Food Service Establishments, must comply with established grease limits as contained in SECTION 4.2.
 2804 B. Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on all the
 2805 following criteria:
- 2806 1. Properly sized and approved FOG Control Devices;
 - 2807 2. Approval and implementation of Best Management Plans;
 - 2808 3. Placement of FOG control signs above FOG Generator sinks;
 - 2809 4. Regularly scheduled maintenance of FOG Control Device(s);
 - 2810 5. Documentation of maintenance and proper disposal;
 - 2811 6. Employee education and training; and
 - 2812 7. Demonstrated adherence to established quantitative concentration or mass limit(s) as measured
 2813 at the nearest accessible point prior to FOG Generator's connection to the public sewer.

2814 **9.2 DUTIES**

- 2815 A. The Director has the authority to enforce compliance with Permits and Regulations. Acting under the Direc-
 2816 tor is the Regulatory Services Coordinator or his/her assigned representative(s) (e.g., FOG Program Coordi-
 2817 nator), who shall be responsible for implementing this Regulation.
 2818 B. The Regulatory Services Coordinator or their assigned representatives shall be responsible for all adminis-
 2819 trative actions such as inspections, plan review, analyses, and records maintenance.
 2820 C. Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the des-
 2821 ignated and assigned OJRSA representatives.
 2822 D. Duties regarding the enforcement of these requirements are outlined in SECTION 8 of this Regulation.

2823 **9.3 APPLICABILITY**

- 2824 A. The FOG Control Program is applicable to all Nonresidential Users who generate or transport FOG. The
 2825 Regulation also applies to Hauled Waste Transporters of the FOG generated from these and other facilities.
 2826 Classifications for the types of FOG Generators can be found in SECTION 9.7.
 2827 B. All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation
 2828 or any FOG Permit issued by OJRSA.
 2829 C. Devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated
 2830 Multi-Family Developments as follows:
- 2831 1. Multi-Family Developments shall be required to install a FOG Control Device in compliance with
 2832 SECTION 9.7 when five (5) or more units occupy a single building and where the individual living units
 2833 share a common wastewater drain line that serves more than ~~one-two (2)~~ (24) units within the building.

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- 2834 2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June
 2835 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do sub-
 2836 stantial modifications which include replacement of fifty percent (50%) or more of the drain lines
 2837 or plumbing within the building. Modifications must include the installation of a FOG Control Device
 2838 as set forth in this Regulation.

2839 D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with
 2840 SECTION 9.7 when five (5) or more units occupy a single building and share common wastewater drain lines
 2841 that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens
 2842 that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as con-
 2843 structed unless the facility has to do substantial modifications which include replacement of fifty percent
 2844 (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation
 2845 of a FOG Control Device as set forth in this Regulation.

2846 D.E. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative
 2847 impact on its conveyance or treatment system from FOG must be plumbed together through a common
 2848 drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.

2849 E.F. Food Service Establishments and FOG Generators

- 2850 1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-
 2851 constructed, or change ownership shall meet the requirements included herein prior to opening,
 2852 expanding, or reopening the FSEs.
 2853 2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Reg-
 2854 ulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues,
 2855 manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior
 2856 to installation.
 2857 3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3)
 2858 compartment sink must have a FOG Control Device installed.
 2859 4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly in-
 2860 stalled, maintained, and operating in accordance with this Regulation by no later than June 30,
 2861 2024.

2862 F.G. Multi-Unit Commercial Facilities

- 2863 1. New Multi-Unit Commercial Facilities
 2864 (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line con-
 2865 nections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste
 2866 line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or
 2867 potential kitchen area, grease waste line will be connected to floor drains in the specified
 2868 kitchen area, and will connect, or be able to connect, to other food service establishment
 2869 kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two
 2870 (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
 2871 (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF.
 2872 Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen
 2873 and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-
 2874 out locations to accommodate a FOG Control Device of adequate size as approved in the
 2875 *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity
 2876 FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for
 2877 multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Intercep-
 2878 tors must be approved by the OJRSA prior to construction. A copy of the maintenance
 2879 agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by
 2880 the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider
 2881 suitable physical property space and sewer gradient that will be conducive to the installa-
 2882 tion of an exterior, in-ground gravity FCD when determining the building location.

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(c) An Owner may elect to construct a MUCF without separate sewer plumbing; however, the Owner must provide a signed and notarized document that includes the following statement prior to approval of plans or issuance of a building permit:

I, _____ [Owner name here], **UNDERSTAND THAT IF A FOOD SERVICE ESTABLISHMENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRODUCER OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR TO THE USER OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE DEVELOPMENT, WHICH INCLUDES:**

[County TMS Number here]

[County TMS Number here]

IF THE UNITS AND/OR PARCELS ARE SUBDIVIDED OR IF THE PROPERTY IS SOLD OR OTHERWISE TRANSFERRED, I ALSO UNDERSTAND THAT IT IS THE RESPONSIBILITY OF THE SITE OWNER(S) TO COMPLY WITH THESE REGULATIONS, AT NO EXPENSE TO THE OJRSA, PRIOR TO THE ESTABLISHMENT OF WATER AND SEWER SERVICE.

2. Existing Multi-Unit Commercial Facilities

(a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall be grandfathered and may not have to comply with provisions of this Section unless:

- (i) Negative impacts are placed on the public sewer system due to FOG generated from within the facility (e.g., blockages in the conveyance system). The OJRSA reserves the right to require MUCF to install appropriate plumbing and FOG Control Devices if they are causing negative impact to the public sewer system.
- (ii) If an existing MUCF is replacing or updating internal piping for wastewater handling, then they shall comply with requirements of a New MUFC.

9.4 RIGHT OF ENTRY, INSPECTIONS, AND RECORDKEEPING

- A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator’s facility and the Hauled Waste Transporter’s vehicle (SECTION 10.4) and facilities are incorporated fully within these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as required.
- B. FOG 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.
- C. The FOG Generator shall maintain FOG Control Device inspection records ~~on-site~~ for review by OJRSA for a minimum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records. If authorized by OJRSA, electronic records may be submitted in accordance with SECTION 2.6.
- D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access to inspect records, obtain representative samples, and perform other duties as necessary to ensure compliance.
- E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler / plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must use the FOG Control Device Inspection Form as provided by the OJRSA.
- F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must notify the OJRSA within one (1) business day of conducting the inspection.
- G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be documented by the employee and the Director should be notified as soon as possible. The Director will discuss the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with

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2931 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.
2932 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set
2933 forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Re-
2934 sponse Guide set forth in this Regulation

- 2935 H. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN-**
2936 **NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREE-**
2937 **MENTS.** Any records that are reviewed during the inspection and must be kept confidential must be
2938 stamped with the word “confidential” and OJRSA will adhere to the confidentiality requirements set forth
2939 in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and
2940 the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

2941 **9.5 PERMITTING**

2942 OJRSA may issue a FOG Permit or other control document to FOG Generators and Hauled Waste Transporters as a
2943 condition of use, or continued use, of OJRSA facilities and services. A FOG Permit may be issued to a single User or
2944 a group of Users with similar processes, practices, and wastewater characteristics. Although not necessary in all
2945 cases, FOG Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring require-
2946 ments and reporting requirements as well as any other conditions or requirements that OJRSA determines neces-
2947 sary to ensure compliance of the User and protection of the collection and treatment facilities.

2948 **9.6 FOG GENERATOR ADMINISTRATIVE REQUIREMENTS**

- 2949 A. Best Management Practices
 - 2950 1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive dis-
2951 charges of FOG to the public sewer and to ensure proper performance of FOG Control Devices
2952 (FCD).
 - 2953 2. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans, and
2954 food containers into the trash before washing; having signage posted at sinks (e.g., “Hand Washing
2955 Only,” “Scrape Plates before washing,” “No Fats, Oils, or Grease,” etc.); having proper sink, floor
2956 sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Con-
2957 tainer; and establishing procedures for observing and approving all maintenance activities that re-
2958 quire access to the FCD.
 - 2959 3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any
2960 kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or
2961 signage adequate to prevent discharge of FOG to such drains.
- 2962 B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with
2963 established limits and standards. Requirements and details for FCD are found in the *OJRSA Development*
2964 *Policy*. In some circumstances, FOG Traps or Hydromechanical FOG Devices (HFD) may be allowed if:
 - 2965 1. It is determined by OJRSA that a FOG Trap or HFD provides adequate control due to site specific
2966 conditions; and/or
 - 2967 2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor imprac-
2968 tical and/or unserviceable.
- 2969 C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator’s expense.
2970 It is the FOG Generator’s responsibility to ensure that proper maintenance of the device includes removal
2971 of all contents including floating materials, wastewater, and solids at a maintenance frequency which will
2972 allow proper operation of the FCD. The FOG Generator will be responsible for observing and approving all
2973 pumping and cleaning activities as a condition of the disposal.
- 2974 ~~D. At no time shall the cleaning frequency of the FCD exceed ninety (90) calendar days unless approved in~~
2975 ~~writing by OJRSA. Approval will be granted on a case-by-case situation with submittal by the FOG Generator~~
2976 ~~documenting proof that a reduced cleaning frequency will meet the requirements of this Regulation. Some~~

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FOG Generators may need to consider a more frequent pumping schedule to meet the requirements of this Regulation.

~~E.~~ FOG Interceptors must be pumped in full (complete removal of all contents) when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the FOG Interceptor's inlet liquid depth if before the ninety (90) calendar day pump-out requirement. Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 of this Regulation.

~~F.~~D. FOG Generators required to install new or replacement devices shall request and complete a Food Service Establishment Questionnaire as provided by OJRSA. The survey, along with the FCD specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the FOG Generator, the OJRSA will provide a written determination of the required FCD 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.

~~G.~~E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and installation of any ~~FGD~~FCD.

~~H.~~F. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business 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 FOG Generator shall secure applicable local building, plumbing, and other permits.

~~I.~~G. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD 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.

~~J.~~H. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without written approval from an OJRSA Authorized Representative. The design and installation instructions for the OJRSA are set forth in the *OJRSA Development Policy*.

~~K.~~I. Automatic FOG Traps – After June 30, 2023, any change of ownership of an existing FSE or FSE reopening for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device ~~with a unitone~~ approved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages in the conveyance system, etc.), then the device shall be replaced with a FOG Trap, Hydromechanical FOG Device, or FOG Interceptor that complies with these Regulations.

~~L.~~J. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.

~~M.~~K. _____ For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA, such document shall be signed by:

1. The Owner, or
2. General Manager; or
3. Manager, or
4. A specified individual authorized in writing by one of the above with the authority to bind the FOG Generator and to make representations to OJRSA on the FOG Generator's behalf.

9.7 FOG GENERATOR CLASSIFICATIONS

OJRSA has established the following classifications for FOG Control Devices:

- A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-by-case basis. ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~

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- 3024 B. Facilities that provide dining space and vending machines with no food preparation other than microwave
3025 ovens and the like will be evaluated on a case-by-case basis.
- 3026 C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) ~~grease~~
3027 ~~trap~~ FOG Trap or Hydromechanical FOG Device that meets minimum efficiency and installation require-
3028 ments necessary for this class. REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY
3029 FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.
- 3030 1. Facilities without a ventilation hood system or filter as required by SCDHEC-SC Department of Agri-
3031 culture R61-25 (Retail Food Establishments);
 - 3032 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-
3033 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-
3034 ing ware with very limited culinary washing;
 - 3035 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
 - 3036 4. Coffee Shops (small);
 - 3037 5. Ice Cream Shops;
 - 3038 6. Frozen Yogurt Shops;
 - 3039 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
 - 3040 8. Doughnut Shops with baking only (no mixing of ingredients or frying);
 - 3041 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
 - 3042 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-
3043 ing, and number of meals served);
 - 3044 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary
3045 cleaning, number of meals served, and frequency meals are served);
 - 3046 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-
3047 4)).
- 3048 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required
3049 by SC Department of Agriculture SCDHEC R61-25 (Retail Food Establishments), then they will be considered
3050 at least a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hy-
3051 dromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all
3052 efficiency and installation requirements necessary for this class. REQUIRES FOG DEVICE SIZING CALCULA-
3053 TION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.
3054 The facility will need to provide their applicable NAICS code(s) to OJRSA.
- 3055 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
 - 3056 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-
3057 ing, and number of meals served);
 - 3058 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary
3059 cleaning, number of meals served, and frequency meals are served);
 - 3060 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-
3061 sons);
 - 3062 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)
3063 persons);
 - 3064 6. Doughnut Shops with on-premises frying;
 - 3065 7. Coffee Shops (large);
 - 3066 8. Caterers;
 - 3067 9. Convenience Stores serving food (with or without fuel pumps);
 - 3068 10. Supermarket/Grocery Stores;
 - 3069 11. Hotels with Kitchens as stated in OJRSA SUR 9.3(D); and
 - 3070 10.12. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain condi-
3071 tions and as justified by calculation requirements and approved by OJRSA).
- 3072 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A
3073 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet

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all efficiency and installation requirements necessary for this class. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION. The facility will need to provide their applicable NAICS code(s) to OJRSA.**

1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-five (65) persons);
2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to sixty-five (65) persons); and
- 2.3. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain conditions and as justified by calculation requirements and approved by OJRSA).

F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION. The facility will need to provide their applicable NAICS code(s) to OJRSA.**

1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run operations.
2. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2).

G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**

1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable portions of the Sewer Use Regulation.
2. Others as appropriate.

9.8 FOG CONTROL DEVICE **DESIGNS** AND INSTALLATION REQUIREMENTS

A. General Requirements

- ~~A.1.~~ No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
2. Garbage grinders are strictly prohibited where FCD are required.
3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.

~~All FCDs shall have a minimum retention time of thirty (30) minutes.~~

B. General FCD Requirements

- ~~B.1.~~ All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regulations and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the specifications detailed in the *OJRSA Development Policy*.
- ~~C.2.~~ OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance and condition and may require repairs to, modifications, or replacement of FCDs as such.
3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.

~~D.A. Garbage grinders are strictly prohibited where FCD are required.~~

~~E.A. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.~~

~~F.A. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.~~

G.C. FOG Trap Requirements

1. There is a minimum acceptable size devices based on the classification system as stated in SECTION 9.7.
2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
- 2.3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required flow and grease capacity.

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3121 ~~3-4.~~ Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are
3122 prohibited in accordance with OJRSA SUR 9.6(I).

3123 ~~4-5.~~ Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:

- 3124 (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;
3125 (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit
3126 (140°F);
3127 (c) Acidic or caustic cleaners (e.g., lye or root killer);
3128 (d) Fryer oil or grill trap FOG waste; and
3129 (e) FOG Control Additives (as defined in SECTION 2.3).

3130 D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall
3131 be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG de-
3132 vices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Intercep-
3133 tors.”

3134 H.E. FOG Interceptor Requirements

- 3135 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION
3136 9.7.
3137 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
3138 ~~2-3.~~ The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.¹
3139 ~~3-4.~~ All FOG Interceptors shall be adequately secured against unauthorized access.
3140 ~~4-5.~~ All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
3141 ~~5-6.~~ Discharge of, or addition of, the following materials are strictly prohibited from disposal to an in-
3142 ground FOG Interceptor:
3143 (a) Acidic or caustic cleaners (e.g., lye or root killer); and
3144 (b) FOG control additives (as defined in SECTION 2.3).

3145 **9.9 MAINTENANCE REQUIREMENTS**

3146 A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements
3147 as stated within this Section based on changes in operation, business hours, equipment, menu options,
3148 seating capacity, etc.

3149 B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased
3150 cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the
3151 contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the
3152 costs associated with repairing the system in accordance with SECTION 4.11 RECOVERY OF PREVENTATIVE EX-
3153 PENSES and SECTION 8– Enforcement.

3154 A-C. FOG Traps

- 3155 1. **FOG TRAPS SHALL BE MAINTAINED ON A WEEKLY BASIS FREQUENCY FOR THE PROPER FUNCTION**
3156 **OF A FOG TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE**
3157 **BASIS; USING THE “25% RULE”² OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MAT-**
3158 **TER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE³; HOWEVER, CLEANING SHALL NOT**
3159 **EXCEED TWENTY-ONE (21) CALENDAR DAYS. ~~Modified maintenance schedules must be approved~~**
3160 **by the OJRSA but in no case will cleaning intervals exceed two (2) weeks.**
3161 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.
3162 These records shall be maintained in accordance with SECTION 9.4.

¹ As stated in the International Plumbing Code.

² To calculate the 25% Rule value, you use the following formula: $[(\text{avg. inlet grease layer} + \text{avg. inlet solids layer}) \div \text{total water depth}] \times 100$. For example, if the average inlet grease layer is 8.67 inches, the average inlet solids layer is 4.33 inches, and the total water depth is 45 in, the 25% Rule value would be 28.89%, which is above the 25% threshold and the cleaning frequency should be adjusted appropriately.

³ “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

D. Hydromechanical FOG Devices

1. **HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER'S RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS; HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED BY MANUFACTURER'S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRITTEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.**

2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These records shall be maintained in accordance with SECTION 9.4.

B-E. FOG Interceptors

1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REGULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE¹. A reduced cleaning frequency may be granted on a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as stated with the functions of Section 9.10(E), that performed the cleaning and inspection to document proof that a reduced cleaning frequency will meet the requirements of this Regulation. Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals exceed six (6) months.**

2. The following FOG Interceptor maintenance activities must be performed:

- (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top grease layer when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for more information) of the FOG Interceptor's inlet liquid depth if before the quarterly pump out requirement. Top skimming, decanting, or back-flushing of the device, its contents, septage waste, solids, water, or other materials back into the FOG Interceptor 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 Interceptor or into the wastewater conveyance system.
- (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls and baffles.
- (c) Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 of this Regulation.

3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the private sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION 8.6 and/or *OJRSA Schedule of Fees*.

9.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS

¹ "Evidence" may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

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- 3209 Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:
- 3210 A. Comply with requirements in SECTION 9.9.
- 3211 B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- 3212 C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste
- 3213 Transporter.
- 3214 D. Be responsible for determining the nature of the waste and completing a manifest before transport. A completed FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the
- 3215 FOG Generator. The record must include the name, address, and phone number of the FOG Generator
- 3216 company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other
- 3217 material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date
- 3218 of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should
- 3219 be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- 3220
- 3221 E. Perform the following activities:
- 3222 1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load
- 3223 of FOG waste to the disposal site.
- 3224 2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.
- 3225 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must
- 3226 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues
- 3227 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-
- 3228 cation.
- 3229 ~~2.3.~~ Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain
- 3230 certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler
- 3231 or plumber hires a new employee in the period between training offerings by the OJRSA, then they
- 3232 must make arrangements with OJRSA to obtain the training before performing an inspection. When
- 3233 the next regular scheduled class is held, then the new employee will be subject to this training as
- 3234 well in order to meet the training requirement set by OJRSA.
- 3235 ~~3.4.~~ Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.
- 3236 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must
- 3237 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues
- 3238 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-
- 3239 cation.

3240 **9.11 FEES**

3241 Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste

3242 Transporters as stated in the *OJRSA Schedule of Fees*.

3243 **9.12 COMPLIANCE ENFORCEMENT**

- 3244 A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance
- 3245 with any of the requirements set forth in this Regulation may result in the initiation of enforcement action.
- 3246 Violations of these provisions are subject to the enforcement provisions contained in SECTION 8 of the Reg-
- 3247 ulation, which may include administrative and civil penalties. In addition, fines assessed for violations in-
- 3248 volving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance ex-
- 3249 penses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage
- 3250 removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation,
- 3251 costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer,
- 3252 may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 8.12(E).
- 3253 B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this
- 3254 Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated com-
- 3255 pliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause

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3256 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG
 3257 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to
 3258 increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance
 3259 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the
 3260 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-
 3261 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at
 3262 least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for
 3263 failure to comply, additional time required for compliance, and steps taken to avoid further delays.

- 3264 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-
 3265 porter to demonstrate compliance
- 3266 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary
 3267 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-
 3268 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the
 3269 sewer line, and other enforcement actions set forth in SECTION 8 of this Regulation.
- 3270 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement
 3271 action.

3272 **9.13 REQUESTS FOR VARIANCE**

- 3273 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained
 3274 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)
 3275 calendar days of the FOG Generator or Hauled Waste Transporter being notified of a requirement or Com-
 3276 pliance Schedule. The request for variance must specifically state the reason for the request and how the
 3277 User will ensure demonstrated compliance with established limits.

- 3278 B. Conditional maintenance variances may be granted at the discretion of the Executive Director or his/her
 3279 designee ~~Regulatory Services Coordinator~~ and will typically require additional control measures be placed
 3280 on the User to ensure compliance which may include but are not limited to: additional maintenance re-
 3281 quirements, more stringent Best Management Practices, monitoring requirements (or additional require-
 3282 ments), permit(s) and/or cost recovery. In no case shall a variance be issued in lieu of compliance with es-
 3283 tablished numerical limits or when damage to the conveyance system, public sewer, or treatment facility is
 3284 evident. Requests for variances regarding a reduction in cleaning frequency are to be made through the
 3285 following procedure:

- 3286 1. The FOG Generator must request in writing a reduction of its FCD cleaning frequency using the FOG
 3287 Variance Request Form.
- 3288 2. All work associated with the variance request is to be performed at the FOG Generator's expense
 3289 and must be paid prior to conducting the inspection, sampling, and/or analysis in accordance with
 3290 the OJRSA Schedule of Fees.
- 3291 3. OJRSA will perform an evaluation of the facility and the capability of the FCD to determine if a
 3292 reduction in cleaning is merited. The evaluation will include but not necessarily be limited to the fol-
 3293 lowing:
 - 3294 (a) A site visit to evaluate the facility's potential contributions to FOG in the collection system.
 - 3295 (b) Inspection, sampling, and/or analysis of the discharge from the FOG Generator's facility will
 3296 be conducted by OJRSA to determine the effectiveness of the FCD and the contribution of
 3297 the FOG Generator to FOG in the sewer system.
 - 3298 B-(c) During the sampling and/or inspection, OJRSA will use methods to ensure that the
 3299 FCD is not tampered with. OJRSA reserves the right to install tamperproof equipment on
 3300 the device to ensure the integrity of the sampling/inspection, such as lock, tape, etc.

- 3301 C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be
 3302 considered and approved for installation at a FOG Generator. The alternative FCD must control FOG dis-
 3303 charges from the User and be maintained as outlined in this Regulation. Items that may be considered in

3304 this determination will be footprint of existing buildings, location of property boundaries, and a lack of room
3305 for an outside FOG Interceptor. Alternative FCDs shall not be considered for new building construction.

- 3306 D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical re-
3307 strictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing
3308 FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least
3309 fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.
3310 E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

3311 Section 10 – Hauled Waste Acceptance

3312 10.1 AUTHORITY AND GENERAL CONDITIONS

- 3313 A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Ad-
3314 ditionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area
3315 when it is determined that:
- 3316 1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equip-
3317 ment malfunction, nature or quantity of waste, or other factors there is no viable alternative for
3318 disposal of the hauled waste in the service area where it originates.
 - 3319 2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed
3320 of at OJRSA facilities; or-
 - 3321 2-3. There has been an emergency declaration by the President of the United States (or by a federal
3322 agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has
3323 determined that the hauled waste from outside of the OJRSA service area will not impact the treat-
3324 ment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If
3325 it is determined the OJRSA can accept such waste, then the Executive Director shall establish a
3326 maximum amount of waste that can be accepted from such areas each day. The acceptance of such
3327 waste under these circumstances, as well as the daily limits for such waste, may be altered,
3328 amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- 3329 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic
3330 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-
3331 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-
3332 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to
3333 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from
3334 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the
3335 wastewater treatment plant.
- 3336 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall
3337 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3338 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance
3339 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3340 E. Abuse of the above requirements stated in SECTION 10.1 shall result in actions as detailed in SECTION 8.12.7.
- 3341 F. All Haulers will be permitted annually by OJRSA.
- 3342 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record
3343 must include the name, address, and phone number of the FOG Generator company; the name(s) of the
3344 individual(s) performing the work, the volume of the wastewater and other material removed from the
3345 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the
3346 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspec-
3347 tion.

3348 10.2 SPECIFIC CONDITIONS OF ACCEPTANCE

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A. Acceptance of Hauled Waste

1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
2. Hauled waste is only accepted on business days during the hours of operation as posted at the OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the acceptance of hauled waste during normal acceptance periods due to issues with the treatment plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA shall not accept waste outside of these hours except under the following conditions:
 - (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System directly or indirectly connected to the OJRSA's wholesale or retail system; and
 - (b) The emergency must originate on public or common property owned, operated, and maintained by the Satellite Sewer System. Events that occur on private property are not considered an emergency per this Regulation. The OJRSA reserves the right to confirm all information regarding the emergency with the registered agent(s) of the Satellite Sewer System.
 - (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA Schedule of Fees* shall apply.
 - (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste afterhours, including waste from onsite wastewater systems and septic tanks.
3. Abuse of the above requirements stated in SECTION 10.2 shall result in actions as detailed in SECTION 8.12.7.

B. Septic Tank Waste

1. Acceptance From Within OJRSA Service Area
 - (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service area.
 - (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) Sanitary wastewater from Nonresidential Users located outside the service area will not be accepted under any circumstances.
 - (d) Loads mixed with Residential septic tank waste from inside and outside of the service area shall not be accepted without prior approval; however, mixed loads that may contain Non-residential septic tank wastewater from outside of the service area shall not be accepted under any circumstances.
2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal at the treatment facility.
3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to discharge at OJRSA facilities.
4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

C. Portable Toilet Waste

1. Acceptance From Within OJRSA Service Area
 - (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
 - (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged at OJRSA facilities without prior approval.
 - (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not be accepted without prior approval.
2. Portable toilet waste to be accepted must consist of sanitary waste only.
3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, including septic tank waste, prior to discharge at OJRSA facilities.

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- 3399 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-
3400 posal at the treatment facility.
- 3401 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*
3402 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the
3403 OJRSA service area.
- 3404 D. Beneficial Hauled Waste
- 3405 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled
3406 waste may be accepted at locations and under conditions set forth in an approval letter.
- 3407 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in
3408 writing to the attention of the OJRSA Regulatory Services Coordinator.
- 3409 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case
3410 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions
3411 and limitations may apply.
- 3412 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as
3413 a condition of acceptance of each designated beneficial hauled waste.
- 3414 E. Prohibited Wastes
- 3415 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
- 3416 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-
3417 tion to any facility connected to OJRSA facilities, including those that originate on private property
3418 (e.g., private sewers).
- 3419 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-
3420 sidered hazardous under the RCRA regulations.

10.3 HAULED WASTE TRANSPORTER REQUIREMENTS

- 3421
- 3422 A. The contents of a Hauled Waste Transporter operated by a ~~SCDHECSCDES~~-licensed hauler of holding tank
3423 waste shall be discharged to the POTW only at a location approved by the Director. Such wastewater must
3424 have prior written approval of the Director before being discharged. The discharge of this waste shall be
3425 subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy
3426 of this letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed
3427 hauler shall provide the information requested as shown in the Regulation.
- 3428 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,
3429 as stated in appropriate sections of this Regulation.
- 3430 C. Only wastes originating within the OJRSA's service area may be accepted.
- 3431 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to
3432 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier
3433 than January 1 and an ending date no later than December 31.
- 3434 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-
3435 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-
3436 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic
3437 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-
3438 cludes the following signed certification statement, which must include a Wet Signature from the Author-
3439 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not
3440 the Waste Hauler):

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 MATERIAL,

3446 **TOXIC MATERIAL, OR INDUSTRIAL MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I**
3447 **AM RESPONSIBLE FOR ANY ADVERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.**

3448 **10.4 INSPECTION AND MONITORING**

3449 In accordance with SECTION 7.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination
3450 sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this
3451 Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording
3452 equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate doc-
3453 umentation or satisfy compliance requirements.

3454 **10.5 FEES AND CHARGES**

3455 Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA*
3456 *Schedule of Fees*. If approved for acceptance as stated in SECTIONS 10.1 and 10.2, then fees and charges for other
3457 forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-
3458 case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to dis-
3459 charge hauled waste at OJRSA facilities without proper payment of fees and charges.

3460 **10.6 ENFORCEMENT**

3461 Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures
3462 that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in SECTION 8. En-
3463 forcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

3464 **Section 11 – Severability**

3465 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent
3466 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-
3467 tinue in full force and effect.

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3468 **Section 12 – Conflict**

3469 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby
3470 repealed to the extent of such inconsistency or conflict.

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1
2

Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	South Carolina Department of Health and Environmental Control (SCDHEC) Approved Sewer Use Ordinance	SCDHEC
7/18/1995	Oconee County Ordinance 1995-07	Oconee County Council
10/3/2011	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
4/1/2017	Sewer Use Regulation revision	OJRSA Board of Commissioners
3/1/2018	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
8/23/2019	Non-substantial modification to correct discrepancy Enforcement Management Strategy	SCDHEC and OJRSA Board of Commissioners
10/01/2023	Comprehensive revision and inclusion of attachments into the main body of the Regulation, update to comply with SCDHEC Consent Order and CMOM requirements, and to further develop the FOG Management Program for OJRSA. Adopted by <i>OJRSA Resolution 2024-02</i> on 09/11/2023.	SCDHEC and OJRSA Board of Commissioners
XX/XX/XXXX	Revision to address FOG, Special Pretreatment Devices, record-keeping requirements, and comments from South Carolina Department of Environmental Services (SCDES) review. Adopted by <i>OJRSA Resolution 2025-XX</i> on XX/XX/XXXX.	SCDES and OJRSA Board of Commissioners

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121 **Section 1 – Sewer Use Regulation Adoption and Approval**

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

124
125 As reviewed by the Approval Authority (South Carolina Department of Environmental Services) and approved for
126 publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on _____, a
127 thirty (30) day public notice given on _____ in *The Journal* (Seneca, South Carolina), on the OJRSA website
128 (www.orjsa.org), and on social media accounts updated by OJRSA.

129
130 The Approval Authority was made aware of the public notice and comment period on _____.

131
132 A public comment period was granted from _____, until the OJRSA Board of Commissioners Meeting on the
133 evening of _____. The agency also accepted written comments as stated in the legal notices advertised in
134 *The Journal* (Seneca, South Carolina) on _____ and _____; at www.orjsa.org/info; and on OJRSA so-
135 cial media accounts.

136
137 APPROVED and ADOPTED by *OJRSA Resolution* _____ by the Oconee Joint Regional Sewer Authority Board
138 of Commissioners on _____ during the Board of Commissioners Meeting.

139
140 **EFFECTIVE DATE: 12:01 AM LOCAL TIME ON _____.**
141

142 **Section 2**

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143 **Section 3 – Administrative Information**144 **3.1 PURPOSE AND POLICY**

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

151
152 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)
153 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal
154 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations
155 are:

- 156 A. To prevent discharges to the POTW which will interfere with the operation of the POTW;
- 157 B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately
158 treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;
- 159 C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the
160 sludge;
- 161 D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;
- 162 E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement
163 of the POTW;
- 164 F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their em-
165 ployment and to protect the general public; and
- 166 G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which
167 the POTW is subject.

168
169 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-
170 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement
171 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.
172 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users
173 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly
174 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these
175 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items
176 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the
177 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

178
179 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 4.17.

180 **3.2 APPLICATION OF REGULATIONS**

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

185 **3.3 DEFINITIONS**

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

188
189 Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33
190 USC §1251 et seq.)

191 Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations
192 regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have
193 occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing
194 Officer will be appointed by the Director and shall have no connection with the preparation or presentation of
195 the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be
196 guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for
197 the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of
198 evidence.

199 Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take
200 corrective action or refrain from an activity. It describes the violations and actions to be taken and can be en-
201 forced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and
202 Desist Order.

203 Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of
204 presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. Also see
205 Fermented Beverages.

206 Approval Authority shall mean the State of South Carolina, by and through the Department of Environmental Ser-
207 vices, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and associated reg-
208 ulations.

209 Authorized Representative or Duly Authorized Representative of the User shall mean:

- 210 A. If the User is a corporation:
- 211 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal
212 business function, or any other person who performs similar policy or decision-making functions
213 for the corporation; or
 - 214 2. The manager of one or more manufacturing, production, or operating facilities, provided the man-
215 ager is authorized to make management decisions that govern the operation of the regulated facil-
216 ity including having the explicit or implicit duty of making major capital investment recommenda-
217 tions, and initiate and direct other comprehensive measures to assure long-term environmental
218 compliance with environmental laws and regulations; can ensure that the necessary systems are
219 established or actions taken to gather complete and accurate information for individual wastewater
220 discharge permit requirements; and where authority to sign documents has been assigned or del-
221 egated to the manager in accordance with corporate procedures.
- 222 B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- 223 C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or des-
224 signated to oversee the operation and performance of the activities of the government facility, or their de-
225 signee.
- 226 D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized
227 Representative if the authorization is in writing, the authorization specifies the individual or position re-
228 sponsible for the overall operation of the facility from which the discharge originates or having overall re-
229 sponsibility for environmental matters for the company, and the written authorization is submitted to the
230 OJRSA. If the designation is no longer accurate because a different individual or position has responsibility
231 for the overall operation of the facility or overall responsibility for environmental matters for the company,
232 a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior
233 to or together with any reports to be signed an Authorized Representative.

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- 234 E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or
235 Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.
- 236 Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from
237 wastewater.
- 238 Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater
239 through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that
240 does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A
241 slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at
242 the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.
- 243 Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to
244 the water reclamation facility and its treatment process.
- 245 Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures,
246 and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also
247 include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or
248 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and
249 methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by
250 OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of*
251 *certain established Categorical Pretreatment Standards and effluent limits.]*
- 252 Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in
253 the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty
254 degrees Centigrade (20°C).
- 255 Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.
- 256 Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale.
257 Breweries also produce non-alcoholic products (e.g., "non-alcoholic beer"). Breweries shall also include craft
258 brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced
259 at the facility. *Also see Alcoholic Beverage.*
- 260 Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion
261 of fat, oil, grease, solids, and water.
- 262 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater
263 and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five
264 (5) feet outside the building wall.
- 265 Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.
266 Building drains are considered a portion of the building sewer.
- 267 Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee*
268 *Handbook* or when otherwise established by the OJRSA Board of Commissioners.
- 269 Bypass shall mean the intentional diversion of Wastestreams from any portion of a User's treatment facility.
- 270 Calendar Day shall mean all days, including weekends and holidays.
- 271 Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive)
272 each year.
- 273 Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.
- 274 Capacity Permit. See definition for Permit.
- 275 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.

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- 276 Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Con-
277 trol Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease
278 retained in the control device.
- 279 Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste
280 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.
- 281 Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and
282 a tasting room products for produced at the facility. Also see Alcoholic Beverage.
- 283 CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that
284 assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has
285 adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to elimi-
286 nate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of over-
287 flows on Waters of the State/United States, the environment, and public health.
- 288 Collection System. See definition for Conveyance System.
- 289 Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or
290 equivalent methods approved by EPA.
- 291 Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. OJRSA cur-
292 rently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer
293 system.
- 294 Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for
295 commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.
- 296 Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater,
297 are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional)
298 Users may be subject to Local Limits as determined by the Director.
- 299 Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative
300 Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address
301 a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may
302 include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA,
303 with failure to meet such deadlines subject to potential additional enforcement action as stated within the Reg-
304 ulation, including civil penalties.
- 305 Cumulative Consumer Price Index, as applicable to SECTION 9.6, shall mean the aggregate administrative, civil, or
306 criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index
307 as reported for the month of December each calendar year beginning with December 2023. This amount shall
308 be rounded up or down to the next whole dollar.
- 309 Contact Cooling Water. See definition for Cooling Water.
- 310 Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and
311 challenges to the environmental community as a result of:
- 312 A. The recent development of new chemicals or other products;
313 B. New or recently identified byproducts or waste products;
314 C. Newly discovered or suspected adverse health or environmental impacts;
315 D. Physical or chemical properties that are not fully evaluated or understood;
316 E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other
317 environmental program levels of control; and
318 F. Other factors.
- 319 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-
320 maceuticals and their constituents, and steroids and hormones.

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- 321 Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this
322 Regulation.
- 323 Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and
324 appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treat-
325 ment facility. The conveyance system is considered to be a component of the POTW.
- 326 Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling,
327 evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product,
328 intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water
329 can be generated from any cooling equipment blowdown or produced as a result of any cooling process through
330 either a single pass (once through) or recirculating system. There are two types of cooling water:
- 331 A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact
332 with any raw material, waste intermediate or final product, and which does not contain levels of contami-
333 nants detectably higher than that of intake water and does not have added chemicals for water treatment
334 at the facility.
- 335 B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact
336 means the water has chemical(s) added at the facility or comes into contact with the product produced at
337 the facility. This includes water contaminated through any means, including chemicals added for water
338 treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, pro-
339 cess materials, intermediate materials, final products, waste product, and/or wastewater.
- 340 County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any*
341 *county.*
- 342 Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-
343 four (24) hour period.
- 344 Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where
345 Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the
346 course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge
347 is the arithmetic average measurement of the pollutant concentration derived from all measurements taken
348 that day.
- 349 Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment
350 or solids that have settled in the tank or vessel.
- 351 Director. See definition for Executive Director.
- 352 Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic
353 wastewater source.
- 354 Discharge Permit. See definition for Permit.
- 355 Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and SCDES approved loca-
356 tion.
- 357 Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail
358 store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*
- 359 Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, com-
360 mercial establishments, institutions and the like, but excluding industrial process wastes.
- 361 Duration of the Violation shall mean the length that the violation existed.
- 362 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-
363 tion.

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- 364 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set
365 forth in SECTION 9 of this Regulation.
- 366 Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appro-
367 priate, the Administrator or other duly authorized official of the EPA.
- 368 Environmental Harm shall mean a pollutant effluent which:
369 A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;
370 B. Causes a violation of the POTW's NPDES permit (including water quality standards); or
371 C. Causes a pass-through.
- 372 Equivalent Permitting Record. See definition for Permit.
- 373 Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA*
374 *Sewer Use Regulation* or Industrial User permit.
- 375 Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the
376 person serving as the chief administrative officer (CAO) of the agency.
- 377 Existing Source shall mean any source of discharge that is not a New Source.
- 378 Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for
379 commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products
380 produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence
381 or amount of alcohol volume. Also see Alcoholic Beverage.
- 382 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- 383 FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal
384 and/or vegetable or plant sources.
- 385 FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liq-
386 uify the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices
387 must be cleaned manually to remove any FOG accumulation.
- 388 FOG Control Devices shall mean FOG Interceptors, FOG Traps, Hydromechanical FOG Device, or other OJRSA ap-
389 proved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment
390 works.
- 391 FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support
392 elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system
393 and treatment works. This program is detailed in SECTION 10 of these Regulations.
- 394 FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and
395 grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated
396 living units as stated in OJRSA SUR 10.3(C) are not considered a FSE or FOG Generator and will not be subject to
397 the OJRSA FOG Program unless they are preparing food for commercial purposes (catering and other such oper-
398 ations are considered a commercial purpose subject to FSE regulations).
- 399 FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats,
400 oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Inter-
401 ceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not con-
402 sider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be con-
403 strued as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller
404 devices will be considered by OJRSA on a case-by-case basis for Multi-Family Developments.
- 405 FOG Permit. See definition for Permit.

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- 406 FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the
407 responsibility of administering the provisions of the FOG Control Program to ensure User compliance with ap-
408 plicable laws, rules, regulations, and policies.
- 409 FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.
- 410 FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the Wastestream.
411 These are identified as an “under the sink” reservoir or a “floor trap” which is a small container or tank with
412 baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be connected to a
413 drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease interceptor” but
414 should not be confused with a FOG Interceptor as defined by the OJRSA.
- 415 FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial oper-
416 ations through the use of a FOG Interceptor, Hydromechanical FOG Device, or FOG Trap.
- 417 FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to
418 include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within
419 the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumb-
420 ers must perform an inspection on a FCD when the device is being cleaned.
- 421 FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and ap-
422 pliances to the FOG Control Device.
- 423 Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where
424 several food preparation establishments having different Owners may share seating space or plumbing facilities.
- 425 Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or
426 making food available for consumption. Single-Family Residential locations and Multi-Family Developments with
427 four (4) or less separated living units as stated in OJRSA SUR 10.3(C) are not considered a FSE or FOG Generator
428 and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes
429 (*catering operations are considered a commercial purpose subject to FSE regulations*). FSEs will include but are
430 not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens,
431 assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities,
432 and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establish-
433 ment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-
434 related wastes. Also see definition of FOG Generator.
- 435 Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A
436 force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.
- 437 Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events
438 must be unforeseeable and unavoidable, and not the result of the User’s actions, hence they are considered “an
439 act of God,” such as an earthquake, flood, or riot.
- 440 Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and
441 dispensing of food, and from the Commercial handling, storage, and sale of produce.
- 442 Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for
443 discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”
- 444 Grab Sample shall mean a sample that is taken from a Wastestream without regard to the flow in the Wastestream
445 and over a period of time not to exceed fifteen (15) minutes.
- 446 Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous
447 rights, privileges, uses, or practices.
- 448 Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such
449 as toilets and urinals. *This does not include process wastewater from industrial facilities.*

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- 450 Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that
451 may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal
452 grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common
453 effluent line shared by a number of wash stations.
- 454 Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from ves-
455 sels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, Hydrome-
456 chanical FOG Devices, and vacuum pump tank trucks.
- 457 Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of
458 transporting solid and/or liquid waste products for treatment or disposal.
- 459 Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concen-
460 tration, or characteristics, may:
- 461 A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;
462 B. Pose a substantial hazard to human health or the environment if improperly handled; or
463 C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of
464 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal
465 law.
- 466 Hazardous Waste. See definition for Hazardous Material Item B.
- 467 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in
468 accordance with SCDES and EPA regulations.
- 469 Hearing Officer shall be defined by OJRSA SUR 9.2(D)(5).
- 470 Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trail-
471 ers, septic tanks, and vacuum pump tank trucks.
- 472 Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for
473 lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing
474 dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility
475 shall be considered a Food Service Establishment.
- 476 Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity be-
477 tween wastewater and FOG to affect separation of FOG of FOG from wastewater, and may incorporate a flow
478 control device, air entrainment, and other means or principles to improve the efficacy of separation as demon-
479 strated by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by
480 an independent entity using specific equipment or devices that have been tested and meet or exceed standards
481 established by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which
482 may include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical
483 Engineers (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combina-
484 tion of these and other entities to include the aforementioned requirements. Some jurisdictions refer to these
485 as "hydromechanical grease interceptors".
- 486 Indirect Discharge. See definition for Discharge.
- 487 Industrial User shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under
488 regulations issued pursuant to Section 402 of Act. *An Industrial User may or may not be a CIU and/or SIU.*
- 489 Industrial User Permit. See definition for Permit.
- 490 Industrial Wastewater. See definition for Wastewater.
- 491 Infiltration shall mean water other than wastewater flow that enters a sewer system from the ground through pipes,
492 pipe joints, connections, or manholes.

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493 Inflow shall mean water other than wastewater flow entering the sewer system from such sources as, but not lim-
494 ited to: roof leaders; cellar, yard, and area drains; foundation drains; unpolluted water (including cooling water
495 or condensation discharges); drains from springs and swampy areas; manhole covers; cross connections from
496 storm sewers and/or Combined Sewers; catch basins; stormwaters; surface runoff; street wash waters, or drain-
497 age.

498 Inflow and Infiltration shall collectively mean inflow and/or infiltration as defined in this Regulation.

499 Informal Conference shall mean a meeting between a User and the Director, or Director's designee, to discuss one
500 (1) or more alleged violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA, to exchange
501 information regarding such alleged violations and any corrective actions taken or proposed to be taken, and to
502 discuss methods to obtain compliance with the Regulation by consent of all parties. An Informal Conference may
503 result in the entry of a Consent Agreement outlining agreed upon relief, including an enforceable Compliance
504 Schedule, but will not result in the entry of a unilateral final decision by the OJRSA on an alleged violation prior
505 to the User's opportunity for an Adjudicatory Hearing.

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

509 Institution (or Institutional) shall mean an organization that provides services to the public or a specific sector of
510 the public. Examples includes schools, places of worship, colleges, government buildings, hospitals, prisons, etc.

511 Institutional User. See definition for Commercial User.

512 Interference means a Discharge which, alone or in conjunction with a discharge(s) from other sources, both:
513 A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or dis-
514 posal; and
515 B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase
516 in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in
517 compliance with the following statutory provisions and regulations or permits issued thereunder (or more
518 stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act
519 (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act
520 (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant
521 to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection,
522 Research and Sanctuaries Act, and the South Carolina Pollution Control Act.

523 Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompli-
524 ance.

525 Isolated (or Infrequent) [regarding violations] shall mean violations that do not meet the definition of recurring
526 violations.

527 Lateral (or Service Lateral). See definition for Sewer Service.

528 Lint Interceptor shall mean a device used to remove lint and other debris from wastewater prior to its discharge to
529 the sewer system. Facilities that may be required to install a Lint Interceptor include, but not limited to, laun-
530 dromats, hotels/motels, dormitories, and apartment complexes with common laundry facilities shared by users.

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

533 May is permissive. Shall is mandatory and requires compliance.

534 Measured Daily Flow shall mean the actual flow, in gallons, measured at the flowmeter for each day.

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- 535 Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological
536 wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially con-
537 taminated laboratory wastes, and dialysis wastes.
- 538 Member City (or Member Cities) shall mean the cities of Seneca, Walhalla, and Westminster and others as defined
539 by legally binding Intergovernmental Agreement(s).
- 540 Mobile Food Unit shall mean a self-propelled or vehicle- or trailer-mounted unit intended to be used as a Food
541 Service Establishment. Mobile Food Units must have an approved location to discharge used fats, oils, and grease
542 waste.
- 543 Monthly Average shall mean the sum of all "daily discharges" measured during a calendar month divided by the
544 number of "daily discharges" measured during that month.
- 545 Monthly Average Limit shall mean the highest allowable average of "daily discharges" over a calendar month, cal-
546 culated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily
547 discharges" measured during that month.
- 548 Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside
549 in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condomini-
550 ums, duplexes/multiplexes, etc. (Under certain conditions, dormitories, communal living spaces, hostels and the
551 like may be considered a Multi-Family Development.) A structure or complex of buildings is also considered to
552 be a Multi-Family Development if it has a shared privately-owned sewer service (the portion located on private
553 property) serving two (2) or more individual living units (e.g., apartments, townhomes, etc.) that is combined
554 prior to connection to the public sewer system.
- 555 National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits prom-
556 ulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of
557 Industrial Users. NCPs are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 558 National Pollutant Discharge Elimination System Permit. See definition for Permit.
- 559 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, stormwater retention/detention pond,
560 or other surface water or groundwater.
- 561 New Source shall mean:
- 562 A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the
563 construction of which commenced after the publication of proposed Pretreatment Standards under Section
564 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in ac-
565 cordance with that section, provided that:
- 566 1. The building, structure, facility, or installation is constructed at a site at which no other source is
567 located; or
- 568 2. The building, structure, facility, or installation totally replaces the process or production equipment
569 that causes the discharge of pollutants at an Existing Source; or
- 570 3. The production or wastewater generating processes of the building, structure, facility, or installa-
571 tion are substantially independent of an Existing Source at the same site. In determining whether
572 these are substantially independent, factors, such as the extent to which the new facility is inte-
573 grated with the existing plant and the extent to which the new facility is engaged in the same gen-
574 eral type of activity as the Existing Source, should be considered.
- 575 B. Construction on a site at which an Existing Source is located results in a modification rather than a New
576 Source, if the construction does not create a new building, structure, facility, or installation meeting the
577 criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production
578 equipment.
- 579 C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator
580 has:

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- 581 1. Begun, or caused to begin, as part of a continuous onsite construction program:
582 (a) any placement, assembly, or installation of facilities or equipment; or
583 (b) significant site preparation work including clearing, excavation, or removal of existing build-
584 ings, structures, or facilities which is necessary for the placement, assembly, or installation
585 of New Source facilities or equipment; or
586 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are
587 intended to be used in its operation within a reasonable time. Options to purchase or contracts
588 which can be terminated or modified without substantial loss, and contracts for feasibility, engi-
589 neering, and design studies do not constitute a contractual obligation under this paragraph.

590 Noncontact Cooling Water. See definition for Cooling Water.

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

592 Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not
593 limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educa-
594 tional facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also in-
595 clude apartments, condominiums, dormitories, communal living spaces (e.g., hostels) and other multi-unit hous-
596 ing complexes with a common sewer service lateral or system serving multiple units prior to connecting with a
597 public sewer. Also see Single-Family Residential, Multi-Family Development, Hotel with Kitchen, User, and others.*

598 Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling re-
599 quirements but is permitted and may have other requirements to meet.

600 North American Industry Classification System or NAICS shall mean the standard reference classification system
601 used by agencies for the United States business economy. It was developed under the auspices of the Executive
602 Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to
603 replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreat-
604 ment regulations.

605 OJRSA shall mean the Oconee Joint Regional Sewer Authority.

606 Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sedi-
607 ment and other liquid contaminants can be removed from wastewater prior to being discharged to the convey-
608 ance system or treatment facility. These drain lines may come from variety of facilities including, but not limited
609 to, covered parking garages, machine shops, service stations, and manufacturing facilities.

610 Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital
611 related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, re-
612 viewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to as-
613 sure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regula-
614 tions and assures optimal long-term facility management.

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

618 Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or
619 concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of
620 any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the viola-
621 tion).

622 Paunch Manure shall mean the partially digested contents of the stomach during the time period immediately be-
623 fore and after the animal is slaughtered for meat and other by-products.

624 Permit (or Permitted) shall mean the following, as appropriate:

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- 625 A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this
626 purpose) issued to a User or facility after January 1, 1990.
- 627 B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and
628 tracking connections to the public sewer. This record may be issued to users before or since January 1,
629 1990.
- 630 C. FOG Permit is a permit to which a FSE or FOG Generator may be issued, and it is valid for a period of five
631 (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
- 632 D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the
633 potential to impact the POTW.
- 634 E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this defi-
635 nition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Per-
636 mit, as appropriate. It does not include the NPDES Permit.
- 637 F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land
638 Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of
639 the SC Pollution Control Act, or (SC R61-9 122 or 505).
- 640 G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.
- 641 Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company,
642 trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This
643 definition includes all Federal, State, and local governmental entities.
- 644 pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40
645 CFR Part 136, or equivalent methods approved by EPA.
- 646 Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer
647 system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices
648 or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on
649 individual sinks or on a common effluent line shared by a number of sinks.
- 650 Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.
- 651 Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge;
652 munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or dis-
653 charged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other
654 pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD,
655 toxicity, SS, odor) as may be defined by EPA, SCDES, or OJRSA regulations; discharged into water.
- 656 Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological
657 integrity of water.
- 658 Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration
659 of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing
660 such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological
661 processes; process changes; or by other means; except as prohibited by SC R61-9.403.6I. Appropriate pretreat-
662 ment technology includes control equipment, such as equalization tanks or facilities, for protection against
663 surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where
664 wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with
665 wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted
666 pretreatment limit calculated in accordance with SC R61-9 403.6(f).
- 667 Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment
668 Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Reg-
669 ulatory Services Coordinator, depending on who is authorized to perform this function.*
- 670 Pretreatment Facility. See definition for Pretreatment System.

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- 671 Pretreatment Program shall mean a program approved by SCDES to enforce the national pretreatment program
672 requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Standards
673 to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs to
674 proactively protect its infrastructure while overseeing its management responsibilities.
- 675 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other
676 than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.
- 677 Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Stand-
678 ards, and Local Limits.
- 679 Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before dis-
680 charging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.
- 681 Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include
682 sewer services ("laterals" or "service laterals"). It is not a public sewer.
- 683 Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public
684 Service Commission.
- 685 Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of
686 certain substances; these prohibitions appear in SECTION 5 of these Regulations.
- 687 Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by
688 the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems
689 that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.
- 690 Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is
691 owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment,
692 recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyance systems that
693 transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other con-
694 veyances not connected to a facility providing transportation and/or treatment for wastewater.
- 695 Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform
696 wastewater analyses.
- 697 Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12)
698 month period.
- 699 Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the
700 Board of Commissioners.
- 701 Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA reg-
702 ulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This*
703 *position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*
- 704 Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential
705 User.
- 706 Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings,
707 minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance
708 facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities.
709 These devices may also be referred to as a "grit interceptor," "sand trap," or other such name.
- 710 Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.
- 711 Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision,
712 company, or other such party (all collectively referred to as "party" in this definition) that discharges to a system
713 that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-

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714 9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party
 715 for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not
 716 mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

717
 718 A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite
 719 Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General
 720 Permit as issued by SCDES (or other such permit issued by SCDES and/or EPA) are those that would require a
 721 construction permit under SC R61-67 if built today. There are two (2) basic situations that would normally apply:

- 722 A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)
 723 B. Pretreatment systems at industries

724
 725 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-
 726 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

727 Satellite Sewer System Permit. See definition for Permit.

728 Satellite System shall collectively mean a Satellite Sewer System and private sewer.

729 Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate
 730 governing body(ies).

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

735 Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

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

737 Sewer Service (aka "Lateral" or "Service Lateral") shall mean piping or plumbing that serves individual properties
 738 and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public
 739 sewer line.

740 Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

741 Shall is mandatory and requires compliance. May is permissive.

742 Significant Industrial User shall mean:

- 743 A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); or
 744 B. An Industrial User that:
 745 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the
 746 POTW (excluding non-process wastewater); or
 747 2. Contributes a process Wastestream which makes up five percent (5%) or more of the average dry
 748 weather hydraulic or organic capacity of the POTW treatment plant; or
 749 3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting
 750 the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance
 751 with SC R61-9 403.8(f)(6)).

752 Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for
 753 adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement,
 754 OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User,
 755 and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be consid-
 756 ered a Significant Industrial User.

- 757 C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may
 758 be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

759 Significant Noncompliance shall mean one or a combination of any of the following:

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- 760 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or
761 more of all of the measurements taken for the same pollutant parameter during a six (6) month period
762 exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous lim-
763 its;
- 764 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or
765 more of all of the measurements taken for the same pollutant parameter during a six (6) month period
766 equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantane-
767 ous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats,
768 oil, and grease; and one and two-tenths (1.2) for all other pollutants except pH);
- 769 C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maxi-
770 mum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused,
771 alone or in combination with other discharges, interference or pass- through including endangering the
772 health of POTW personnel or the general public;
- 773 D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the
774 environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a dis-
775 charge;
- 776 E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone
777 contained in an individual wastewater discharge permit or enforcement order for starting construction,
778 completing construction, or attaining final compliance;
- 779 F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including
780 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, pe-
781 riodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;
- 782 G. Failure to accurately report noncompliance;
- 783 H. Any other violation(s), which may include a violation of Best Management Practices, which the Director
784 determines will adversely affect the operation or implementation of the local Pretreatment Program.

785 Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended
786 to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-
787 Family Developments (if units have individual sewer plumbing that is not combined, or no more than two (2)
788 units have shared sewer plumbing or service line, prior to connection to the public sewer system), and recrea-
789 tional vehicles ("RV")/camper sites with an individual Water Meter and sewer connection.

790 Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the
791 prohibited discharge standards in SECTION 5 of these Regulations; or any discharge of a nonroutine, episodic na-
792 ture, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable
793 potential to cause interference or pass through, or in any other way will violate OJRSA Regulations, Local Limits,
794 or Permit conditions.

795 South Carolina Department of Environmental Services shall mean the State cabinet agency established by state law
796 on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South
797 Carolina's environment and natural resources. Prior to July 1, 2024, SCDES was a division of the South Carolina
798 Department of Health and Environmental Control (SCDHEC).

799 Special Pretreatment Device shall mean equipment used to reduce, remove or alter the nature of pollutants in
800 wastewater prior to entering the Public Sewer. Such devices include, but are not limited to: FOG Control Devices,
801 Oil/Water Interceptors, Sand/Oil Interceptors, Hair Trap/Interceptors, Lint Interceptors, Plaster Interceptors.
802 Pretreatment Systems, and others as necessary to protect the conveyance system, treatment facility, and/or to
803 comply with NPDES Permit requirements.

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

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- 808 State shall mean the state of South Carolina.
- 809 Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to
810 which wastewater is not intentionally admitted.
- 811 Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting there-
812 from.
- 813 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water,
814 wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or
815 equivalent methods approved by EPA, and referenced as non-filterable residue.
- 816 Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater
817 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this com-
818 pound is $\text{NH}_3\text{-N}$.
- 819 Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as
820 prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.
- 821 Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of
822 a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.
- 823 Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which
824 when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment
825 process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the
826 POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or com-
827 bination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307
828 (33 USC §1317) of the Act, or other acts.
- 829 Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water
830 quality standards if such water were discharged to Waters of the State/United States.
- 831 Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Cate-
832 gorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An up-
833 set does not include noncompliance to the extent caused by operational error, improperly designed treatment
834 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 835 User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignifi-
836 cant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of
837 wastewater to the POTW. *Also see Industrial User and Nonsignificant Industrial User.*
- 838 User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the
839 wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board
840 of Commissioners.
- 841 Wastestream shall mean the complete flow of liquid waste from its source to its final disposal. The contributors of
842 Wastestreams are Residential and Nonresidential Users.
- 843 Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial build-
844 ings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.
- 845 A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet
846 and other sanitary plumbing facilities.
- 847 B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any
848 industrial establishment and resulting from any trade or process carried on in that establishment and shall
849 include the wastes from pretreatment facilities and cooling water.

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850 Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by
851 the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of
852 the effluent and accumulated residual solids.

853 Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or
854 other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures
855 any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in
856 the sewer that is conveyed to the OJRSA wastewater treatment plant. *A Water Meter does not include meters*
857 *on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation*
858 *systems as they are not typically connected to a collection system; however, if it is determined that they are on*
859 *a case-by-case basis, then they shall be treated as a Water Meter defined herein.*

860 Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reser-
861 voirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or
862 underground, natural or artificial, public or private, which are contained within, flow through, or border upon
863 the State or any portion thereof.

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

865 Wet Signature shall mean an original signature created when a person physically marks a document using pen and
866 ink with the intent to sign the record.

867 Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product
868 of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for
869 products for produced at the facility *Also see Alcoholic Beverage.*

870 Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources
871 (water, wastewater, solid waste, etc.) and can be recycled. Most "yellow grease" is deep fat fryer grease that
872 has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not
873 accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA
874 water reclamation facility.

875 **3.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

876 °C: Celsius

877 °F: Fahrenheit

878 §: Section

879 ADF: Average Daily Flow (unit of volume during a pe-
880 riod of time)

881 ADMI: American Dye Manufacturers Institute

882 AO: Administrative Order

883 ASCE: American Society of Civil Engineers

884 ASME: American Society of Mechanical Engineers

885 ASTM: American Society of Testing and Materials-In-
886 ternational

887 Atty: OJRSA Attorney (General Counsel) and/or
888 Other Legal Counsel as Designated by OJRSA
889 Board of Commissioners

890 BMP or BMPs: Best Management Practice(s)

891 BOD: Biochemical Oxygen Demand

892 CAO: Chief Administrative Officer

893 CCPI: Cumulative Consumer Price Index

894 CEC: Contaminants of Emerging Concern

895 CEO: Chief Executive Officer

896 CFR: Code of Federal Regulations

897 CIU: Categorical Industrial User

898 CMOM: Capacity, Management, Operation, and
899 Maintenance Audit

900 CPI: Consumer Price Index of All Urban Consumers

901 (CPI-U)—U.S. city average, All items (as issued by
902 the US Bureau of Labor Statistics)

903 COD: Chemical Oxygen Demand

904 CROMERR: Cross Media Electronic Reporting Rule

905 CSA: Canadian Standards Association

906 CWA: Clean Water Act

907 Dir: Executive Director of the OJRSA

908 DMR: Discharge Monitoring Report

909 e.g.: *Exempli Gratia*, Latin for "for example"

910 EPA: United States Environmental Protection Agency

911 ERG: Enforcement Response Guide

912 et seq.: *Et Sequentes*, Latin for "and the following"

913 FCD: FOG Control Device

914 FOG: Fats, Oils, and Grease

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915	FOG Insp: FOG Inspector (or person(s) authorized to	955	PC: Pretreatment Coordinator or person(s) author-
916	serve in this capacity for the OJRSA)	956	ized to serve in this capacity by or Inspector for
917	FOIA: South Carolina Freedom of Information Act (SC	957	the OJRSA
918	Law Title 30 Chapter 4)	958	PFAS: Per- and Polyfluoroalkyl Substances
919	FSE: Food Service Establishment	959	PDF: Portable Document Format
920	gal: Gallon (unit of volume)	960	PDI: Plumbing and Drainage Institute
921	gpd: Gallons per Day (unit of volume during a period	961	pH: Potential of Hydrogen or Power of Hydrogen
922	of time)	962	(unit of acidity/basicity)
923	HFD: Hydromechanical FOG Device	963	PL: Public Law
924	I&I: Inflow and Infiltration	964	POTW: Publicly Owned Treatment Works
925	in.: Inch or Inches, as appropriate (unit of distance)	965	PU: Private Utility
926	IU: Industrial User	966	QAC or QACs: Quaternary Ammonium Compound(s)
927	kg: Kilogram (unit of mass)	967	RSC: Regulatory Services Coordinator or Inspector
928	lb (or lbs): Pound or Pounds, as appropriate (unit of	968	(or person(s) authorized to serve in this capacity
929	mass)	969	for the OJRSA)
930	MB: Megabyte	970	SC Rxx (where "xx" is either letters and/or numbers):
931	mg/L: Milligrams per Liter (unit of concentration)	971	South Carolina Regulation ("xx" references the
932	NAICS: North American Industry Classification Sys-	972	regulation)
933	tem	973	RCRA: Resource Conservation and Recovery Act
934	NCPS: National Categorical Pretreatment Standard(s)	974	SC: South Carolina
935	NH ₃ -N: Ammonia Nitrogen	975	SCADA: Supervisory Control and Data Acquisition
936	No.: Number	976	SCDES: South Carolina Department of Environmental
937	NOAA: National Oceanic and Atmospheric Admini-	977	Services or any successor agency
938	stration	978	SCDHEC: South Carolina Department of Health and
939	NOSNC: Notice of Significant Noncompliance	979	Environmental Control, successor agency to
940	NOV: Notice of Violation	980	SCDES
941	NPDES: National Pollutant Discharge Elimination Sys-	981	SDWA: Safe Drinking Water Act
942	tem	982	SIC: Standard Industrial Classification System
943	NSF: National Sanitation Foundation	983	SIU: Significant Industrial User
944	O&M: Operation and Maintenance	984	SNC: Significant Noncompliance
945	OD: Oxygen Demand	985	SS: Suspended Solids
946	OJRSA: Oconee Joint Regional Sewer Authority	986	SU: Standard Units for pH Measurements
947	OJRSA SUR xx (where "xx" is either letters and/or	987	SUR: <i>OJRSA Sewer Use Regulation</i>
948	numbers): Oconee Joint Regional Sewer Authority	988	SWDA: Solid Waste Disposal Act
949	Regulation ("xx" references the regulation)	989	TKN: Total Kjeldahl Nitrogen
950	OMB: Office of Management and Budget, an office	990	TMS: Tax Map System
951	within the Executive Office of the President of the	991	TRC: Technical Review Criteria
952	United States	992	TSS: Total Suspended Solids
953	OSHA: Occupational Safety and Health Administra-	993	US: United States
954	tion	994	USC: United States Code
		995	WEF: Water Environment Federation

3.5 DOCUMENT FORMAT AND CONSTRUCTION

- A. This Regulation contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Sewer Use Regulation*.

BOLD CAPITAL LETTERS

Important point of emphasis

Dashed Underline

Name of a form to use for documenting a referenced task

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<i>Italic 'Cambria Math' Font</i>	Mathematic or chemistry formula
<i>Italics</i>	Title of books, manuals, and other documents or unfamiliar foreign words
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
<u>Underlined</u>	Word being defined (limited to SECTION 3.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

1001
1002 B. In this Regulation, unless the context otherwise requires:

- 1003 1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of
1004 this Regulation.
1005 2. The terms "hereby," "hereof," "hereto," "herein," "hereunder," and any similar terms refer to this
1006 Regulation, and the term "hereafter" shall mean after, and the term "heretofore" shall mean be-
1007 fore the date of adoption of this Regulation.

1008 **3.6 ELECTRONIC SUBMITTAL OF DOCUMENTS**

1009 The following information does not apply to documents that require a Wet Signature as stated the appropriate
1010 sections of the *OJRSA Sewer Use Regulation (SUR)*. Applications and documents may be submitted electronically
1011 in accordance with the following requirements:

- 1012 A. All electronic submittals must be in Portable Document Format (PDF).
1013 B. Each submittal document must be a separate PDF (there can be multiple pages within each PDF document
1014 so long as they are all associated with the same document, form, etc.).
1015 C. The file size for any single PDF submitted must not exceed fifty megabytes (50 MB) (building and site plan
1016 submittals can exceed this file size). It shall be the responsibility of the User submitting the document to
1017 ensure its delivery and receipt by the OJRSA.
1018 D. Ensure all layers are flattened in the authoring program prior to export and submittal. (Scanned documents
1019 are inherently flattened)
1020 E. Orient all sheets so the top of the page is always at the top of the computer screen (right side up).
1021 F. All sheets must be numbered, labeled, or titled.
1022 G. Documents requiring Wet Signatures as stated within the SUR may be submitted electronically but must be
1023 accompanied by the Wet Signature hard copy.

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1024 **Section 4 – Use of Sewers**1025 **4.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE**

1026 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User's consent and
1027 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations
1028 promulgated hereunder, including enforcement and penalty provisions.

1029 **4.2 SEWER SYSTEMS**

- 1030 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-
1031 quirement shall not apply to systems which are owned by multiple public entities.
- 1032 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or
1033 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line
1034 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby
1035 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1036 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-
1037 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force
1038 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations
1039 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-
1040 tified in the *OJRSA Development Policy*;
 - 1041 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the
1042 Sewer System in its entirety is owned by a public entity.
 - 1043 3. Further, the application to OJRSA will include an opinion from the PU's legal counsel that such PU
1044 is authorized to own and operate the Sewer System and to enter into the contracts by which it
1045 gained ownership and control of the system.
- 1046 C. Sewer Systems that are to remain privately owned must be permitted by SCDES and/or the OJRSA as a
1047 Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance with
1048 the SCDES Satellite Sewer System Permit or other such permit or requirement of SCDES and these Regula-
1049 tions.
- 1050 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1051 1. All requests for service inside the service area of a Member City, municipality, or County shall be
1052 under the direction and approval of a Member City, municipality or County. This provision allows
1053 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such
1054 Sewer System a part of the Member City, municipality, or County's Sewer System.
 - 1055 2. The application for service to OJRSA shall be under the direction and approval of the Member City,
1056 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or
1057 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured
1058 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume
1059 ownership, operational, maintenance, and financial responsibility for the PU.
 - 1060 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which
1061 such entity obtained control of the system. A term of that contract shall require ownership of the
1062 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System
1063 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for
1064 an unsafe or unsanitary operating condition. The contract will include express provision giving
1065 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary
1066 thereto.

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4.3 PERMITS REQUIRED

- 1067
- 1068 A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via
- 1069 Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
- 1070 B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall
- 1071 not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Indus-
- 1072 trial Users must also comply with OJRSA SUR 4.3(D) and 7.1.
- 1073 C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting
- 1074 record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such
- 1075 permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
- 1076 D. Industrial Users
- 1077 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit
- 1078 Application and Questionnaire and obtain approval to connect and use the sewer facilities, regard-
- 1079 less of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite
- 1080 for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
- 1081 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by
- 1082 completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the
- 1083 Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of
- 1084 the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as pro-
- 1085 vided by the Director or his/her designee. This application shall be obtained from the OJRSA.
- 1086 E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements
- 1087 to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into
- 1088 the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source
- 1089 Wastewater Discharge Permit.

4.4 RESPONSIBILITY OF COSTS

1090 All costs and expense incident to the installation and connection of building sewers and/or extension of the con-

1091 veyance system shall be borne by the Owner.

1092

4.5 USE OF PUBLIC SEWERS REQUIRED

- 1093
- 1094 A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any
- 1095 wastewater, except where suitable treatment has been provided in accordance with subsequent provisions
- 1096 of these Regulations and with regulations of SCDES.
- 1097 B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic
- 1098 tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 1099 C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or
- 1100 other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is
- 1101 hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such
- 1102 facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unu-
- 1103 usual or specific circumstances, the Director may waive this provision. This requirement shall not apply to
- 1104 any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic
- 1105 system permitted by SCDES in compliance with S.C. Regulation 61-56. Such properties may continue to
- 1106 utilize their existing septic systems until and unless SCDES requires those properties to connect to public
- 1107 sewer pursuant to S.C. Regulation 61-56.
- 1108 D. Exceptions
- 1109 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct con-
- 1110 nection of sewer service.
- 1111 2. Where annexation or easements to cross adjacent property are required to connect to the
- 1112 wastewater system at the time of application, then sewer shall not be considered accessible. A
- 1113 deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between

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- 1114 the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed
 1115 shall be identifiable by County Tax Map System (TMS) number.
- 1116 E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to
 1117 relieve a User of any additional requirements that may be imposed by other authorities having legal juris-
 1118 diction.

1119 **4.6 SEWER CONSTRUCTION AND MATERIALS**

- 1120 A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must
 1121 meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable exten-
 1122 sion of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider
 1123 these situations on a case-by-case basis.
- 1124 B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new
 1125 treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in ac-
 1126 cordance with the OJRSA's requirements as stated within the current version of the OJRSA Development
 1127 Policy and shall be subject to their review and approval and be in compliance with any applicable SCDES
 1128 requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the operation and
 1129 maintenance costs of treatment systems and pump stations upon such terms and conditions as it deems
 1130 appropriate.

1131 **4.7 CERTAIN CONNECTIONS PROHIBITED**

- 1132 A. Connections Not Allowed to Sewer
- 1133 1. No person shall make any connection of roof downspouts, exterior foundation drains, area drains,
 1134 dumpster pad drains, or other sources of inflow, infiltration, or other unpolluted waters to a build-
 1135 ing sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
 - 1136 2. Floor drains are not permitted in areas where machining, automotive repair, painting, and other
 1137 such activities take place that are directly or indirectly (such as to a Satellite Sewer System) con-
 1138 nected to the OJRSA sanitary sewer system.
 - 1139 3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a gar-
 1140 bage grinder or allow any discharge from such grinder from any unit or portion of its facility unless
 1141 written permission has been granted by the Director.
 - 1142 4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR
 1143 5.2(D).
- 1144 B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer.
 1145 Upon discovery, such disposals shall be reported to SCDES for investigation and enforcement.

1146 **4.8 MULTIPLE CONNECTIONS THROUGH ONE-BUILDING SEWER**

1147 A separate and independent building sewer shall be provided for every building; except where one (1) building
 1148 stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear
 1149 building through an adjoining alley, court, yard, easement, or driveway. The building sewer from the front building
 1150 may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by
 1151 OJRSA.

1152 **4.9 USE OF OLD BUILDING SEWERS**

- 1153 A. Old building sewers may be used in connection with new buildings only when they are found, upon exami-
 1154 nation and testing, to meet all requirements of these Regulations.
- 1155 B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm
 1156 compliance with these Regulations prior to authorizing the connection to their system.

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- 1157 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall
1158 be connected to private wastewater disposal systems subject to the requirements of the County or SCDES.

1159 **4.10 COMPLIANCE WITH OTHER REGULATIONS**

1160 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and
1161 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-
1162 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.
1163 All joints of the building sewer shall be tight and waterproof.

1164 **4.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER**

- 1165 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement
1166 floor.
1167 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater
1168 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the
1169 building sewer.
1170 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable
1171 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-
1172 tight and watertight.
1173 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-
1174 cordance with the *OJRSA Development Policy* before installation.

1175 **4.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION**

1176 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection
1177 and connection to the public sewer no less than two (2) full business days prior to making the connection. The
1178 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.
1179 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect
1180 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work
1181 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,
1182 the Occupational Safety and Health Act of 1970.

1183 **4.13 SPECIAL PRETREATMENT DEVICES**

- 1184 A. All Special Pretreatment Devices may be subject to construction and operational permitting by SCDES.
1185 B. FOG Control Devices
1186 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they
1187 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,
1188 sand, or other harmful ingredients as required by SECTION 10 of these Regulations. Applicable facil-
1189 ities for these systems include those identified in that Section; except that such devices shall not be
1190 required for Single-Family Residential or dwelling units unless associated with regulated Multi-Fam-
1191 ily Developments or a Hotel with Kitchen as stated in OJRSA SUR 10.3(C).
1192 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall
1193 be located as to be readily and easily accessible for cleaning and inspection with adequate and
1194 approved security mechanisms installed to prevent unauthorized access or use.
1195 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the
1196 Owner at their expense and in continuously efficient operation at all times.
1197 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-
1198 posal by appropriate means of the captured material and shall maintain records of the dates and
1199 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body
1200 as appropriate.

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- 1201 5. Any removal and hauling of collected materials shall be performed according to applicable State,
1202 Federal, and Local regulations.
- 1203 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance
1204 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1205 C. Oil and Grit Removal Systems
- 1206 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for
1207 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for
1208 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical
1209 maintenance shops, industries, etc.
- 1210 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall
1211 be located as to be readily and easily accessible for cleaning and inspection with adequate and
1212 approved security mechanisms installed to prevent unauthorized access or use.
- 1213 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-
1214 cured by the Owner at their expense in continuously efficient operation at all times.
- 1215 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-
1216 posal by appropriate means of the captured material and shall maintain records of the dates and
1217 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body
1218 as appropriate.
- 1219 5. Any removal and hauling of collected materials shall be performed according to applicable State,
1220 Federal, and Local regulations.
- 1221 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-
1222 less the facility can document that four (4) months does not affect the functionality of the devices
1223 or impact the sewer system.
- 1224 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance
1225 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1226 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to
1227 meet the requirements of SECTIONS 5.4 and 5.9, Industries or other Users are required to install specialized
1228 equipment on a case-by-case basis as determined by the OJRSA and/or SCDES in order to:
- 1229 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-
1230 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1231 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1232 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1233 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-
1234 cilities.
- 1235 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply
1236 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair
1237 Trap/Interceptors, and Plaster Separators.

4.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE

- 1238 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1239 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-
1240 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1241 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and
1242 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g., SCDES).
- 1243 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for
1244 engineering standards or regulations met per SECTION 4.14, and be inspected and approved by County or
1245 Member City Codes Department (or other as appropriate), OJRSA, and/or SCDES.
- 1246

4.15 CONNECTION CONSTITUTES CONSENT

1247

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1248 Connection to the OJRSA's system shall constitute consent and agreement by the User to be bound by and to abide
1249 with all OJRSA Regulations and requirements.

1250 4.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER

1251 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*
1252 *Development Policy*.

1253 4.17 VARIANCES

- 1254 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or
1255 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and
1256 may be included in a Discharge Permit or other written document as issued by OJRSA.
- 1257 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and
1258 State laws.
- 1259 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and
1260 policies, including but not limited to these Regulations, fees, design, and construction matters. There may
1261 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,
1262 these shall only apply to the section and subsection in which it is stated.

1263 Section 5 – Prohibitions and Limitations on Wastewater Discharges

1264 5.1 PROHIBITED DISCHARGES

- 1265 A. General Prohibitions – It shall be unlawful for any person to discharge wastewater which causes a hazard
 1266 to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass-
 1267 through or interference. These general prohibitions apply to all Users of the POTW whether or not the User
 1268 is subject to National Categorical Pretreatment Standards or any other Federal, State, or local regulations
 1269 or ordinances. When the Director determines that a User is discharging such wastewater, the Director shall
 1270 advise the User of the potential impact of the discharge and develop effluent limitations for such discharge
 1271 to protect the POTW.
- 1272 B. Specific Prohibitions – A User shall not discharge the following substances to the POTW:
- 1273 1. Uncontaminated cooling water, condensate, ground water from wells, and/or surface water may
 1274 not be discharged to the conveyance system and POTW unless otherwise approved in an industrial
 1275 wastewater discharge permit.
 - 1276 2. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either
 1277 alone or by interaction with other substances to cause fire or explosion or be injurious in any other
 1278 way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flash-
 1279 point of less than one hundred forty degrees Fahrenheit (140°F) using test methods specified in 40
 1280 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kero-
 1281 sene, naphtha, fuel oil, lubricating oil, and any other substances which the OJRSA, State, OSHA, or
 1282 EPA identifies as a fire or explosive hazard or a hazard to the system.
 - 1283 3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interfer-
 1284 ence, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (0.5
 1285 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, en-
 1286 trails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass,
 1287 straw, shavings, grass clippings, rags, non-woven fabrics and wipes, hygiene products, spent grains,
 1288 spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or pro-
 1289 cessing of fuel or lubricating oil, mud or glass grinding or polishing wastes. **GRINDING OR SHRED-
 1290 DING OF SOLIDS DOES NOT RENDER SUCH SOLIDS ACCEPTABLE FOR DISCHARGE TO THE POTW.**
 - 1291 4. pH Levels Considered to be Extremely Acidic or Basic
 - 1292 (a) Wastewater having a pH less than six-point-zero standard units (6.0 SU), unless other limits
 1293 are approved by the Director, or wastewater having any other corrosive property capable
 1294 of causing damage or hazard to structures, equipment, or personnel of the POTW.
 - 1295 (b) A pH greater than ten-point-zero standard units (10.0 SU) is only accepted with special per-
 1296 mission from the Director in an industrial discharge permit.
 - 1297 (c) No wastewater with a pH greater than twelve-point-zero standard units (12.0 SU) will be
 1298 accepted by OJRSA.
 - 1299 5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other
 1300 pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic
 1301 effect in the receiving waters of the POTW.
 - 1302 6. Noxious liquids, gases, or solids which either singly, or by interaction with other wastes, are suffi-
 1303 cient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers
 1304 for their maintenance and repair.
 - 1305 7. Wastewater, liquid, or vapors having a temperature higher than one hundred fifty degrees Fahren-
 1306 heit (150°F), or results in a temperature higher than one hundred four degrees Fahrenheit (104°F)
 1307 at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW
 1308 and result in interference.

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- 1309 8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed
1310 limits established by applicable Federal or State regulations.
- 1311 9. Wastewater which constitutes a slug discharge as defined herein.
- 1312 10. Substances which may cause the POTW's effluent or any other product of the POTW such as resi-
1313 dues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process.
1314 In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with
1315 sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;
1316 any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the
1317 SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge
1318 management method being used.
- 1319 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may
1320 cause interference or pass-through.
- 1321 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1322 13. Any pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a
1323 quantity that may cause acute or chronic worker health and safety problems.
- 1324 14. Any trucked or hauled pollutants not authorized under SECTION 11 of these Regulations.
- 1325 15. Any wastewater which imparts color which cannot be removed by the treatment process, such as,
1326 but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts ob-
1327 servable and/or measurable color to the treatment plant's effluent thereby violating the OJRSA's
1328 NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to
1329 reduce the depth of the compensation point for photosynthetic activity by more than ten percent
1330 (10%) from the seasonably established norm for aquatic life.
- 1331 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1332 17. Any medical wastes, except as specifically authorized by the Director in writing by execution of a
1333 Capacity Permit, Industrial User Permit, other permit, or binding agreement. No medical waste may
1334 pose a biohazard risk to OJRSA staff, the public, or the environment. Liquid cremation processes
1335 and the like will be considered by OJRSA on a case-by-case basis.
- 1336 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1337 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concen-
1338 trations which may cause excessive foaming in the POTW.
- 1339 20. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow
1340 rate and/or pollutant concentration which will cause interference with the POTW.
- 1341 C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a
1342 manner that they could be discharged to the POTW.
- 1343 D. Inflow Prohibitions: Any wastewater drains located outside the building must be covered with a roof or
1344 hatch and also have a berm or appropriate stormwater barrier around it to prevent the drainage of storm-
1345 water into the sewer (e.g., mop basin, sampling point, etc.). Outdoor grated cleanouts are not allowed in
1346 the OJRSA territory to prevent the introduction of stormwater to the sewer, which includes industrial and
1347 other Wastestream sampling points. Dumpster pad drains are not allowed to be connected to any system
1348 that discharges wastewater to the OJRSA wastewater treatment plant. Any outside drain must be approved
1349 by OJRSA and will be evaluated on a case-by-case basis. Outside sampling locations are also included in this
1350 requirement. The sampling location must have an aluminum or lightweight cover to prevent stormwater
1351 from getting into the sewer line. A notch can be cut out of the lid to allow sampling tubing for the composite
1352 sampler.

1353 **5.2 CONDITIONALLY PROHIBITED DISCHARGES**

1354 Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, re-
1355 ceiving stream, or that the discharge will endanger lives, health, public property, or constitute a nuisance. The Di-
1356 rector may revise the limitations established in this Section if, in their opinion, different limitations are necessary

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1357 to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW**
 1358 **WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

1359
 1360 A. Grease, Waxes, and Oils:

- 1361 1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
 1362 (a) Wastewater shall not exceed an average concentration of more than one hundred milli-
 1363 grams per liter (100 mg/L) of such oil or grease.
 1364 (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing
 1365 Test Procedures for the Analysis of Pollutants.
 1366 2. Oil or Grease of Animal or Vegetable Origin
 1367 (a) Wastewater shall not exceed an average concentration of more than two hundred milli-
 1368 grams per liter (200 mg/L) of such oil or grease.
 1369 (b) Analyses for total oil and grease and for total petroleum oil and grease shall be performed
 1370 in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of
 1371 Pollutants. The difference between the hydrocarbon analysis and the total recoverable
 1372 grease and oil analysis will be considered grease or oil of animal or vegetable origin.
 1373 3. Wastewater containing substances which may solidify or become viscous at a temperature be-
 1374 tween thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).
 1375 4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION
 1376 10 and SECTION 11 of this Regulation address provisions as they are applicable to hauled waste.

1377 B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater
 1378 treatment processes employed.

1379 C. Holding tank waste.

1380 D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming
 1381 pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including
 1382 industrial wastewater), unless specifically authorized by the Director.

1383 **5.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS**

- 1384 A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards
 1385 or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these
 1386 Regulations.
 1387 B. No person shall discharge wastewater in excess of the concentration or mass limit set forth in National
 1388 Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as
 1389 listed on an individual Discharge Permit. The Director shall establish permit limitations on industrial and
 1390 Commercial Users on a case-by-case basis in accordance with SCDES and EPA regulations. Where appropri-
 1391 ate and allowed by applicable regulations, the Director may impose concentration and/or mass limitations
 1392 on a discharge.
 1393 C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall
 1394 discharge wastewater containing an excess of these pollutant limits.
 1395 D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Dis-
 1396 charge Permits to implement Local Limits and the requirements of SECTION 5.1 of these Regulations.

1397 **5.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS**

- 1398 A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter
 1399 I, Subchapter N, Parts 405-471 and/or SECTION 5.3.
 1400 B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified
 1401 in S.C. R.61-9 403.

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- 1402 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part
1403 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-
1404 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the
1405 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-
1406 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-
1407 corporated into the Pretreatment Program.
- 1408 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the
1409 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or
1410 mass limits in accordance with this Section.
 - 1411 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of
1412 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-
1413 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of
1414 calculating effluent limitations applicable to individual Industrial Users.
 - 1415 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not
1416 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC
1417 R61-9 403.6I.
 - 1418 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,
1419 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-
1420 mination to convert concentration limits to mass limits is within the discretion of the Director.
1421 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set
1422 forth below.
 - 1423 (a) To be eligible for equivalent mass limits, the Industrial User must:
 - 1424 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-
1425 nologies that substantially reduce water use during the term of its individual
1426 wastewater discharge permit;
 - 1427 (ii) Currently use control and treatment technologies adequate to achieve compliance
1428 with the applicable Categorical Pretreatment Standard, and not have used dilution
1429 as a substitute for treatment (SECTION 5.5);
 - 1430 (iii) Provide sufficient information to establish the facility's actual average daily flow
1431 (ADF) rate for all waste streams, based on data from a continuous effluent flow
1432 monitoring device as well as the facility's long-term average production rate. Both
1433 the actual ADF rate and the long-term average production rate must be representa-
1434 tive of current operating conditions;
 - 1435 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-
1436 cantly that equivalent mass limits are not appropriate to control the discharge; and
 - 1437 (v) Have consistently complied with all applicable Categorical Pretreatment Standards
1438 during the period prior to the Industrial User's request for equivalent mass limits.
 - 1439 (b) An Industrial User subject to equivalent mass limits must:
 - 1440 (i) Maintain and effectively operate control and treatment technologies adequate to
1441 achieve compliance with the equivalent mass limits;
 - 1442 (ii) Continue to record the facility's flow rates through the use of a continuous effluent
1443 flow monitoring device;
 - 1444 (iii) Continue to record the facility's production rates and notify the Director whenever
1445 production rates are expected to vary by more than twenty percent (20%) from its
1446 baseline production rates determined in paragraph 5.4(C)(4)(a)(iii) of this Section.
1447 Upon notification of a revised production rate, the Director will reassess the equiv-
1448 alent mass limit and revise the limit as necessary to reflect changed conditions at
1449 the facility; and

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- 1450 (iv) Continue to employ the same or comparable water conservation methods and
1451 technologies as those implemented pursuant to paragraph 5.4(C)(4)(a)(i) of this
1452 Section as long as it discharges under an equivalent mass limit.
- 1453 (c) When developing equivalent mass limits, the Director:
- 1454 (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the
1455 regulated process(es) of the Industrial User by the concentration-based Daily Max-
1456 imum and Monthly Average standards for the applicable Categorical Pretreatment
1457 Standard and the appropriate unit conversion factor;
- 1458 (ii) Upon notification of a revised production rate, will reassess the equivalent mass
1459 limit and recalculate the limit as necessary to reflect changed conditions at the fa-
1460 cility; and
- 1461 (iii) May retain the same equivalent mass limit in subsequent individual wastewater
1462 discharge permit terms if the Industrial User's actual ADF rate was reduced solely
1463 as a result of the implementation of water conservation methods and technologies,
1464 and the actual ADF rates used in the original calculation of the equivalent mass limit
1465 were not based on the use of dilution as a substitute for treatment pursuant to
1466 SECTION 5.5. The Industrial User must also be in compliance with these Regulations
1467 regarding the prohibition of bypass.
- 1468 5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts
1469 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to indi-
1470 vidual Industrial Users. The conversion is at the discretion of the Director.
- 1471 (a) Once included in its permit, the Industrial User must comply with the equivalent limitations
1472 developed in this Section in lieu of the promulgated Categorical Pretreatment Standards
1473 from which the equivalent limitations were derived.
- 1474 (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum
1475 daily discharge limitations and a second limit for calculating maximum Monthly Average, or
1476 four (4) day average, limitations. Where such Standards are being applied, the same pro-
1477 duction or flow figure shall be used in calculating both the average and the maximum equiv-
1478 alent limitation.
- 1479 (c) Any Industrial User operating under a permit incorporating equivalent mass or concentra-
1480 tion limits calculated from a production-based Standard shall notify the Director within two
1481 (2) business days after the User has a reasonable basis to know that the production level
1482 will significantly change within the next calendar month. Any User not notifying the Direc-
1483 tor of such anticipated change will be required to meet the mass or concentration limits in
1484 its permit that were based on the original estimate of the long-term average production
1485 rate.

5.5 DILUTION PROHIBITION

1486 Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a dis-
1487 charge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations de-
1488 veloped by the OJRSA, State, or Federal Regulations.
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5.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

- 1490 A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/
1491 slug control plan or other actions to control slug discharges. Users shall provide protection from accidental
1492 discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent
1493 accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner.
1494 When required, detailed plans showing facilities and operating procedures to provide this protection shall
1495 be submitted to the OJRSA for review and shall be approved by the OJRSA and SCDES as necessary before
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1497 construction of the facility. Review and approval of such plans and operating procedures shall not relieve
1498 the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

- 1499 B. The accidental discharge/slug control plan when required shall be submitted to the Director and to SCDES
1500 containing at a minimum the following:

- 1501 1. Description of discharge practices, including nonroutine batch discharges.
- 1502 2. Description of stored chemicals.
- 1503 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notifica-
1504 tion must also be given for any discharge which would violate any of the prohibited discharges.
- 1505 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures in-
1506 clude but are not limited to: inspection and maintenance of storage areas, handling and transfer of
1507 materials, loading and unloading operations, control of plant site run-off, worker training, building
1508 of containment structures or equipment, measure for containing toxic organic pollutants (including
1509 solvents), and/or measures and equipment for emergency response.

1510 **5.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE**

- 1511 A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance
1512 with Categorical Pretreatment Standards if the requirements of Paragraph 5.7(B) are met.
- 1513 B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of
1514 upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evi-
1515 dence, that:
- 1516 1. An upset occurred and the User can identify the cause(s) of the upset;
 - 1517 2. The facility was at the time being operated in a prudent and worker-like manner and in compliance
1518 with applicable operation and maintenance procedures; and
 - 1519 3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or
1520 Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays)
1521 of becoming aware of the upset [if this information is provided orally, a written submission must
1522 be provided within five (5) calendar days]:
 - 1523 (a) A description of the indirect discharge and cause of noncompliance;
 - 1524 (b) The period of noncompliance, including exact dates and times or, if not corrected, the an-
1525 ticipated time the noncompliance is expected to continue; and
 - 1526 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-
1527 compliance.
- 1528 C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an
1529 upset shall have the burden of proof.
- 1530 D. Judicial Determination
- 1531 1. Users shall have the opportunity for a judicial determination on any claim of upset only in an en-
1532 forcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined
1533 in SECTION 9 herein.
 - 1534 2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges
1535 to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon re-
1536 duction, loss, or failure of its treatment facility until the facility is restored or an alternative method
1537 of treatment is provided. This requirement applies in the situation where, among other things, the
1538 primary source of power of the treatment facility is reduced, lost, or fails.

1539 **5.8 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION**

1540 Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations
1541 of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or
1542 longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter
1543 characteristics of the wastewater.

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5.9 PRETREATMENT

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- A. Users shall provide wastewater pretreatment as required to comply with these Regulations or Discharge Permit and shall achieve compliance with these Regulations and all Categorical Pretreatment Standards within the specified time limitations. A permit to construct pretreatment facilities shall be obtained from SCDES (see SC R61-67). 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.
- B. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. The pretreatment system tanks and pipes must be labeled to clearly show the process and what is added to the wastewater.
- C. Additional Pretreatment Measures
1. 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.
 2. A Significant Industrial User (SIU) [or Categorical Industrial User (CIU) as all CIUs are SIUs] may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure 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 Discharge Permit may be issued solely for flow equalization in order to prevent a heavy flow discharge into the sewer.
 3. FOG Interceptors, Hydromechanical FOG Devices, FOG Traps, Oil/Water Interceptors, or Sand/Oil Interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease, oil, or sand; except that such interceptors shall not be required for Residential Users as defined in these Regulations. All interception units shall be of type and capacity as stated in the *OJRSA Development Policy* 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, as stated in SECTION 10.
 4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

5.10 BYPASS AS AN AFFIRMATIVE DEFENSE

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- A. Any User which bypasses treatment facilities as defined in SC R61-9 403.17 shall comply with the requirements of that State regulation and applicable other Federal and State regulations.
- B. 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.
- C. 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) calendar 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, regardless of day (including nights, weekends, and holidays), from the time the Industrial User becomes aware of the bypass.
- D. A written submission shall be provided within five (5) calendar 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

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1592 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-
 1593 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent
 1594 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral
 1595 report has been received within twenty-four (24) hours.

- 1596 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User
 1597 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:
 1598 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental
 1599 damage; and
 1600 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,
 1601 retention of untreated wastewater, or maintenance during normal periods of equipment down-
 1602 time. This condition is not satisfied if adequate backup equipment should have been installed in the
 1603 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal
 1604 periods of equipment downtime or preventative maintenance; and
 1605 3. The Industrial User submitted notices as required in this Section.
 1606 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-
 1607 mines at it will meet the conditions listed in this section.

5.11 RECOVERY OF PREVENTATIVE EXPENSES

1608 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that
 1609 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA
 1610 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or
 1611 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative
 1612 measures shall be charged to and paid by the User and/or Owner.
 1613

5.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS

1614 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to
 1615 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-
 1616 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving
 1617 waters/biosolids.
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- 1619
 1620 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-
 1621 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on
 1622 specified CEC; and specified information on Users' products and processes that may contribute to the cre-
 1623 ation of discharge of CEC.
 1624 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs
 1625 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by
 1626 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall
 1627 include any existing data in the possession or control of the User and may include requirements for the
 1628 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,
 1629 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance
 1630 with this Regulation.
 1631 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User
 1632 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 9.2) or
 1633 otherwise pursuant to the terms of this Regulation actions by a User to address CEC.
 1634 1. Such actions may include:
 1635 (a) Further or routine monitoring requirements;
 1636 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable
 1637 or User-specific technology-based limits; and
 1638 (c) Requirements for BMPs.

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1639 2. Any such requirements may be based on:

- 1640 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;
 1641 (b) EPA or DHEC standards or criteria; or
 1642 (c) Generally accepted criteria determinations by recognized national scientific entities.

1643 **5.13 QUATERNARY AMMONIUM COMPOUNDS**

1644 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-
 1645 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long
 1646 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection
 1647 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial
 1648 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's
 1649 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-
 1650 form the wastewater treatment.

- 1651
 1652 A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right
 1653 to ban or require the addition of chemicals that deactivate the QAC.
 1654 B. OJRSA must approve the chemicals used to deactivate the QAC.
 1655 C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs
 1656 is subject to the enforcement actions delineated in this Regulation.

1657 **5.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1658 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to
 1659 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,
 1660 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,
 1661 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-
 1662 mum:

- 1663
 1664 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION 5
 1665 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then
 1666 the facility will be required to install and maintain that equipment at their expense.
 1667 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-
 1668 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.
 1669 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-
 1670 struction or equipment installation.
 1671 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of
 1672 discharge to the sewer system.
 1673 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids
 1674 removal, then they must comply with applicable sections of this Regulation as well as SCDES requirements
 1675 for a construction permit (SC R61-67).
 1676 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to
 1677 the enforcement actions set forth in SECTION 9.

1678 **5.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

- 1679 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition
 1680 of a Satellite Sewer System (collectively referred to in SECTION 5.15 as a "Satellite System") shall be required
 1681 to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
 1682 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not
 1683 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per

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1684 day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite
1685 System is being measured. A high recurrence interval storm shall be classified as the following per NOAA
1686 Atlas 14 Point Precipitation Frequency Estimates:

- 1687 1. Five (5) year recurrence interval or greater
- 1688 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length
1689 in minutes or days
- 1690 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude
1691 or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-
1692 site: PF Map: Contiguous US (noaa.gov)

1693 C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow
1694 criteria shall be evaluated at each connection point independently of any other connection points, which
1695 may necessitate data collection from the Satellite System's infrastructure.

1696 D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a
1697 pump station as near to the connection point as practicable. All effort shall be made to establish a flow
1698 monitoring point that minimizes:

- 1699 1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
- 1700 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any
1701 other Satellite System flow monitoring points.

1702 E. The Satellite System shall provide metering data and any required follow up information to OJRSA for re-
1703 view. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date
1704 for that analysis.

1705 F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the
1706 Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge
1707 (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.

1708 G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Meas-
1709 ured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow \leq Allowable Daily Flow).

1710 H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as
1711 follows:

- 1712 1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influ-
1713 ence. (See SECTION 5.15.1 for an example):

1714 (a) For a flowmeter with at least twelve (12) months of flow data:

- 1715 (i) Actual daily flows for the last twelve (12) months will be calculated for each month
1716 and averaged to produce an average daily flow (ADF) for each month of data. Data
1717 shall be reviewed to exclude any days with missing or questionable data that could
1718 skew the calculation. For a month to have valid data to be included in the analysis,
1719 at least seventy-five (75%) of the days within the month should have complete
1720 data. A minimum of nine (9) months of valid data within the previous twelve (12)
1721 month period should be used for the analysis; if there is less than nine (9) months
1722 of valid data within the last twelve (12) months, then the evaluation period shall
1723 extend to prior to the last twelve (12) month period until there is at least nine (9)
1724 months of valid data.

- 1725 (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and
1726 the month with the lowest ADF shall be designated as the ADF to be used in the
1727 analysis.

1728 (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be
1729 performed with as many months of data as possible. Once there is twelve (12) months of
1730 data, the calculation shall be performed as detailed above.

1731 (c) ADF shall be recalculated annually.

1732 (d) For the ADF calculated in the above steps, the amount should be increased by a factor of
1733 five percent (5%) (or else by a different factor if documented by the meter manufacturer

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- 1734 and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The
 1735 maximum meter accuracy allowance that may be used is ten percent (10%).
 1736 2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide*
 1737 *for Estimating Inflow and Infiltration*) (See SECTION 5.15.2 for an example):
 1738 $2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10)$
 1739 $+ (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$
 1740 *Where "X" represents each additional diameter pipe in the satellite sewer system*
 1741 (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until oth-
 1742 erwise verified.
 1743 3. For any particular day (See SECTION 5.15.3 for an example):
 1744 $Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage})]$
 1745 $+ Allowable \text{ I\&I Flow}$
 1746 I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC
 1747 Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering
 1748 practice.

5.15.1 Average Daily Flow Calculation Formula and Example

1749 Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five per-
 1750 cent ($\pm 5\%$)) as shown below:
 1751

Month	Number of Days Valid Data	% of Days Valid Data	Average Daily Flow (gpd)
December-2021	31	100%	587,597
November-2021	30	97%	556,671
October-2021	31	100%	474,201
September-2021	20	67%	443,275
August-2021	24	77%	505,127
July-2021	31	100%	536,053
June-2021	18	60%	510,282
May-2021	27	87%	515,436
April-2021	30	100%	566,980
March-2021	22	71%	556,671
February-2021	26	93%	824,698
January-2021	21	68%	721,610
December-2020	15	48%	551,517
November-2020	26	84%	530,899
October-2020	31	100%	489,664
September-2020	28	93%	407,194
August-2020	29	94%	489,664
July-2020	29	94%	463,892

1752 In looking at the last twelve (12) months of data, only eight (8) of the twelve (12) months have valid data for seventy-
 1753 five percent (75%) or more of the days. Therefore, data for the highlighted months are thrown out, and November
 1754 2020 data is used to obtain nine (9) most recent months of valid data.
 1755

1756 Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This
 1757 amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a
 1758 value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.
 1759

5.15.2 Allowable I&I Flow Calculation Formula and Example

1760 This same system has the following size pipes in their system:
 1761

Size (inches)	Length of Sewer (Linear Feet)
---------------	-------------------------------

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4	2,200
6	9,800
8	107,000
10	10,500
12	7,200
15	800
18	1,800

$$\text{Allowable I\&I Flow}^1 = 2,000 \text{ gpd} * [(2,200*4/5,280) + (9,800*6/5,280) + (107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) + (1,800*18/5,280)]$$

$$\underline{\text{Allowable I\&I Flow} = 439,167 \text{ gpd}}$$

5.15.3 Allowable Daily Flow Formula and Example

$$\begin{aligned} \text{Allowable Daily Flow} &= [\text{Average Daily Flow (ADF)} \times (1 + \text{Meter Accuracy Percentage})] + \\ &\text{Allowable I\&I Flow}] + \text{Allowable I\&I Flow} \\ &= (474,201 \text{ gpd} * 1.05) + 439,167 \text{ gpd} \\ &= 497,911 \text{ gpd} + 439,167 \text{ gpd} \end{aligned}$$

$$\underline{\text{Allowable Daily Flow} = 937,078 \text{ gpd}}$$

Therefore, all daily flows would be measured against this threshold and any individual days (not average daily flow for the month) measuring above 937,078 gpd would be out of compliance, unless the system was under the influence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA) or an abnormal authorized discharge as recognized by the OJRSA.

¹ NOTE: Must convert linear footage of pipe into miles by dividing by 5,280 feet per mile.

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1778 **Section 6 – Revenue System**1779 **6.1 FEES AND CHARGES AS REGULATION**

- 1780 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1781 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1782 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1783 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1784 developed for the following purposes:
- 1785 1. Industrial monitoring, inspections, and surveillance procedures;
 - 1786 2. Reviewing accidental discharge procedures and construction;
 - 1787 3. Reviewing permit applications and plans;
 - 1788 4. Reviewing appeals;
 - 1789 5. Special industrial discharges;
 - 1790 6. Recovering capital related expenditures or retiring bonded indebtedness;
 - 1791 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
 - 1792 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
 - 1793 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
 - 1794 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
 - 1795 to NPDES Permits and/or OJRSA Board of Commissioners;
 - 1796 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
 - 1797 expended for the system and/or its expansion;
 - 1798 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
 - 1799 to the sewer;
 - 1800 10. Construction and Compliance Inspections; and
 - 1801 11. Others deemed necessary by the OJRSA Board of Commissioners.

1802 **6.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**1803 Reference current version of *OJRSA Schedule of Fees*.

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1804 **Section 7 – Discharge Permits and Reporting**1805 **7.1 INDUSTRIAL USER DISCHARGE PERMITS**

- 1806 A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an offi-
1807 cial application and file it with the OJRSA together with permit approval from any city having jurisdiction.
1808 Approval shall be evidenced by written notice from the Director. The person shall provide all data required
1809 by the current official application, copies of which shall be obtained from the Director (or his/her designee).
1810 The Director shall evaluate the data and may require additional information. After evaluation and ac-
1811 ceptance of the data provided, the Director may grant permission to discharge subject to the terms and
1812 conditions provided herein. The Director may issue a Discharge Permit with specific limitations different
1813 from those listed in these Regulations if it is determined that the discharge will otherwise comply with the
1814 remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Dis-
1815 charge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit applica-
1816 tion. SIUs which through changes in the use of the premises or water usage cause a significant change in
1817 wastewater volume, strength, or characteristic shall submit a new application prior to making the change
1818 or alteration.
- 1819 B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not
1820 discharged to the sewer are required to submit an application and will be placed under a zero discharge
1821 categorical permit.
- 1822 C. Applicable persons and Users shall complete and submit an application, accompanied by any application
1823 fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
- 1824 1. Name, address, and location (if different from the address) of the facility, name of the operator and
1825 Owner;
 - 1826 2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held
1827 by or for the facility;
 - 1828 3. Analytical data on wastewater constituents and characteristics including but not limited to those
1829 mentioned in these Regulations;
 - 1830 4. Time and duration of discharge;
 - 1831 5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
 - 1832 6. Description of activities, facilities, and plant processes on the premises unless subject to the confi-
1833 dentiality provisions of SECTION 7.12;
 - 1834 7. Where known, the nature and concentration of any pollutants in the wastewater which are limited
1835 by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement re-
1836 garding whether or not the person is complying or will comply with NCPS on a consistent basis, and
1837 if not, whether additional pretreatment or operational modifications are required to comply with
1838 applicable limitations or NCPS, or Local Limitations;
 - 1839 8. If additional pretreatment or operational modifications will be required to comply with limitations
1840 or NCPS or Local Limitations, the shortest schedule by which the person will comply;
 - 1841 9. Where required to develop pretreatment standards, a brief description of each product produced
1842 by type, amount, process or processes, and a rate of production;
 - 1843 10. Where required to develop pretreatment standards, type and amount of raw materials processed
1844 (average and maximum per day);
 - 1845 11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
 - 1846 12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to
1847 evaluate the permit application; and

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- 1848 13. Application Signatories and Certification – All wastewater discharge permit applications and Indus-
 1849 trial User reports must contain the following Certification Statement and be signed by an Author-
 1850 ized Representative of the Industrial User. These documents and records must be submitted to
 1851 OJRSA with Wet Signature.
 1852

1853 **I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE**
 1854 **PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DE-**
 1855 **IGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE**
 1856 **INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO**
 1857 **MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE**
 1858 **INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE**
 1859 **AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFI-**
 1860 **CANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY**
 1861 **OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.**
 1862

- 1863 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant
 1864 and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue
 1865 or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee)
 1866 shall draft the permit in accordance with the Regulation and State regulations. The draft industrial
 1867 wastewater discharge permit will be submitted to SCDES for review and approval. The User shall have thirty
 1868 (30) calendar days from the receipt of the draft permit to review and comment on the draft Permit. The
 1869 Director shall issue the final Permit at the end of the comment period.
- 1870 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limi-
 1871 tation, the Permit of Users subject to such standards shall be revised to require compliance with such stand-
 1872 ard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation,
 1873 has not previously submitted an application for a permit, the User shall apply for a Permit within one-hun-
 1874 dred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing
 1875 Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of
 1876 an applicable standard, information regarding the nature and concentration of the regulated pollutant and
 1877 a schedule for providing additional pretreatment, if necessary.
- 1878 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of
 1879 permits except the following changes may be made upon thirty (30) calendar days' notice:
 1880 1. Modifications of the monitoring program contained in the permit;
 1881 2. Changes in the ownership of the discharge when no other change in the permit is indicated;
 1882 3. A single modification of any Compliance Schedule not in excess of four (4) months,
 1883 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not
 1884 discharge until process or pretreatment facilities are operational; or
 1885 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or reg-
 1886 ulations, or other modifications determined necessary by the Regulatory Services Coordinator or
 1887 Director under the Regulations.
- 1888 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached
 1889 as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal
 1890 regulations. Such conditions shall include but are not limited to the following:
 1891 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date,
 1892 expiration date, and effective date;
 1893 2. A Statement of non-transferability;
 1894 3. Applicable effluent limits which may include daily maximum and monthly average limits, including
 1895 Best Management Practices (BMPs), based on NCPS or Local Limitations;

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- 1896 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These re-
 1897 requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling loca-
 1898 tion, sampling frequency, and sample type based on Federal, State, and local law.
 1899 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to
 1900 be present, in accordance with SECTION 7.4;
 1901 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notifi-
 1902 cation requirements for slug discharges as defined by SC R61-9 Part 403.5(b);
 1903 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, re-
 1904 quirements and Permit conditions;
 1905 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 7.4 of this Regulation;
 1906 or
 1907 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limita-
 1908 tions or other pretreatment requirements.
- 1909 H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years.
 1910 A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The
 1911 User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the
 1912 expiration of the Permit.
- 1913 I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not
 1914 be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or
 1915 changed operation. In such event a new application shall be submitted with full information. The review of
 1916 this application will be expedited if the new Owner or operator certifies:
 1917 1. That there is no immediate intent to change the facility's operation and process;
 1918 2. The date the new Owner or operator shall take over; and
 1919 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying
 1920 with the existing wastewater discharge permit.
- 1921 J. When requested by the Control Authority, a User must submit information on the nature and characteristics
 1922 of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

7.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE

- 1923 A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreat-
 1924 ment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision
 1925 made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs
 1926 subject to such NCPS shall be required to submit to the OJRSA a report which contains the information
 1927 required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to
 1928 commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation
 1929 of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a
 1930 report which contains the information required in SC R61-9.
- 1931 B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by
 1932 SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.
- 1933 C. Users described within this Section shall submit the information set forth below:
 1934 1. All information required in SECTION 7.1 of this Regulation.
 1935 2. Measurement of Pollutants
 1936 (a) The User shall provide the information required in OJRSA SUR 7.1(C).
 1937 (b) The User shall take a minimum of one (1) representative sample to compile that data nec-
 1938 essary to comply with the requirements of this Paragraph.
 1939 (c) Samples should be taken immediately downstream from pretreatment facilities if such ex-
 1940 ist or immediately downstream from the regulated process if no pretreatment exists. If
 1941 other wastewaters are mixed with the regulated wastewater prior to pretreatment the
 1942 User should measure the flows and concentrations necessary to allow use of the combined
 1943

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- 1944 Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the Pretreatment
 1945 Standards. Where an alternate concentration or mass limit has been calculated in accord-
 1946 ance with SC R61-9 403.6(f) this adjusted limit along with supporting data shall be submit-
 1947 ted to the OJRSA.
- 1948 (d) Sampling and analysis shall be performed in accordance with SECTION 8.3.
- 1949 (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data
 1950 so long as the data provides information sufficient to determine the need for industrial
 1951 pretreatment measures.
- 1952 (f) The baseline report shall indicate the time, date, and place of sampling and methods of
 1953 analysis, and shall certify that such sampling and analysis is representative of normal work
 1954 cycles and expected pollutant discharges to the POTW.
- 1955 3. Compliance Certification – A statement, reviewed by the User’s Authorized Representative as de-
 1956 fined in SECTION 3.3 and certified by a qualified professional, indicating whether Pretreatment
 1957 Standards are being met on a consistent basis, and, if not, whether additional operation and
 1958 maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Stand-
 1959 ards and pretreatment requirements.
- 1960 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pre-
 1961 treatment Standards, the shortest schedule by which the User will provide such additional pretreat-
 1962 ment and/or O&M must be provided. The completion date in this schedule shall not be later than
 1963 the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule
 1964 pursuant to this Section must meet the requirements set out in SECTION 7.5 of these Regulations.
- 1965 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance
 1966 with SECTION 7.11 of these Regulations and signed by an Authorized Representative as defined in
 1967 SECTION 3.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signa-
 1968 ture.

1969 **7.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

1970 Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment
 1971 Standards, or in the case of a New Source following commencement of the introduction of wastewater into the
 1972 POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA
 1973 a report containing the information described in SECTION 7.1 of this Regulation. For Users subject to equivalent mass
 1974 or concentration limits established in accordance with the procedures in SECTION 5.3, this Regulation shall contain a
 1975 reasonable measure of the User’s long-term production rate. For all other Users subject to Categorical Pretreatment
 1976 Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of opera-
 1977 tion), this report shall include the User’s actual production during the appropriate sampling period. All compliance
 1978 reports must be signed and certified in accordance with SECTION 7.1. All sampling will be done in conformance with
 1979 SECTION 8.3.

1980 **7.4 PERIODIC COMPLIANCE REPORTS**

- 1981 A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause prob-
 1982 lems, including any slug discharges.
- 1983 B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submit-
 1984 ted on the User discharge monitoring report (DMR) form. The DMR must include the following information
 1985 to be considered complete:
- 1986 1. DMR form completed correctly and submitted to OJRSA with a Wet Signature or are in compliance
 1987 with 40 CFR Part 3 Cross Media Electronic Reporting Rule (CROMERR) if and when OJRSA’s CROM-
 1988 MER is approved by EPA (*NOTE: The only exception is if the EPA and SCDES have approved other*
 1989 *methods for DMR submittal and the OJRSA has approved the acceptance of such DMRs*).

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- 1990 (a) If no monitoring was required for a previous month, then the blank DMR form must be
1991 signed and submitted with the words "No monitoring required".
- 1992 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the
1993 signed DMR form must be submitted with the words "No Discharge" written across the
1994 form.
- 1995 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12th) calendar day
1996 of each month. The recognized date of acceptance is:
- 1997 (a) The paper form can be dropped off at OJRSA by the twelfth (12th).
- 1998 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12th) of the
1999 month. Should the twelfth (12th) of the month fall on a weekend or holiday observed by the
2000 US Postal Service, then the following day the US Postal Service is operating becomes the
2001 submittal date based on the postmark. If the DMR was mailed by the twelfth (12th) but not
2002 received by the OJRSA by the twenty-fourth (24th) day of the month, then it shall be consid-
2003 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-
2004 ance with these Regulations.
- 2005 3. DMR Components
- 2006 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-
2007 ducted for the previous month.
- 2008 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no
2009 flow for a day, then a zero (0) must be entered for that day.
- 2010 (c) Daily pH reporting log.
- 2011 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-
2012 porting month.
- 2013 (e) An explanation for any violations (if necessary).
- 2014 (f) Additional information as set forth in the User's permit as part of a completed DMR.
- 2015 4. DMRs that do not contain all the information designated above and DMRs that are not filled out
2016 completely will be considered incomplete and subjects the User to the enforcement actions set
2017 forth in SECTION 9 of this Regulation. DMRs are considered incomplete if the:
- 2018 (a) Data is not reported correctly,
- 2019 (b) DMR does not have a Wet Signature and a date (unless using an EPA approved method as
2020 stated in 7.4(B)(1)),
- 2021 (c) Flow sheet does not have all flows reported for each day,
- 2022 (d) Reporting period is not shown on the DMR, or
- 2023 (e) User failed to submit all required data as stated on the Permit.
- 2024 (f) DMRs that are not submitted with all this information by the twelfth (12th) will be consid-
2025 ered incomplete and subject to enforcement.
- 2026 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**
2027 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,
2028 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR
2029 was not complete before the due date. The User will be notified of the incomplete DMR in the
2030 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as
2031 stated in 7.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the
2032 User be waiting on laboratory data, then the remaining data must be submitted on the DMR form
2033 by the twelfth (12th) and a revised DMR submitted as soon as the missing data is received. Users
2034 that notify OJRSA of the missing data before the date as stated in 7.4(B)(2) and submit this missing
2035 information as soon as received will not be subject to enforcement actions.
- 2036 6. Reports for "No Discharge" Industrial Users are subject to these conditions and may have specific
2037 reports in their Discharge Permit as necessary.
- 2038 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-
2039 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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2040 Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used
2041 for all sampling analysis.

2042 D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such
2043 NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit
2044 to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless re-
2045 quired more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of
2046 pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of
2047 all measured or estimated average and maximum daily flows during the reporting period. At the discretion
2048 of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates,
2049 holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports
2050 are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet
2051 applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate.
2052 In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the
2053 discharge of the User. These reports shall contain the results of sampling and analysis of the discharge,
2054 including the flow and the nature and concentration, or production and mass where requested by the
2055 OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.

2056 E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sam-
2057 pling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demon-
2058 strated through sampling and other technical factors that the pollutant is neither present nor expected to
2059 be present in the Discharge or is present only at background levels from intake water and without any
2060 increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization
2061 is subject to the following conditions:

- 2062 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary
2063 wastewater discharged from the facility provided that the sanitary wastewater is not regulated by
2064 an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
- 2065 2. The monitoring waiver is valid only for the duration of the effective period of the individual Dis-
2066 charge Permit, but in no case longer than five (5) years. The User must submit a new request for
2067 the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
- 2068 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data
2069 from at least one (1) sampling of the facility's process wastewater prior to any treatment present
2070 at the facility that is representative of all wastewater from all processes.
- 2071 4. The request for a monitoring waiver must be signed in accordance with SECTION 3.3 and include the
2072 Certification Statement in SECTION 7.1 (SC R61-9 403.6(b)(2)(ii)).
- 2073 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present
2074 if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for
2075 that pollutant was used in the analysis.
- 2076 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's
2077 Permit. The reasons supporting the waiver and any information submitted by the User in its request
2078 for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
- 2079 7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the In-
2080 dustrial User must certify on each report with the Statement in OJRSA SUR 7.1(C)(13), that there
2081 has been no increase in the pollutant in its Wastestream due to activities of the Industrial User.
- 2082 8. In the event that a waived pollutant is found to be present or is expected to be present because of
2083 changes that occur in the User's operations, the User must immediately: Comply with the monitor-
2084 ing requirements in SECTION 7, or other more frequent monitoring requirements imposed by the
2085 Director and notify the Regulatory Services Coordinator.
- 2086 9. This provision does not supersede certification processes and requirements established in Categori-
2087 cal Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Stand-
2088 ard.

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- 2089 10. All periodic compliance reports must be signed and certified in accordance with SECTION 7.1 of this
2090 Regulation.
2091 11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring
2092 and flow measurement facilities shall be properly operated, kept clean, and maintained in good
2093 working order at all times. The failure of a User to keep its monitoring facility in good working order
2094 shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
2095 12. All monitoring waivers must be approved by SCDES.

2096 **7.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2097 The following conditions shall apply to the Compliance Schedule required by SECTION 7.1 of this Regulation:

- 2098 A. The schedule shall contain progress increments in the form of dates for the commencement and completion
2099 of major events leading to the construction and operation of additional pretreatment required for the User
2100 to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engi-
2101 neer, completing preliminary and final plans, executing contracts for major components, commencing and
2102 completing construction, and beginning and conducting routine operation);
2103 B. No increment referred to above shall exceed nine (9) months;
2104 C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14)
2105 calendar days following each date in the schedule and the final date of compliance including, as a minimum,
2106 whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,
2107 the steps being taken by the User to return to the established schedule; and
2108 D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

2109 **7.6 REPORTS OF CHANGED CONDITIONS**

- 2110 A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations
2111 or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days
2112 before the change.
2113 B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed
2114 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit
2115 application under SECTION 7.1 of this Regulation.
2116 C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Dis-
2117 charge Permit under SECTION 7.1 of this Regulation in response to changed or anticipated changed condi-
2118 tions.

2119 **7.7 REPORTS OF POTENTIAL PROBLEMS**

- 2120 A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine,
2121 episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential
2122 problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of
2123 the time or day the incident occurs. This notification shall include the location of the discharge, type of
2124 waste, concentration and volume, if known, and corrective actions taken by the User.
2125 B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit
2126 a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User
2127 to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, dam-
2128 age, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any
2129 other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or
2130 other liability which may be imposed pursuant to this Regulation.
2131 C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising em-
2132 ployees who to call in the event of a discharge described in Paragraph 7.7(A). Employers shall ensure that

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2133 all employees, who could cause such a discharge to occur, are advised of the emergency notification pro-
2134 cedure.

- 2135 D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director
2136 immediately of any changes at its facility affecting the potential for a slug discharge.

7.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

2137 If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours
2138 of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and
2139 analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) cal-
2140 endar days after becoming aware of the violation. Resampling by the Industrial User is not required if OJRSA per-
2141 forms sampling of the violated parameter at the Industrial User at least once a month, or if OJRSA performs sampling
2142 at the User between the time when the initial sampling was conducted and the time when the User or OJRSA re-
2143 ceives the results of this sampling.
2144

7.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE

- 2145 A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and
2146 State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed
2147 of, would be a hazardous waste under 40 CFR part 261. Such notification must include:
2148 1. Name of the hazardous waste as set forth in 40 CFR part 261;
2149 2. The EPA hazardous waste number; and
2150 3. The type of discharge (continuous, batch, or other).
2151 B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the
2152 POTW, the notification shall also contain the following information to the extent such information is known
2153 and readily available to the IU:
2154 1. An identification of the hazardous constituents contained in the wastes;
2155 2. An estimation of the mass and concentration of such constituents in the wastewater discharged
2156 during that calendar month; and
2157 3. An estimation of the mass of constituents in the wastewater expected to be discharged during the
2158 following twelve (12) months.
2159 C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge
2160 of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazard-
2161 ous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9
2162 403.12(g). The notification requirement does not apply to pollutants already reported under the self-mon-
2163 itoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a cal-
2164 endar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless
2165 the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) aI261.33(e). Discharge of more than
2166 fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute
2167 hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subse-
2168 quent months during which the IU discharges more than such quantities of any hazardous waste do not
2169 require additional notification.
2170 D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of haz-
2171 ardous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the
2172 EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge
2173 of such substance within ninety (90) calendar days of the effective date of such regulations.
2174 E. In the case of any notification, the IU shall certify that it has a program in place to reduce the volume and
2175 toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
2176

7.10 USER RECORDS

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- 2178 A. Users subject to the reporting requirements of this Regulation 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 OJRSA SUR 5.4(D). Records shall include:
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- 2183 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
- 2184 2. The dates analyses were performed;
- 2185 3. Who performed the analyses;
- 2186 4. The analytical techniques or methods used; and
- 2187 5. The results of such analyses.
- 2188 B. 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.
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7.11 CERTIFICATION STATEMENTS

2191 Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 7.4 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. The certification statement, including a Wet Signature, shall be provided by the Authorized Representative and must include the following:

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2197 **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 7.4 OF THIS REGULATION.**

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7.12 CONFIDENTIALITY

2203 **INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS, MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH FOIA LAWS OR TO 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 THE DIRECTOR HAS DETERMINED 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.**

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7.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY

- 2217 A. Industrial User Discharge Permit Review
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- 2219 1. After review of the Industrial Discharge Permit Application and Questionnaire form, SIC, and NAICS, the Director and/or SCDES may require that the User be issued an Industrial User Discharge Permit.
- 2220 The Discharge Permit itself may apply to either total industrial process discharge or to a combined sanitary/industrial Wastestream discharge; however, sanitary/industrial combined Wastestreams
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- 2222

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- 2223 are discouraged for monitoring purposes. The industrial process discharge may or may not be pre-
2224 treated.
- 2225 2. During the review process, unique conditions are established for each industrial category. The final
2226 Discharge Permit specifies the exact conditions which are applicable to the specific permittee
2227 (User). In the permit process, specific self-monitoring characterization of the wastewater is re-
2228 quired for certain industrial categories. Every Discharge Permit has established selected pollutants
2229 for self-monitoring purposes, which are established through Categorical Pretreatment Standards or
2230 the pollutants that are present and/or are suspected of being present in the wastewater discharge.
2231 If the User has been determined to be categorical, effluent parameters will be based upon the EPA's
2232 Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL
2233 BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS,
2234 WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pre-
2235 treatment Standards must be included in the Discharge Permit, even though the User may not dis-
2236 charge all or any of the regulated pollutants.
- 2237 3. Reporting frequency is at the discretion of the Director. Contributing factors are:
2238 (a) Categorical Requirements,
2239 (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type
2240 and concentrations of pollutants in the Wastestream,
2241 (c) Past compliance history, and
2242 (d) Reasonable potential to adversely affect the sewer system.
- 2243 4. Discharge Permit limits will be developed based on the historical data from an industry and the
2244 Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on
2245 need and pollutants of concern for the permitted industry.
- 2246 B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water recla-
2247 mation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to de-
2248 velop technically based limits for Significant Industrial Users under the Pretreatment Program. The head-
2249 works analysis is calculated through a required design loading program utilizing treatment efficiencies, pro-
2250 cess inhibition levels, and water quality criteria on the receiving stream. The information obtained from the
2251 headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a
2252 specific criteria on the total allowable loading for the WRF and may significantly alter total allowable load-
2253 ing. Total allowable loading is at the discretion of the Director.

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2254 **Section 8 – Sampling and Monitoring**2255 **8.1 RIGHT OF ENTRY AND INSPECTIONS**

- 2256 A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper cre-
2257 dentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter
2258 upon any property of Users to determine whether the User is complying with all the requirements of these
2259 Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall al-
2260 low OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying
2261 records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and
2262 filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their prem-
2263 ises for said purposes. Where a User has security measures in force which would require proper identifica-
2264 tion and clearance before entry into their premises, the User shall make necessary arrangements with their
2265 security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to
2266 enter, without delay, for the purposes of performing their specific responsibilities.
- 2267 B. The SIU inspection and sampling plan is as follows:
- 2268 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
 - 2269 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire,
2270 then OJRSA can inspect and sample the facility more often than annually.
 - 2271 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and
2272 sample the facility more often than annually.
 - 2273 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often
2274 than annually; especially if the causative agent is known and the SIU has this pollutant in their
2275 wastewater.
 - 2276 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more
2277 often than annually.
 - 2278 6. If the collection system has blockages or issues and the SIU discharges to that collection system
2279 section, then OJRSA can inspect and sample the SIU more often than annually.
 - 2280 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the
2281 facility more often than annually.
 - 2282 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction
2283 permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment
2284 system.
 - 2285 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event
2286 of an emergency where the public health or the environment can be impacted.
 - 2287 10. Should OJRSA need to gather site specific information to administer the pretreatment program,
2288 then OJRSA can inspect and sample the SIU more often than annually.
- 2289 C. The Nonresidential User inspection and sampling plan is as follows:
- 2290 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
 - 2291 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to
2292 the violation.
 - 2293 3. If the collection system has blockages or issues and the User discharges to that collection system
2294 section, then OJRSA can inspect and sample the User.
 - 2295 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and
2296 sample the User as part of their evaluation of their pretreatment program update.
 - 2297 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and
2298 sample the User as required by this regulation.

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- 2299 6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often
2300 if the User has the potential to cause the upset.
- 2301 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.
- 2302 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where
2303 the public health or the environment can be impacted.
- 2304 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.
- 2305 D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-
2306 mented by the employee and the Director should be notified as soon as possible. The Director will discuss
2307 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with
2308 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.
2309 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set
2310 forth in this Regulation.
- 2311 E. Confidentiality Agreements – See Section 7.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN-**
2312 **NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREE-**
2313 **MENTS.** Any records that are reviewed during the inspection and must be kept confidential must be
2314 stamped with the word “confidential” and OJRSA will adhere to the confidentiality provisions set forth in
2315 this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and
2316 the applicability of SECTION 7.12 of this Regulation to the specific facts and circumstances at issue.

8.2 COMPLIANCE DETERMINATION

- 2317 A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of com-
2318 posite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour
2319 period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific
2320 circumstances.
- 2321 B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User’s property,
2322 or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s
2323 operations.
- 2324 C. OJRSA may require the User to install monitoring equipment as necessary. The facility’s sampling and mon-
2325 itoring equipment shall be maintained at all times in a safe and proper operating condition by the User at
2326 its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to
2327 ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and avail-
2328 able to OJRSA upon request.
- 2329 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or
2330 sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not
2331 be replaced. The costs of clearing or removing such access shall be borne by the User.
- 2332 E. Unreasonable delays in allowing OJRSA personnel access to the User’s premises shall be a violation of this
2333 Regulation and subject to the enforcement actions set forth in this regulation.
2334

8.3 ANALYSIS OF INDUSTRIAL WASTEWATERS

2335 All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit
2336 Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR
2337 Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.
2338 If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the
2339 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,
2340 sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling
2341 and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.
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8.4 SAMPLING FREQUENCY

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2344 Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and
2345 limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct
2346 compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categori-
2347 cal Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set
2348 forth in the Industrial User Discharge Permit as issued by OJRSA.

2349 8.5 SAMPLE COLLECTION

- 2350 A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate
2351 sampling and analysis performed during the period covered by the report, based on data that is repre-
2352 sentative of conditions occurring during the reporting period.
- 2353 B. Except as indicated in this Paragraph and 8.5(C), the User must collect wastewater samples using twenty-
2354 four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite
2355 sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite sam-
2356 pling or grab sampling is authorized, the samples must be representative of the discharge.
- 2357 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic com-
2358 pounds must be obtained using grab collection techniques.
- 2359 D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required
2360 in SECTIONS 7.2 and 7.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples
2361 must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for
2362 facilities for which historical sampling data do not exist; for facilities for which historical sampling data are
2363 available, OJRSA may authorize a lower minimum. For the reports required by SECTION 7.4 the Industrial
2364 User is required to collect the number of grab samples necessary to assess and assure compliance by with
2365 applicable Pretreatment Standards and requirements.

2366 8.6 SAMPLING STRUCTURE

- 2367 A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA
2368 may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The
2369 purpose of this structure is so that a representative sample of the User's discharge to the sewer system
2370 may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA person-
2371 nel and shall be constructed in compliance with OJRSA specifications for these types of structures.
- 2372 B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the struc-
2373 ture to be located in public right-of-way in certain cases when an onsite location would be impractical.
2374 Approval for location in a public right-of-way must be obtained by the appropriate governing body.

2375 8.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING

2376 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 5.1(B)(4) except excursions
2377 from the range are permitted subject to the following limitations:

- 2378 A. The total time during which the pH values are outside the required range of pH values shall not exceed
2379 two (2) hours in any calendar month; and
- 2380 B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

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2381 **Section 9 – Enforcement**2382 **9.1 ENFORCEMENT MANAGEMENT STRATEGY**

2383 The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed
2384 by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforce-
2385 ment.

2386 **9.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES**

- 2387 A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these
2388 Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Per-
2389 mit, the Director or his/her designee may serve upon such a person an appropriate written notice stating
2390 the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may
2391 require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15)
2392 calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory
2393 correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission
2394 of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the
2395 notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice
2396 of Significant Noncompliance (NOSNC). Refer to SECTION 9 of this Regulation.
- 2397 B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come
2398 into compliance with the discharge permit.
- 2399 1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary
2400 compliance, or other similar documents establishing an agreement with the person responsible for
2401 the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall
2402 include specific action to be taken by the person to correct the violation within a time period spec-
2403 ified by the Consent Order and contain other terms and conditions. A violation of a Consent Order
2404 shall constitute a violation or violations under this Regulation.
 - 2405 2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any
2406 provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any
2407 other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the
2408 User responsible for the discharge directing that the User come into compliance within a specified
2409 time. If the User does not come into compliance within the time provided, sewer service may be
2410 discontinued unless adequate treatment facilities, devices, or other related appurtenances are in-
2411 stalled and properly operated. Compliance Orders also may contain other requirements to address
2412 the noncompliance, including additional self-monitoring and management practices designed to
2413 minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend
2414 the deadline for compliance established for a Pretreatment Standard or requirement, nor does a
2415 Compliance Order relieve the User of liability for any violation, including any continuing violation.
2416 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other
2417 action against the User.
 - 2418 3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement
2419 actions have failed to bring a User into compliance with their Discharge Permit.
 - 2420 (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this
2421 Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pre-
2422 treatment Standard or requirement, or that the User’s past violations are likely to recur,
2423 the Director may issue a Cease and Desist Order to the User directing it to cease and desist
2424 all such violations and directing the User to:
 - 2425 (i) Immediately comply with all requirements; and

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- 2426 (ii) Take such appropriate remedial or preventive action as may be needed to properly
2427 address a continuing or threatened violation, including halting operations and/or
2428 terminating the discharge.
- 2429 (b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking
2430 any other action against the User.
- 2431 C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User
2432 and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The
2433 Consent Order Agreement may contain such other terms and conditions, including but not limited to, pro-
2434 visions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pre-
2435 treatment, and payment of all administrative costs, expenses, attorney’s fees, and civil penalties.
- 2436 D. Notice to Show Cause at Adjudicatory Hearing
- 2437 1. The Director may order any User who causes or is responsible for an unauthorized discharge or
2438 other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action
2439 should not be taken. A notice shall be served on the User specifying the time and place for the
2440 hearing, the proposed enforcement action, the reasons for such action, and a request that the User
2441 show cause why this proposed enforcement action should not be taken.
- 2442 2. Service – The notice of the hearing to the User shall be served personally, by registered or certified
2443 mail (return receipt requested), or other trackable means to ensure delivery is made to the User at
2444 least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OF-
2445 FICER OF THE USER.**
- 2446 3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause
2447 Hearing
- 2448 (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) cal-
2449 endar days following mailing of any final administrative action or decision by the OJRSA to
2450 the User on any violation, application, permit, certificate, or other licensing matter.
- 2451 (b) A request for an Informal Conference prior to the show cause hearing may be made by a
2452 User but not to delay the hearing date. If the request is granted, an Informal Conference
2453 may be held by the Director or their designee to explore ways and means to obtain compli-
2454 ance by consent without the necessity of a formal Adjudicatory Hearing.
- 2455 4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath
2456 and transcribed by a court reporter. A copy of the transcript shall be made available to any member
2457 of a party to the hearing upon payment of the usual charges thereof to the court reporter employed
2458 to provide said transcription.
- 2459 5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudi-
2460 catory Hearing. The Hearing Officer shall have no connection with the preparation or presentation
2461 of the evidence at the hearing.
- 2462 6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set
2463 forth in SECTION 9 of this Regulation.
- 2464 E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions,
2465 prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding
2466 agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons
2467 in violation to perform any or all of the following:
- 2468 1. Comply forthwith;
- 2469 2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
- 2470 3. Take appropriate remedial or preventative action in the event of a continuing or threatened viola-
2471 tion;
- 2472 4. Prohibit or reduce the discharge;
- 2473 5. Provide wastewater storage or flow equalization;
- 2474 6. Make payment by the User to cover added costs of handling and treatment costs and the adminis-
2475 trative costs of the enforcement action;

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- 2476 7. Post performance bonds;
- 2477 8. Act to take other steps to achieve compliance;
- 2478 9. Pay fines and penalties to OJRSA;
- 2479 10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the
- 2480 OJRSA for the hearing or enforcement procedure.
- 2481 F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of
- 2482 this Regulation as described in SECTION 9.6. Prior to the imposition of civil penalties, an adjudicatory hearing
- 2483 will be offered to the User.
- 2484 G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DIS-**
- 2485 **CHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER TO STOP AN ACTUAL OR THREATENED DISCHARGE**
- 2486 **WHICH PRESENTS OR MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH**
- 2487 **OR WELFARE OF PERSONS OR THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM**
- 2488 **OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DIS-**
- 2489 **CHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR**
- 2490 **MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency sus-
- 2491 pension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calen-
- 2492 dar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit
- 2493 terminated. The User shall submit a detailed written statement describing the causes of the violations and
- 2494 the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE**
- 2495 **EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE**
- 2496 **DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE**
- 2497 **SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination
- 2498 of the violations or the risk for damage to life, health, property, and/or the environment has subsided.
- 2499 H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or appli-
- 2500 cable State and Federal regulations, is subject to having their permission to discharge revoked. The Director
- 2501 may revoke any Permit for the following reasons:
- 2502 1. Failure to factually report the wastewater constituents and characteristics of their discharge;
- 2503 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 2504 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- 2505 4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer
- 2506 system that connects with OJRSA conveyance and/or treatment facilities;
- 2507 5. Tampering with or deliberately altering monitoring equipment;
- 2508 6. Falsifying DMRs or other reports;
- 2509 7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment
- 2510 plant process, sludge disposal practices or requirements, or other modifications of a similar nature
- 2511 that impact the OJRSA's ability to accept industrial or other wastewaters;
- 2512 8. For causes necessitating an emergency suspension;
- 2513 9. Discharge of wastewater prohibited by these Regulations;
- 2514 10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms
- 2515 of the wastewater discharge permit or these Regulations;
- 2516 11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.
- 2517 I. A User whose permission to discharge has been revoked may apply for new permission to discharge and
- 2518 shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however,
- 2519 the OJRSA is under no obligation to allow the User to reconnect.

2520 **9.3 JUDICIAL REMEDIES**

2521 Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the

2522 wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

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2523 Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Admin-
 2524 istrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal
 2525 or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

2526 **9.4 INJUNCTIVE RELIEF**

2527 The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction,
 2528 damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or reg-
 2529 ulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time
 2530 or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User
 2531 or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of
 2532 any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, tak-
 2533 ings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or respon-
 2534 sible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation
 2535 of State or Federal Pollution Control laws, rules, or regulations.

2536 **9.5 CRIMINAL VIOLATIONS**

- 2537 A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper
 2538 Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with
 2539 criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has au-
 2540 thority to take actions to protect life, health, property, and/or the environment using means detailed in
 2541 Paragraph 9.2(G) and other sections of this Regulation.
- 2542 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 9.6 for such
 2543 violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

2544 **9.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS**

- 2545 A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.
- 2546 B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or per-
 2547 mit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees
 2548 associated with enforcement action may be taken against the User in violation of Regulations. These costs
 2549 may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time
 2550 of the violation.
- 2551 C. Administrative and Civil Penalties:
- 2552 1. A User will be subject to administrative and civil penalties up to two thousand dollars (\$2,000) per
 2553 violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the
 2554 maximum amount that may be administrated for each violation, per day the violation occurred
 - 2555 2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct of-
 2556 fense. In case of monthly or long-term discharge limits, fines may be assessed for each day during
 2557 the period of violation. The OJRSA shall have such remedies for the collection of such assessments
 2558 as it has for collection of other service charges.
- 2559 D. Payment of Costs -
- 2560 1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal
 2561 violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to
 2562 OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or
 2563 criminal penalties. Payments not received by the due date are subject to late fees as stated in the
 2564 *OJRSA Schedule of Fees*.
 - 2565 2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater
 2566 or discharges in excess of the limitations required under its permits or the Regulations of the
 2567 OJRSA.

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2568 E. Failure to Pay – See SECTION 9.8.

2569 **9.7 PERFORMANCE BONDS**

2570 The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of
2571 these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory
2572 bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the
2573 costs of any scheduled improvements and to achieve consistent compliance.

2574 **9.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT**

2575 The Director shall have the right to discontinue sewer service to the property of a User of such service in the event
2576 of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been
2577 given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA
2578 or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis
2579 of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of
2580 ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of
2581 disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the
2582 notice as provided under the OJRSA Regulations.

2583 **9.9 TENANT RESPONSIBILITY**

- 2584 A. In matters where the property was used without a formal or informal arrangement, the Owner of the prop-
2585 erty shall be held responsible. *The burden of proof for providing a binding version of a formal or informal*
2586 *agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such
2587 evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of
2588 OJRSA costs.
- 2589 B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal
2590 arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or
2591 indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of
2592 these Regulations and recovery of OJRSA costs.

2593 **9.10 VANDALISM**

2594 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or pre-
2595 vent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation
2596 of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be
2597 subject to the sanctions established in SECTION 9 of this Regulation, which could include referral to the law enforce-
2598 ment agency with jurisdiction for potential criminal investigation.

2599 **9.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

2600 The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA
2601 and/or SCDES) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the Industrial
2602 Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Pre-
2603 treatment Standards and requirements. This publication will be done during the first quarter of each year for the
2604 previous calendar year.

2605 **9.12 ENFORCEMENT MANAGEMENT STRATEGY**

- 2606 A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider
2607 the following criteria when determining a proper response to the violation and the context of the User’s
2608 prior violations:

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- 2609 1. Magnitude of the Violation
- 2610 (a) Unless a violation is Significant Noncompliance (SNC) as defined in the *OJRSA Sewer Use*
- 2611 *Regulation*, then the OJRSA Pretreatment Department will usually start with the minimum
- 2612 enforcement action; however, for severe violations that threaten the public health, envi-
- 2613 ronment, damage public and/or private property, penalties can be more stringent.
- 2614 (b) Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative
- 2615 Order. This order may include a Compliance Schedule requiring the User to comply with
- 2616 regulations by a specific date. The magnitude or severity of the violation is determined by
- 2617 whether the violation meets the definition of SNC. The significance of the violation will in-
- 2618 fluence the type of enforcement action taken by the Pretreatment Department based on
- 2619 this evaluation.
- 2620 2. Duration of the Violation
- 2621 (a) Prolonged periods of violation should subject the User to escalating enforcement actions.
- 2622 (b) Enforcement escalation does not depend on the severity of the violation.
- 2623 (c) Violations which result in SNC will be treated more severely due to the guidelines set forth
- 2624 by the State and the Federal government regulations.
- 2625 (d) Extended periods of noncompliance shall not be tolerated and enforcement actions will be
- 2626 taken to prevent this from occurring.
- 2627 (e) Chronic noncompliance will be addressed with escalating enforcement actions up to and
- 2628 including termination of sewer service to stop the noncompliance.
- 2629 (f) Prolonged violations that result in harm to the POTW will be addressed by enforcement
- 2630 actions, which include recovery of the costs to repair any damage.
- 2631 3. Effect of the Violation on the Receiving Water
- 2632 (a) Prevention of pass-through of pollutants to the water body is a major component of the
- 2633 development of acceptable limits for the User.
- 2634 (b) Each water body has established limits for pollutants to protect the organisms that live in
- 2635 the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit
- 2636 the POTW and potentially cause environmental harm.
- 2637 (c) The minimum enforcement action for a violation impacting receiving waters will include an
- 2638 Administrative Order, which is to include a penalty. The penalty will also include any pen-
- 2639 alties or fines paid by the POTW to a regulatory or response agency (e.g., SCDES, EPA,
- 2640 SCDNR, Oconee County Emergency Management, etc.) and may include damages for the
- 2641 destruction of natural resources, manmade structures, and/or the POTW. Termination of
- 2642 sewer service may be an option if noncompliance continues uncorrected.
- 2643 4. Effect of the Violation on the POTW
- 2644 (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed
- 2645 charges for correcting the impact.
- 2646 (b) Adverse impacts include, but are not limited to, the following:
- 2647 (i) Significant increases in treatment costs;
- 2648 (ii) Interference with POTW treatment processes;
- 2649 (iii) Harm to the general public or POTW personnel;
- 2650 (iv) Equipment damage;
- 2651 (v) Negative operational changes;
- 2652 (vi) Damage to the conveyance system piping through pipe corrosion or blockage;
- 2653 (vii) Explosion in conveyance system or POTW; and/or
- 2654 (viii) Sludge contamination resulting in increased disposal cost.
- 2655 (c) Any labor costs or repair costs will be passed onto the User that caused the adverse impact
- 2656 to occur in accordance with SECTION 9.6.
- 2657 (d) Minimum enforcement actions will include an Administrative Order with associated penal-
- 2658 ties including cost recovery for adverse impacts in accordance with SECTION 9.6.

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- 2659 5. Compliance History of the User
- 2660 (a) The compliance history of a User will be evaluated when assessing the severity of the vio-
- 2661 lation.
- 2662 (b) A User who has a pattern of recurring violations (which may be the same or different pa-
- 2663 rameters or regulatory requirements) can be an indication that the User does not take
- 2664 wastewater issues or environmental protection regulations seriously or their system is in-
- 2665 adequately designed for the specific wastewater conditions.
- 2666 (c) A User that has recurring violations has an increased likelihood of causing future significant
- 2667 violations.
- 2668 (d) A User who has recurring violations may be dealt with more severely to ensure that com-
- 2669 pliance is achieved.
- 2670 (e) A recurring violation history will result in more advanced enforcement actions being as-
- 2671 sessed against a User, up to and including termination of service.
- 2672 6. Good Faith of the User in Reporting, and Responding to, the Violation
- 2673 (a) A User who takes measures to correct the violation and take care of any issues as quickly
- 2674 as possible will have shown good faith efforts.
- 2675 (b) Good faith is demonstrated by cooperation and completion of corrective measures in a
- 2676 timely manner.
- 2677 (c) This effort will be considered when deciding what enforcement actions will be taken; how-
- 2678 ever, *good faith does not eliminate the need to take an enforcement action.*
- 2679 (d) Good faith is not defined as compliance with previous enforcement actions.
- 2680 (e) Recovery of costs from an upset will take place regardless of good faith actions that may
- 2681 have been taken.
- 2682 B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with
- 2683 the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
- 2684 1. All violations shall normally be identified and documented within thirty (30) calendar days of re-
- 2685 ceiving compliance information.
- 2686 2. Initial enforcement responses involving contact with the User and requesting information on cor-
- 2687 rective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
- 2688 3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar
- 2689 days of the initial enforcement response. For all continuing violations, the response will include a
- 2690 Compliance Schedule.
- 2691 4. Violations which threaten or affect health, property or environmental quality are considered emer-
- 2692 gencies and will receive immediate responses such as halting the discharge or terminating service.
- 2693 5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Admin-
- 2694 istrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.
- 2695 C. Industrial User Response to Noncompliance
- 2696 1. Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becom-
- 2697 ing aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submit-
- 2698 ted to report the violation. This form must be submitted to the Regulatory Services Coordinator or
- 2699 Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of
- 2700 the day on which it occurs (including weekends and holidays).
- 2701 2. The notification shall be followed by a written report, when required by the Regulatory Services or
- 2702 Pretreatment Coordinator, within five (5) business days. The report of noncompliance shall include:
- 2703 (a) A description of the characteristics of the noncompliance;
- 2704 (b) Sampling results;
- 2705 (c) A statement of the cause of noncompliance; and
- 2706 (d) An account of the time and duration of the violation including dates and times; or if not
- 2707 corrected, the anticipated time the noncompliance is expected to continue, and activities
- 2708 being taken to reduce, eliminate, and prevent recurrence of the violation.

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- 2709 3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit
2710 the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.
2711 4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which
2712 may be incurred as a result of damage to the POTW, persons or property, or environmental harm;
2713 nor shall such notification relieve the User of any fines, civil penalties, or other liability which may
2714 be imposed by this Regulation or other applicable laws.

D. Assignment of Responsibilities

- 2715 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by
2716 the Director to implement the Pretreatment Program and to enforce compliance with all Permits
2717 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated
2718 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this
2719 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-
2720 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee
2721 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that
2722 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either
2723 through purposeful investigation or in the normal course of duties performed.
2724 2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, which-
2725 ever OJRSA employee or consultant is in position to do so may be used to collect evidence of the
2726 violation. The Coordinator may employ the services of outside laboratories or consultants in the
2727 collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon
2728 to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence,
2729 compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's
2730 attorney(s) in preparing and executing enforcement actions.
2731

E. Enforcement Response Guide

- 2732 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based
2733 on the whether the noncompliance involves:
2734 (a) Sampling, Monitoring, and Reporting (SECTION 9.12.1);
2735 (b) Compliance Schedules (Construction Phases or Planning) (9.12.2);
2736 (c) Effluent Limits (9.12.3);
2737 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-
2738 vestigations (9.12.4);
2739 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 9.12.5;
2740 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (9.12.6);
2741 and/or
2742 (g) Other Regulatory Violations (9.12.8).
2743 2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate
2744 enforcement responses to various types of noncompliance and appropriate OJRSA personnel to
2745 implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND**
2746 **DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**
2747 3. The Director may delegate his/her role and authority in any enforcement action as deemed appro-
2748 priate. (SECTION 9.1)
2749 4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES
2750 Permit, and other locally established regulations.
2751 5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.
2752 6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Con-
2753 ference or Notice of Violation when the violation does not meet the criteria of Significant Noncom-
2754 pliance (SNC) or when the User is cooperative in quickly resolving the problems.
2755 7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems
2756 will incur more severe enforcement actions, up to and including termination of sewer service.
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8. Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance Schedule for which the User is to follow.
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 shall 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.
10. Enforcement actions taken against each User shall be considered individually and are not necessarily based on penalties, actions, and/or fines issued to other Users who were in violation.

2770 **9.12.1 Sampling, Monitoring, and Reporting Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	NOV with response required within ten (10) business days.	RSC, PC
	Industrial User does not respond to NOV and/or AO.	AO; civil action and penalties (SECTION 9.6); Adjudicatory Hearing including penalty (SECTION 9.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 9.6); cost recovery (SECTION 9.6); civil action; seek termination of water and/or sewer.	RSC, PC, Dir
	No response received.	Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	Dir
	Report is improperly signed or certified, or is otherwise incomplete, first offense.	NOV.	RSC, PC
	Report is improperly signed or certified, or is otherwise incomplete, after notice by POTW.	AO; Adjudicatory Hearing; civil action and penalties (SECTION 9.6).	RSC, PC
	Isolated not significant violation; Report less than forty-five (45) calendar days late.	NOV.	RSC, PC
	Significant - Report forty-five (45) calendar days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; cost recovery and civil action and penalties (SECTION 9.6).	RSC, PC
	Reports are always late or no report at all.	AO and/or penalty; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; cost recovery and civil action and penalties (SECTION 9.6).	RSC, PC, Dir

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	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, cost recovery and civil action and penalties (SECTION 9.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory Hearing; seek termination of water and/or sewer.	RSC, PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	RSC, PC
	Unintentional use of incorrect sample collection techniques.	NOV.	RSC, PC
	Unintentional use of incorrect sample type.	NOV.	RSC, PC
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	NOV - Response required within ten (10) business days; AO.	RSC, PC
	No response received.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 9.6); cost recovery (SECTION 9.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 9.6); cost recovery (SECTION 9.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 9.6); criminal investigation.	RSC, PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV; request corrected form.	RSC, PC
	Recurring deficiencies.	AO and/or penalty (SECTION 9.6).	RSC, PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	RSC, PC
	Continued violations- Remains uncorrected forty-five (45) calendar days or more - SNC.	NOSNC; AO; Adjudicatory Hearing; penalty.	RSC, PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	RSC, PC
	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty (SECTION 9.6); criminal investigation.	RSC, PC, Dir
	Improper sampling, no evidence of intent.	NOV; AO.	RSC, PC

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	Improper sampling - Evidence of negligence or intent.	AO; cost recovery and civil action and penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	Dir

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9.12.2 Compliance Schedules ERG (Construction Phases or Planning)

Violation	Circumstances	Range of Response	Personnel
Missed interim date	Will not cause late final date or other interim dates (less than ninety (90) calendar days).	NOV.	RSC, PC
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, good cause for delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 9.6).	RSC, PC, Dir
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, no good cause or delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation.	RSC PC, Dir
	Missed milestone by more than ninety (90) calendar days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; cost recovery and civil action and penalties (SECTION 9.6); judicial action.	RSC, PC, Dir
	Missed milestone by more than forty-five (45) calendar days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; cost recovery and civil action and penalties (SECTION 9.6); judicial action; request criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; Adjudicatory Hearing.	RSC, PC, Dir
	Ninety (90) calendar days or more outstanding - Failure or refusal to comply - Without good or valid cause - SNC.	AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 9.6).	RSC, PC, Dir
Failure to install monitoring equipment	Delay of less than forty-five (45) calendar days.	NOV; AO.	RSC, PC
	Delay of forty-five (45) calendar days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Cost recovery and	RSC, PC, Dir

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		civil penalties for each additional day (SECTION 9.6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	Dir

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9.12.3 Effluent Limit Violations ERG

Violation	Circumstances	Range of Response	Personnel
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	RSC, PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	RSC, PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing.	RSC, 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; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation.	RSC, PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 9.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; seek termination of water and/or sewer.	RSC, PC, Dir
	Isolated; no harm to POTW and/or environment.	NOV.	RSC, PC

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Discharge of untreated wastewater - spill, bypass, or improper operation of pretreatment facility	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, 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 and timeframe for submission of the completed application.	RSC, PC
	Continuing violation without known environmental or POTW damage; User fails to apply for permit after notice - SNC.	AO; Adjudicatory Hearing including penalty; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	RSC, 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; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	RSC, Dir
	First (1 st) offense - User aware of requirement.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
	Nonpermitted discharge (failure to renew permit)	Industrial User has not submitted questionnaire within ten (10) calendar days of due date.	NOV - Response required within ten (10) business days.

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9.12.4 Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations ERG

Violation	Circumstances	Range of Response	Personnel
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	NOV and/or AO.	RSC, PC

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	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Violation of Discharge Permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	RSC, PC
	Evidence of negligence or intent - SNC.	Adjudicatory Hearing; criminal investigation; sewer ban.	RSC, PC, Dir
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.	Return to User (obtain a warrant if necessary); NOV; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 9.6); criminal investigation.	RSC, PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir

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9.12.5 Excessive Inflow and Infiltration from Satellite Sewer Systems and Other Users ERG

Violation	Circumstances	Range of Response	Personnel
Excessive inflow and infiltration from systems and connections not owned by OJRSA (for each location identified by OJRSA through means and methods detailed in SECTION 5.15)	Initial violation.	NOV.	Eng, Dir, Atty
	Second (2 nd) violation.	AO; Adjudicatory Hearing.	Eng, Dir, Atty
	Third (3 rd) violation.	AO; Adjudicatory Hearing; civil action; requirement for CMOM for entire Satellite Sewer System or privately-owned User's sewer system.	Eng, Dir, Atty
	Fourth (4 th) and subsequent violations.	AO; Adjudicatory Hearing; civil penalties (SECTION 9.6).	Eng, Dir, Atty

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9.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit)

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ERG

Violation	Circumstances	Range of Response	Personnel
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Failure to install FOG Control Device (FCD)	First (1 st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 nd) violation.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 ^d) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of water and/or sewer.	RSC, PC, Dir
	No response to notifications.	Seek termination of water and/or sewer.	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; cost recovery (SECTION 9.6).	RSC, PC, Dir, Atty
FCD not maintained as required	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir

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	Failure to address FCD maintenance issues within timeframes set forth by OJRSA.	Seek termination of water and/or sewer; civil penalties and cost recovery (SECTION 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 9.6)	RSC, PC, Dir, Atty
Structure failure of FCD	First (1 st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 nd) violation.	NOV; penalty up to one-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 rd) violation.	SNC; AO to repair structural failures or install new FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of water and/or sewer; civil penalties and cost recovery (SECTION 9.6)	RSC, PC, Dir
	Failure to address FCD structure failure within timeframes set forth by OJRSA.	Seek termination of water and/or sewer; civil penalties and cost recovery (SECTION 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 9.6)	RSC, PC, Dir, Atty
Failure to maintain records	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal	RSC, PC, FOG Insp, Dir

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		discharge (SECTION 9.6); seek termination of water and/or sewer.	
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Failure to properly maintain records after previous enforcement actions.	Seek termination of water and/or sewer; civil penalties (SECTION 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 9.6)	RSC, PC, Dir, Atty
Failure to allow access	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); terminate water and/or sewer.	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Seek termination of water and/or sewer; civil penalties (SECTION 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 9.6)	RSC, PC, Dir, Atty
Use of prohibited FOG Control Additives	First (1 st) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Second (2 nd) violation.	Seek termination of water and/or sewer; civil penalties (SECTION 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 9.6)	RSC, PC, Dir, Atty
FOG waste hauler / plumber fails to properly clean and maintain FCD	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost	RSC, PC, FOG Insp, Dir

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		recovery for expenses incurred due to illegal discharge (SECTION 9.6).	
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 9.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 9.6);	RSC, PC, Dir
FOG waste hauler / plumber fails to submit records to OJRSA in timely manner	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 9.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 9.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 9.6);	RSC, PC, Dir
FOG waste hauler / plumber discharges wastewater, FOG, or other prohibited materials back into the FCD	First (1 st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of User's water and/or sewer.	RSC, PC, Dir
FOG waste hauler / plumber decants wastewater back into the FCD or sewer system	First (1 st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of User's water and/or sewer.	RSC, PC, Dir

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9.12.7 Hauled Waste Acceptance Violations ERG

Violation	Circumstances	Range of Response	Personnel
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Abuse of conditions established in Sections 11.1 and 11.2	First (1 st) violation.	Noncompliance notification letter sent to Hauled Waste Transporter company Owner ¹ detailing violation; cost recovery for expenses incurred due to illegal disposal (SECTION 9.6).	RSC, PC
	Second (2 nd) violation.	Suspension of violator’s Waste Hauler License for two (2) months or after all outstanding fees have been received by OJRSA, whichever is later; cost recovery for expenses incurred due to illegal disposal (SECTION 9.6).	RSC, PC, Dir
	Third (3 rd) violation.	Permanent suspension of violator’s Waste Hauler License and notification to SCDES of Hauled Waste Transporter’s status. The company and person, regardless of whether he works for the same company or another Hauled Waste Transporter, will no longer be able to dispose of product at OJRSA facilities.	RSC, PC, Dir

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9.12.8 Other Regulatory Violations ERG

Violation	Circumstances	Range of Response	Personnel
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to properly operate and maintain pre-treatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within ten (10) business days; AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; seek termination of water and/or sewer.	RSC, PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	RSC, PC

¹ As stated on Waste Hauler License.

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	Inspection finds files incomplete or missing (evidence of intent).	Civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 9.6); penalty.	RSC, PC, Dir
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	RSC, PC
	Minor, evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Failure to mitigate non-compliance or curtail production	No damage to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within ten (10) business days.	RSC, PC
	Recurring violation.	AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir

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Section 10 – Fats, Oils, and Grease (FOG) Control Program

The OJRSA is mandated by Federal and State regulations to prevent the discharge of untreated sewer to the environment. OJRSA is subject to enforcement actions from SCDES and/or EPA when untreated wastewater reaches the environment. Fats, oils, and grease (FOG) can block the sewer lines and cause the untreated sanitary wastewater to overflow into the environment. In order to address this requirement, the OJRSA has established the following FOG Control Program, which is also supported by the OJRSA Development Policy and other policies as applicable.

10.1 PURPOSE

- A. The FOG Control Program has been developed in accordance with SECTION 4 and SECTION 5 of this Regulation with its purpose being 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 SECTION 5.2.
- B. Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on all the following criteria:
 1. Properly sized and approved FOG Control Devices;
 2. Approval and implementation of Best Management Plans;
 3. Placement of FOG control signs above FOG Generator sinks;
 4. Regularly scheduled maintenance of FOG Control Device(s);
 5. Documentation of maintenance and proper disposal;
 6. Employee education and training; and
 7. Demonstrated adherence to established quantitative concentration or mass limit(s) as measured at the nearest accessible point prior to FOG Generator's connection to the public sewer.

10.2 DUTIES

- A. The Director has the authority to enforce compliance with Permits and Regulations. Acting under the Director is the Regulatory Services Coordinator or his/her assigned representative(s) (e.g., FOG Program Coordinator), who shall be responsible for implementing this Regulation.
- B. The Regulatory Services Coordinator or their assigned representatives shall be responsible for all administrative actions such as inspections, plan review, analyses, and records maintenance.
- C. Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the designated and assigned OJRSA representatives.
- D. Duties regarding the enforcement of these requirements are outlined in SECTION 9 of this Regulation.

10.3 APPLICABILITY

- A. 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. Classifications for the types of FOG Generators can be found in SECTION 10.7.
- B. All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation or any FOG Permit issued by OJRSA.
- C. Devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated Multi-Family Developments as follows:
 1. Multi-Family Developments shall be required to install a FOG Control Device in compliance with SECTION 10.7 when five (5) or more units occupy a single building and where the individual living units share a common wastewater drain line that serves more than two (2) units within the building.

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- 2822 2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June
2823 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do sub-
2824 stantial modifications which include replacement of fifty percent (50%) or more of the drain lines
2825 or plumbing within the building. Modifications must include the installation of a FOG Control Device
2826 as set forth in this Regulation.
- 2827 D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with
2828 SECTION 10.7 when five (5) or more units occupy a single building and share common wastewater drain lines
2829 that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens
2830 that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as con-
2831 structed unless the facility has to do substantial modifications which include replacement of fifty percent
2832 (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation
2833 of a FOG Control Device as set forth in this Regulation.
- 2834 E. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative
2835 impact on its conveyance or treatment system from FOG must be plumbed together through a common
2836 drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.
- 2837 F. Food Service Establishments and FOG Generators
- 2838 1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-
2839 constructed, or change ownership shall meet the requirements included herein prior to opening,
2840 expanding, or reopening the FSEs.
- 2841 2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Reg-
2842 ulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues,
2843 manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior
2844 to installation.
- 2845 3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3)
2846 compartment sink must have a FOG Control Device installed.
- 2847 4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly in-
2848 stalled, maintained, and operating in accordance with this Regulation by no later than June 30,
2849 2024.
- 2850 G. Multi-Unit Commercial Facilities
- 2851 1. New Multi-Unit Commercial Facilities
- 2852 (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line con-
2853 nections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste
2854 line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or
2855 potential kitchen area, grease waste line will be connected to floor drains in the specified
2856 kitchen area, and will connect, or be able to connect, to other food service establishment
2857 kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two
2858 (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
- 2859 (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF.
2860 Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen
2861 and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-
2862 out locations to accommodate a FOG Control Device of adequate size as approved in the
2863 *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity
2864 FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for
2865 multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Intercep-
2866 tors must be approved by the OJRSA prior to construction. A copy of the maintenance
2867 agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by
2868 the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider
2869 suitable physical property space and sewer gradient that will be conducive to the installa-
2870 tion of an exterior, in-ground gravity FCD when determining the building location.

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2871 (c) An Owner may elect to construct a MUCF without separate sewer plumbing; however, the
2872 Owner must provide a signed and notarized document that includes the following state-
2873 ment prior to approval of plans or issuance of a building permit:
2874

2875 I, _____ [Owner name here], **UNDERSTAND THAT IF A FOOD SERVICE ESTABLISH-**
2876 **MENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRO-**
2877 **DUCER OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE**
2878 **THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY**
2879 **WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR TO THE USER**
2880 **OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE**
2881 **DEVELOPMENT, WHICH INCLUDES:**

2882 [County TMS Number here]

2883 [County TMS Number here]

2884 **IF THE UNITS AND/OR PARCELS ARE SUBDIVIDED OR IF THE PROPERTY IS SOLD OR OTH-**
2885 **ERWISE TRANSFERRED, I ALSO UNDERSTAND THAT IT IS THE RESPONSIBILITY OF THE SITE**
2886 **OWNER(S) TO COMPLY WITH THESE REGULATIONS, AT NO EXPENSE TO THE OJRSA, PRIOR**
2887 **TO THE ESTABLISHMENT OF WATER AND SEWER SERVICE.**
2888

2889 2. Existing Multi-Unit Commercial Facilities

2890 (a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall
2891 be grandfathered and may not have to comply with provisions of this Section unless:

2892 (i) Negative impacts are placed on the public sewer system due to FOG generated
2893 from within the facility (e.g., blockages in the conveyance system). The OJRSA re-
2894 serves the right to require MUCF to install appropriate plumbing and FOG Control
2895 Devices if they are causing negative impact to the public sewer system.

2896 (ii) If an existing MUCF is replacing or updating internal piping for wastewater han-
2897 dling, then they shall comply with requirements of a New MUFC.

2898 **10.4 RIGHT OF ENTRY, INSPECTIONS, AND RECORDKEEPING**

2899 A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator’s
2900 facility and the Hauled Waste Transporter’s vehicle (SECTION 11.4) and facilities are incorporated fully within
2901 these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as
2902 required.

2903 B. FOG Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices
2904 or obtain representative samples and perform other duties as necessary to ensure compliance.

2905 C. The FOG Generator shall maintain FOG Control Device inspection records for review by OJRSA for a mini-
2906 mum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records. If
2907 authorized by OJRSA, electronic records may be submitted in accordance with SECTION 3.6.

2908 D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access
2909 to inspect records, obtain representative samples, and perform other duties as necessary to ensure com-
2910 pliance.

2911 E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler /
2912 plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must
2913 use the FOG Control Device Inspection Form as provided by the OJRSA.

2914 F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must
2915 notify the OJRSA within one (1) business day of conducting the inspection.

2916 G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-
2917 mented by the employee and the Director should be notified as soon as possible. The Director will discuss
2918 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with

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appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling. Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Response Guide set forth in this Regulation

- H. Confidentiality Agreements – See Section 7.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREEMENTS.** Any records that are reviewed during the inspection and must be kept confidential must be stamped with the word “confidential” and OJRSA will adhere to the confidentiality requirements set forth in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 7.12 of this Regulation to the specific facts and circumstances at issue.

10.5 PERMITTING

OJRSA may issue a FOG Permit or other control document to FOG Generators and Hauled Waste Transporters 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.

10.6 FOG GENERATOR ADMINISTRATIVE REQUIREMENTS

- A. Best Management Practices
1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive discharges of FOG to the public sewer and to ensure proper performance of FOG Control Devices (FCD).
 2. 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 signage posted at sinks (e.g., “Hand Washing Only,” “Scrape Plates before washing,” “No Fats, Oils, or Grease,” etc.); having proper sink, floor sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Container; and establishing procedures for observing and approving all maintenance activities that require access to the FCD.
 3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.
- B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with established limits and standards. Requirements and details for FCD are found in the *OJRSA Development Policy*. In some circumstances, FOG Traps or Hydromechanical FOG Devices (HFD) may be allowed if:
1. It is determined by OJRSA that a FOG Trap or HFD provides adequate control due to site specific conditions; and/or
 2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor impractical and/or unserviceable.
- C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator’s expense. It is the FOG 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 FCD. The FOG Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of the disposal.
- D. FOG Generators required to install new or replacement devices shall request and complete a Food Service Establishment Questionnaire as provided by OJRSA. The survey, along with the FCD specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the FOG

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- 2965 Generator, the OJRSA will provide a written determination of the required FCD prior to installation. Addi-
 2966 tionally, the survey will be considered a request to discharge to the OJRSA system. Approval must be
 2967 granted by OJRSA prior to connecting the device to the public sewer.
- 2968 E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and
 2969 installation of any FCD.
- 2970 F. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to
 2971 OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well
 2972 as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business days
 2973 and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed
 2974 by an OJRSA Authorized Representative. Prior to commencement of construction or installation, the FOG
 2975 Generator shall secure applicable local building, plumbing, and other permits.
- 2976 G. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD and piping
 2977 to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify
 2978 the local building inspector if the installation does not meet the requirements of this Regulation.
- 2979 H. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without
 2980 written approval from an OJRSA Authorized Representative. The design and installation instructions for the
 2981 OJRSA are set forth in the *OJRSA Development Policy*.
- 2982 I. Automatic FOG Traps – After June 30, 2023, any change of ownership of an existing FSE or FSE reopening
 2983 for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device
 2984 and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device a unit ap-
 2985 proved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this
 2986 Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages
 2987 in the conveyance system, etc.), then the device shall be replaced with a FOG Trap, Hydromechanical FOG
 2988 Device, or FOG Interceptor that complies with these Regulations.
- 2989 J. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is
 2990 able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the
 2991 cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.
- 2992 K. For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA,
 2993 such document shall be signed by:
- 2994 1. The Owner, or
 - 2995 2. General Manager; or
 - 2996 3. Manager, or
 - 2997 4. A specified individual authorized in writing by one of the above with the authority to bind the FOG
 2998 Generator and to make representations to OJRSA on the FOG Generator's behalf.

2999 **10.7 FOG GENERATOR CLASSIFICATIONS**

3000 OJRSA has established the following classifications for FOG Control Devices:

- 3001 A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-
 3002 by-case basis.
- 3003 B. Facilities that provide dining space and vending machines with no food preparation other than microwave
 3004 ovens and the like will be evaluated on a case-by-case basis.
- 3005 C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) FOG
 3006 Trap or Hydromechanical FOG Device that meets minimum efficiency and installation requirements neces-
 3007 sary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG**
 3008 **GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
 - 3009 1. Facilities without a ventilation hood system or filter as required by SC Department of Agriculture
 3010 R61-25 (Retail Food Establishments);

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- 3011 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-
 3012 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-
 3013 ing ware with very limited culinary washing;
- 3014 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
 3015 4. Coffee Shops (small);
 3016 5. Ice Cream Shops;
 3017 6. Frozen Yogurt Shops;
 3018 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
 3019 8. Doughnut Shops with baking only (no mixing of ingredients or frying);
 3020 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
 3021 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-
 3022 ing, and number of meals served);
 3023 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary
 3024 cleaning, number of meals served, and frequency meals are served);
 3025 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-
 3026 4)).
- 3027 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required
 3028 by SC Department of Agriculture R61-25 (Retail Food Establishments), then they will be considered at least
 3029 a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hydrome-
 3030 chanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all effi-
 3031 ciency and installation requirements necessary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION**
 3032 **SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
- 3033 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
 3034 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-
 3035 ing, and number of meals served);
 3036 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary
 3037 cleaning, number of meals served, and frequency meals are served);
 3038 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-
 3039 sons);
 3040 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)
 3041 persons);
 3042 6. Doughnut Shops with on-premises frying;
 3043 7. Coffee Shops (large);
 3044 8. Caterers;
 3045 9. Convenience Stores serving food (with or without fuel pumps);
 3046 10. Supermarket/Grocery Stores;
 3047 11. Hotels with Kitchens as stated in OJRSA SUR 10.3(D); and
 3048 12. Multi-Family Developments as stated in OJRSA SUR 10.3(C)(1) and (2) (under certain conditions and
 3049 as justified by calculation requirements and approved by OJRSA).
- 3050 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A
 3051 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet
 3052 all efficiency and installation requirements necessary for this class. **REQUIRES SC LICENSED REGISTERED**
 3053 **ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE**
 3054 **CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
- 3055 1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-
 3056 five (65) persons);
 3057 2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to
 3058 sixty-five (65) persons); and
 3059 3. Multi-Family Developments as stated in OJRSA SUR 10.3(C)(1) and (2) (under certain conditions and
 3060 as justified by calculation requirements and approved by OJRSA)

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- 3061 F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC**
 3062 **LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING.**
 3063 **OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
- 3064 1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run opera-
 3065 tions.
 - 3066 2. Multi-Family Developments as stated in OJRSA SUR 10.3(C)(1) and (2).
- 3067 G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LI-**
 3068 **CENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION**
 3069 **SHEET AS APPROPRIATE TO APPLICATION.**
- 3070 1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable por-
 3071 tions of the Sewer Use Regulation.
 - 3072 2. Others as appropriate.

3073 10.8 FOG CONTROL DEVICE DESIGN AND INSTALLATION REQUIREMENTS

- 3074 A. General Requirements
- 3075 1. No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
 - 3076 2. Garbage grinders are strictly prohibited where FCD are required.
 - 3077 3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.
- 3078 B. General FCD Requirements
- 3079 1. All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regula-
 3080 tions and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the
 3081 specifications detailed in the *OJRSA Development Policy*.
 - 3082 2. OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance
 3083 and condition and may require repairs to, modifications, or replacement of FCDs as such.
 - 3084 3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA
 3085 may provide a sizing calculation sheet for the FCD.
- 3086 C. FOG Trap Requirements
- 3087 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION
 3088 10.7.
 - 3089 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
 - 3090 3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required
 3091 flow and grease capacity.
 - 3092 4. *Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are*
 3093 *prohibited in accordance with OJRSA SUR 10.6(I).*
 - 3094 5. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:
 3095 (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;
 3096 (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit
 3097 (140°F);
 3098 (c) Acidic or caustic cleaners (e.g., lye or root killer);
 3099 (d) Fryer oil or grill trap FOG waste; and
 3100 (e) FOG Control Additives (as defined in SECTION 3.3).
- 3101 D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall
 3102 be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG de-
 3103 vices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Intercep-
 3104 tors.”
- 3105 E. FOG Interceptor Requirements
- 3106 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION
 3107 10.7.
 - 3108 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.

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- 3109 3. The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.¹
- 3110 4. All FOG Interceptors shall be adequately secured against unauthorized access.
- 3111 5. All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
- 3112 6. Discharge of, or addition of, the following materials are strictly prohibited from disposal to an in-
- 3113 ground FOG Interceptor:
- 3114 (a) Acidic or caustic cleaners (e.g., lye or root killer); and
- 3115 (b) FOG control additives (as defined in SECTION 3.3).

10.9 MAINTENANCE REQUIREMENTS

- 3116 **A.** The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements
- 3117 as stated within this Section based on changes in operation, business hours, equipment, menu options,
- 3118 seating capacity, etc.
- 3119 **B.** If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased
- 3120 cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the
- 3121 contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the
- 3122 costs associated with repairing the system in accordance with SECTION 5.11 RECOVERY OF PREVENTATIVE EX-
- 3123 PENSES and SECTION 9— Enforcement.
- 3124 **C.** FOG Traps
- 3125 1. **FOG TRAPS SHALL BE MAINTAINED ON A FREQUENCY FOR THE PROPER FUNCTION OF A FOG**
- 3126 **TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE BASIS;**
- 3127 **USING THE “25% RULE”² OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN**
- 3128 **THE EFFLUENT AFTER PASSING THROUGH THE DEVICE³; HOWEVER, CLEANING SHALL NOT EXCEED**
- 3129 **TWENTY-ONE (21) CALENDAR DAYS.**
- 3130 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.
- 3131 These records shall be maintained in accordance with SECTION 10.4.
- 3132 **D.** Hydromechanical FOG Devices
- 3133 1. **HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER’S**
- 3134 **RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A**
- 3135 **HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE**
- 3136 **DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS;**
- 3137 **HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED**
- 3138 **BY MANUFACTURER’S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRIT-**
- 3139 **TEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.**
- 3140 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These
- 3141 records shall be maintained in accordance with SECTION 10.4.
- 3142 **E.** FOG Interceptors
- 3143 1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS**
- 3144 **UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO**
- 3145 **CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REG-**
- 3146 **ULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EF-**
- 3147 **FLUENT AFTER PASSING THROUGH THE DEVICE⁴.** A reduced cleaning frequency may be granted on
- 3148 a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as
- 3149

¹ As stated in the International Plumbing Code.

² To calculate the 25% Rule value, you use the following formula: [(avg. inlet grease layer + avg. inlet solids layer) ÷ total water depth] x 100. For example, if the average inlet grease layer is 8.67 inches, the average inlet solids layer is 4.33 inches, and the total water depth is 45 in, the 25% Rule value would be 28.89%, which is above the 25% threshold and the cleaning frequency should be adjusted appropriately.

³ “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

⁴ “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

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3150 stated with the functions of Section 10.10(E), that performed the cleaning and inspection to docu-
 3151 ment proof that a reduced cleaning frequency will meet the requirements of this Regulation. Mod-
 3152 ified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals
 3153 exceed six (6) months.

- 3154 2. The following FOG Interceptor maintenance activities must be performed:
- 3155 (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top
 3156 grease layer when the total accumulation of surface FOG (including floating solids) and set-
 3157 tled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for
 3158 more information) of the FOG Interceptor's inlet liquid depth if before the quarterly pump
 3159 out requirement. Top skimming, decanting, or back-flushing of the device, its contents, sep-
 3160 tage waste, solids, water, or other materials back into the FOG Interceptor for the purpose
 3161 of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating
 3162 water from FOG shall not discharge separated water into the FOG Interceptor or into the
 3163 wastewater conveyance system.
- 3164 (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls
 3165 and baffles.
- 3166 (c) Failure to meet these requirements shall result in enforcement actions as set forth in SEC-
 3167 TION 9 of this Regulation.
- 3168 3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or
 3169 contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other
 3170 debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that
 3171 ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the pri-
 3172 vate sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste
 3173 Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted
 3174 into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility
 3175 to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required
 3176 on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION
 3177 9.6 and/or OJRSA Schedule of Fees.

10.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS

3178 Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

- 3179 A. Comply with requirements in SECTION 10.9.
- 3180 B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- 3181 C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste
 3182 Transporter.
- 3183 D. Be responsible for determining the nature of the waste and completing a manifest before transport. A com-
 3184 pleted FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the
 3185 FOG Generator. The record must include the name, address, and phone number of the FOG Generator
 3186 company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other
 3187 material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date
 3188 of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should
 3189 be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- 3190 E. Perform the following activities:
- 3191 1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load
 3192 of FOG waste to the disposal site.
- 3193 2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.
 3194 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must
 3195 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues
 3196

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- 3197 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-
 3198 cation.
- 3199 3. Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain
 3200 certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler
 3201 or plumber hires a new employee in the period between training offerings by the OJRSA, then they
 3202 must make arrangements with OJRSA to obtain the training before performing an inspection. When
 3203 the next regular scheduled class is held, then the new employee will be subject to this training as
 3204 well in order to meet the training requirement set by OJRSA.
- 3205 4.

3206 **10.11 FEES**

3207 Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste
 3208 Transporters as stated in the *OJRSA Schedule of Fees*.

3209 **10.12 COMPLIANCE ENFORCEMENT**

- 3210 A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance
 3211 with any of the requirements set forth in this Regulation may result in the initiation of enforcement action.
 3212 Violations of these provisions are subject to the enforcement provisions contained in SECTION 9 of the Reg-
 3213 ulation, which may include administrative and civil penalties. In addition, fines assessed for violations in-
 3214 volving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance ex-
 3215 penses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage
 3216 removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation,
 3217 costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer,
 3218 may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 9.12(E).
- 3219 B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this
 3220 Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated com-
 3221 pliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause
 3222 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG
 3223 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to
 3224 increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance
 3225 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the
 3226 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-
 3227 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA
 3228 at least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for
 3229 failure to comply, additional time required for compliance, and steps taken to avoid further delays.
- 3230 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-
 3231 porter to demonstrate compliance
- 3232 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary
 3233 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-
 3234 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the
 3235 sewer line, and other enforcement actions set forth in SECTION 9 of this Regulation.
- 3236 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement
 3237 action.

3238 **10.13 REQUESTS FOR VARIANCE**

- 3239 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained
 3240 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)

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calendar days of the FOG 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.

- B. Conditional maintenance variances may be granted at the discretion of the Executive Director or his/her designee 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 Best Management Practices, monitoring requirements (or additional 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 conveyance system, public sewer, or treatment facility is evident. Requests for variances regarding a reduction in cleaning frequency are to be made through the following procedure:
1. The FOG Generator must request in writing a reduction of its FCD cleaning frequency using the FOG Variance Request Form.
 2. All work associated with the variance request is to be performed at the FOG Generator's expense and must be paid prior to conducting the inspection, sampling, and/or analysis in accordance with the OJRSA Schedule of Fees.
 3. OJRSA will perform an evaluation of the facility and the capability of the FCD to determine if a reduction in cleaning is merited. The evaluation will include but not necessarily be limited to the following:
 - (a) A site visit to evaluate the facility's potential contributions to FOG in the collection system.
 - (b) Inspection, sampling, and/or analysis of the discharge from the FOG Generator's facility will be conducted by OJRSA to determine the effectiveness of the FCD and the contribution of the FOG Generator to FOG in the sewer system.
 - (c) During the sampling and/or inspection, OJRSA will use methods to ensure that the FCD is not tampered with. OJRSA reserves the right to install tamperproof equipment on the device to ensure the integrity of the sampling/inspection, such as lock, tape, etc.
- C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be considered and approved for installation at a FOG Generator. The alternative FCD must control FOG discharges from the User and be maintained as outlined in this Regulation. Items that may be considered in this determination will be footprint of existing buildings, location of property boundaries, and a lack of room for an outside FOG Interceptor. Alternative FCDs shall not be considered for new building construction.
- D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical restrictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.
- E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

Section 11 – Hauled Waste Acceptance

11.1 AUTHORITY AND GENERAL CONDITIONS

- A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Additionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area when it is determined that:
1. 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.
 2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed of at OJRSA facilities; or

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- 3286 3. There has been an emergency declaration by the President of the United States (or by a federal
 3287 agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has
 3288 determined that the hauled waste from outside of the OJRSA service area will not impact the treat-
 3289 ment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If
 3290 it is determined the OJRSA can accept such waste, then the Executive Director shall establish a
 3291 maximum amount of waste that can be accepted from such areas each day. The acceptance of such
 3292 waste under these circumstances, as well as the daily limits for such waste, may be altered,
 3293 amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- 3294 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic
 3295 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-
 3296 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-
 3297 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to
 3298 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from
 3299 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the
 3300 wastewater treatment plant.
- 3301 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall
 3302 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3303 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance
 3304 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3305 E. Abuse of the above requirements stated in SECTION 11.1 shall result in actions as detailed in SECTION 9.12.7.
- 3306 F. All Haulers will be permitted annually by OJRSA.
- 3307 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record
 3308 must include the name, address, and phone number of the FOG Generator company; the name(s) of the
 3309 individual(s) performing the work, the volume of the wastewater and other material removed from the
 3310 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the
 3311 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspec-
 3312 tion.

3313 **11.2 SPECIFIC CONDITIONS OF ACCEPTANCE**

- 3314 A. Acceptance of Hauled Waste
- 3315 1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled
 3316 Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
- 3317 2. Hauled waste is only accepted on business days during the hours of operation as posted at the
 3318 OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the
 3319 acceptance of hauled waste during normal acceptance periods due to issues with the treatment
 3320 plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA
 3321 shall not accept waste outside of these hours except under the following conditions:
- 3322 (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System
 3323 directly or indirectly connected to the OJRSA's wholesale or retail system; and
- 3324 (b) The emergency must originate on public or common property owned, operated, and main-
 3325 tained by the Satellite Sewer System. Events that occur on private property are not consid-
 3326 ered an emergency per this Regulation. The OJRSA reserves the right to confirm all infor-
 3327 mation regarding the emergency with the registered agent(s) of the Satellite Sewer System.
- 3328 (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA*
 3329 *Schedule of Fees* shall apply.
- 3330 (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste
 3331 afterhours, including waste from onsite wastewater systems and septic tanks.
- 3332 3. Abuse of the above requirements stated in SECTION 11.2 shall result in actions as detailed in SECTION
 3333 9.12.7.

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3334 B. Septic Tank Waste

- 3335 1. Acceptance From Within OJRSA Service Area
- 3336 (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service
- 3337 area.
- 3338 (b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior ap-
- 3339 proval. Approval must be requested and granted in writing prior to discharge at OJRSA fa-
- 3340 cilities.
- 3341 (c) Sanitary wastewater from Nonresidential Users located outside the service area will not be
- 3342 accepted under any circumstances.
- 3343 (d) Loads mixed with Residential septic tank waste from inside and outside of the service area
- 3344 shall not be accepted without prior approval; however, mixed loads that may contain Non-
- 3345 residential septic tank wastewater from outside of the service area shall not be accepted
- 3346 under any circumstances.
- 3347 2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal
- 3348 at the treatment facility.
- 3349 3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to
- 3350 discharge at OJRSA facilities.
- 3351 4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Sched-*
- 3352 *ule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA
- 3353 service area.

3354 C. Portable Toilet Waste

- 3355 1. Acceptance From Within OJRSA Service Area
- 3356 (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
- 3357 (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged
- 3358 at OJRSA facilities without prior approval.
- 3359 (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not
- 3360 be accepted without prior approval.
- 3361 2. Portable toilet waste to be accepted must consist of sanitary waste only.
- 3362 3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, includ-
- 3363 ing septic tank waste, prior to discharge at OJRSA facilities.
- 3364 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-
- 3365 posal at the treatment facility.
- 3366 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*
- 3367 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the
- 3368 OJRSA service area.

3369 D. Beneficial Hauled Waste

- 3370 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled
- 3371 waste may be accepted at locations and under conditions set forth in an approval letter.
- 3372 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in
- 3373 writing to the attention of the OJRSA Regulatory Services Coordinator.
- 3374 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case
- 3375 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions
- 3376 and limitations may apply.
- 3377 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as
- 3378 a condition of acceptance of each designated beneficial hauled waste.

3379 E. Prohibited Wastes

- 3380 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
- 3381 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-
- 3382 tion to any facility connected to OJRSA facilities, including those that originate on private property
- 3383 (e.g., private sewers).

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- 3384 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-
3385 sidered hazardous under the RCRA regulations.

11.3 HAULED WASTE TRANSPORTER REQUIREMENTS

- 3386
3387 A. The contents of a Hauled Waste Transporter operated by a SCDES-licensed hauler of holding tank waste
3388 shall be discharged to the POTW only at a location approved by the Director. Such wastewater must have
3389 prior written approval of the Director before being discharged. The discharge of this waste shall be subject
3390 to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy of this
3391 letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed hauler
3392 shall provide the information requested as shown in the Regulation.
3393 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,
3394 as stated in appropriate sections of this Regulation.
3395 C. Only wastes originating within the OJRSA's service area may be accepted.
3396 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to
3397 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier
3398 than January 1 and an ending date no later than December 31.
3399 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-
3400 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-
3401 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic
3402 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-
3403 cludes the following signed certification statement, which must include a Wet Signature from the Author-
3404 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not
3405 the Waste Hauler):
3406

3407 **I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE PERFORMED APPROPRIATE**
3408 **INVESTIGATION TO ENSURE THAT THE WASTEWATER TO BE DISCHARGED IS FROM NO OTHER SOURCE**
3409 **THAN A SEPTIC TANK ORIGINATED IN OCONEE COUNTY OR WITHIN THE OJRSA SERVICE AREA, AND TO**
3410 **THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL, TOXIC MATERIAL, OR INDUSTRIAL**
3411 **MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY AD-**
3412 **VERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.**

11.4 INSPECTION AND MONITORING

3413 In accordance with SECTION 8.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination
3414 sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this
3415 Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording
3416 equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate doc-
3417 umentation or satisfy compliance requirements.
3418

11.5 FEES AND CHARGES

3419 Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA*
3420 *Schedule of Fees*. If approved for acceptance as stated in SECTIONS 11.1 and 11.2, then fees and charges for other
3421 forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-
3422 case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to dis-
3423 charge hauled waste at OJRSA facilities without proper payment of fees and charges.
3424

11.6 ENFORCEMENT

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3426 Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures
3427 that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in SECTION 9. En-
3428 forcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

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3429 **Section 12 – Severability**

3430 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent
3431 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-
3432 tinue in full force and effect.

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3433 **Section 13 – Conflict**

3434 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby
3435 repealed to the extent of such inconsistency or conflict.

RESOLUTION 2025-01

Amendment of the Financial and Accounting Policy

A RESOLUTION AMENDING THE FINANCIAL AND ACCOUNTING POLICY OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY; AND OTHER MATTERS RELATED THERETO.

NOW, THEREFORE, BE IT RESOLVED by the Oconee Joint Regional Sewer Authority Commission (the “Commission”), the governing body of the Oconee Joint Regional Sewer Authority, South Carolina (“OJRSA”) in a meeting duly assembled as follows:

Section 1 Findings. The Commission hereby makes the following findings of fact in connection with the adoption of this resolution (this “Resolution”):

- A. In providing for the management and control of OJRSA, the Commission adopted a formal policy regarding financial and accounting matters (the “Financial and Accounting Policy”) on August 7, 2023.
- B. The Commission has since determined it is in the best interest of OJRSA to amend and restate a portion of the Financial and Accounting Policy as set forth in this Resolution (the “Amendment”).

Section 2 Adoption. In accordance with the findings above, the Commission hereby adopts the Finance and Accounting Policy as set forth at Exhibit A.

Section 3 Effective Date. The Finance and Accounting Policy shall be effective immediately upon the adoption of this Resolution. All resolutions or policies (including former financial policies) that are in conflict with the provisions of this Resolution or the Financial and Accounting Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

Done and adopted by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 3rd day of February 2025.

Attest: _____

Kevin Bronson, Chairman
OJRSA Board of Commissioners

Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

Approved as to form:

Date: _____

Larry Brandt, OJRSA Attorney

<seal>

Exhibit A

Attached beginning on following page

DRAFT
For OJRSA Board
Consideration

OJRSA Financial and Accounting Policy
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DEFINITIONS, CONSTRUCTION, ACRONYMS, AND FORMAT

This Section of the *OJRSA Financial and Accounting Policy* contains definitions, acronyms, abbreviations, and formatting that are specific to this document. In addition, additional terms using initial capitals shall have meanings ascribed thereto in the body of this Policy.

DEFINITIONS

The following words, unless the context, custom or intent clearly indicates otherwise, shall mean:

Accounting Period means the OJRSA's Fiscal Year.

Annual Budget means a financial plan containing projected expenditures and resources covering a single Fiscal Year (July 1–June 30).

Authorized Signer shall mean the Board Chair (or acting Board Chair) and the Executive Director, acting individually or together, as applicable.

Bond Counsel means, with respect to a particular issue of Bonds (as such term is defined in Section 4.1 hereof), either the law firm that served as bond counsel in connection with the issuance of such Bonds, or any other nationally recognized firm of attorneys experienced in the field of municipal bonds whose opinions as to federal income tax matters are generally accepted by purchasers of municipal bonds.

Capital Improvement Fund means the Projects & Contingency Fund, as well as other funds or accounts that may be created in accordance with SECTION 2.4.

Capital Projects means, in accordance with Generally Accepted Accounting Principles, construction, renovation, or replacement projects for an existing facility or facilities of the OJRSA sewer utility system which extend the life of the system, or the purchase of an asset or equipment, to include software, with a useful life exceeding a year.

Cash Basis of Accounting means the method of accounting utilized by OJRSA, pursuant to which revenues and expenditures are recorded when actual payments are received or disbursed.

Code means the Code Laws of South Carolina 1976, as amended.

Consumable means items not included in the definition of Inventory and are not replaced or are finished in a process, such as janitorial items, toilet paper, batteries, light bulbs, and gloves. Consumables are usually discarded when they have failed. Consumables do not include fuels, oils, or lubricants purchased or stored in any size vessel.

Contract means any type of binding agreement, regardless of the title.

Days Operating Cash on Hand shall have the meaning ascribed thereto in Section 2.10(H) herein.

Debt Service means for the period in question, the total cash required to pay back debt obligations calculated by totaling the periodic interest and principal payments coming due on a debt.

Debt Service Coverage Ratio means for any period of time, the ratio determined by dividing income available for Debt Service by the Debt Service for the given period.

De Minimis means something that is trifling or of little importance.

Employee has the meaning given such term in the then current version of the *OJRSA Employee Handbook*.

Executive Director means the Executive Director of OJRSA who serves as the chief administrative officer of the OJRSA.

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Extraordinary Event means an unprecedented event due to circumstances that are not under the control of management, is unusual in nature, and is infrequent in occurrence, such as a vehicle wreck, natural disaster, third-party damage, pandemic, federal government mandates, or other Act of God.

F&A Committee shall mean the OJRSA's Finance & Administration Committee.

Financial Signer shall mean the OJRSA's Office Manager.

Fiscal Year means the period of twelve calendar months, beginning on July 1 of each year and ending on June 30 of the following year, unless the same shall have been changed by OJRSA pursuant to the authorization contained in SECTION 2.1 hereof.

Full Accrual Basis of Accounting means a financial accounting method that allows an entity to record revenue before receiving payment for goods or services sold, and record expenses as they are incurred.

Generally Accepted Accounting Principles or GAAP means the collection of commonly-followed accounting rules and standards for financial reporting and measuring financial performance.

Insurance and Damage Reimbursement means the receipt of cash from an insurance company, governmental agency (such as FEMA), or other such organization that covers losses incurred as a result of an Extraordinary Event. Reimbursement could cover equipment, material, labor, infrastructure replacement, and other such expenses incurred by the agency.

Inventory means items used to replace a lost or damaged part of a machine, such as pulleys, couplings, and rotors used for pump components that are not capital assets as identified in Section 5.3. There are three (3) classifications of Inventory:

1. Vital: An item within critical equipment that, should it fail, will badly reduce or stop production or will harm OJRSA, a Person, or the community. These are typically items that have a long lead time to receive when ordered. Examples include spare pumps, motors, repair clamps, air release valves, and generators that are dedicated to specific applications.
2. Essential: An item that could cause a significant loss of production but will not endanger the safety of people or the environment. Examples include pump repair parts and common-size operating valves.
3. Desirable: An item that would not cause any problems if not on hand in the moment and are typically stocked by or can easily be fabricated by vendors. Examples include bearings, gauges, and belts.

IRS Code means United States Internal Revenue Code of 1986, as amended.

Joint Authority Act means in the South Carolina Joint Authority Water and Sewer Systems Act, which is codified at Title 6, Chapter 25 of the Code.

Lab Chemicals means items not included in the definition of Inventory and are solid, liquid, or gaseous chemicals and associated labware used for compliance monitoring or process control in the OJRSA laboratory, such as pH solution, acids, sodium hydroxide, and *E. coli* bottles.

Limited Signer shall mean the F&A Committee Chair and Operation and Planning Committee Chair. These individuals shall possess all authority described in Section 3.4 herein.

Member Cities means the municipalities of Seneca, Walhalla, Westminster.

Person means any corporate organization (including, without limitation, corporations, limited partnerships, and limited liability companies), business, individual, union, committee, club, other organization, or group of individuals.

Personal Property means any property besides land that is owned by OJRSA.

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Policy means these financial policies of OJRSA, as approved by the Board and as amended from time to time.

Process Chemicals means items not included in the definition of Inventory and are liquid or gaseous chemicals used solely for the purpose of treating wastewater and biosolids that is purchased in individual bulk quantities greater than fifty (50) gallons or one hundred (100) pounds, such as chlorine gas, sodium hypochlorite, sodium bisulfite, peracetic acid, and liquid polymer. Process Chemicals do not include chemicals purchased in bags (such as lime or dry polymer) or fuels, oils, or lubricants purchased or stored in any size vessel.

Real Property means any land, all things attached thereto, and all improvements made thereto including buildings and structures located thereon.

Regulations means United States Department of the Treasury Regulations unless otherwise stated.

Responsible Official means the Executive Director, or such other responsible official designated by the OJRSA Board who is responsible for OJRSA's compliance with the policies and procedures set forth in Section 4 of this Policy and any Tax Certificate to be entered into by OJRSA. The Responsible Official may from time to time delegate certain of the responsibilities to be performed by other members of the staff of OJRSA, acting under the general supervision and direction of the Responsible Official.

Retail Impact Fund means the fund operated pursuant to Section 3.03, which is funded by impact fees collected and expended pursuant to Title 6 Chapter 1 Article 9 (DEVELOPMENT IMPACT FEES) of the South Carolina Code of Laws 1976, as amended and *OJRSA Impact Fee Policy*.

Retail means, in reference to OJRSA's wastewater treatment and/or conveyance system, the portion of the wastewater collection system, trunk sewer, and/or treatment plant where OJRSA is the sole wastewater utility providing services to the end user.

Sinking Fund means a fund established by OJRSA for the purpose of accumulating revenue over a period of time to fund a future Capital Project, or repayment of long-term debt.

Surplus Property means OJRSA-owned real or personal property with remaining useful life that has no reasonable expectation of future use within the purposes of OJRSA.

Tax Agreement means the agreement entered into by OJRSA with respect to each Bond or series of Bonds setting forth obligations intended to maximize the likelihood that all applicable post-issuance requirements of IRS Code to preserve the tax-exempt or tax-advantaged status of such Bonds.

Wholesale Impact Fund means the fund operated pursuant to Section 3.03, which is funded by impact fees collected and expended pursuant to Title 6, Chapter, 1 Article 9 (DEVELOPMENT IMPACT FEES) of the Code and *OJRSA Impact Fee Policy*.

Wholesale means, in reference to OJRSA's wastewater treatment and/or conveyance system, the portion of OJRSA wastewater trunk sewer and/or treatment system that serves the Member Cities, as well as the Town of West Union.

CONSTRUCTION

In this Policy, unless the context otherwise requires:

- A. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Policy.
- B. The terms "hereby," "hereof," "hereto," "herein," "hereunder," and any similar terms refer to this Policy, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before the date of adoption of this Policy.
- C. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.
- D. Shall is mandatory and requires compliance. May is permissive.

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ACRONYMS AND ABBREVIATIONS

ACH: Automated Clearing House
 Board: Board of Commissioners of Oconee Joint Regional Sewer Authority
 ACFR: Annual Comprehensive Financial Report
 EMMA: Electronic Municipal Market Access
 FEMA: Federal Emergency Management Agency
 FDIC: Federal Deposit Insurance Corporation
 FINRA: Financial Industry Regulatory Authority
 GAAP: Generally Accepted Accounting Principles
 GASB: Government Accounting Standards Board
 GFOA: Government Finance Officers Association
 IRS: United States Internal Revenue Service
 LGIP: South Carolina Local Government Investment Pool
 OJRSA: Oconee Joint Regional Sewer Authority
 VCAP: Internal Revenue Service's Voluntary Closing Agreement Program
 SCDAH: South Carolina Department of Archives and History or any successor agency
 WOMSS: Work Order Maintenance Software System

DOCUMENT FORMAT

This policy contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Financial and Accounting Policy*.

BOLD CAPITAL LETTERS	Important point of emphasis
<u>Dashed Underline</u>	Name of a form to use for documenting a task referenced in the document
<i>Italic 'Cambria Math' Font</i>	<i>Mathematic or chemistry formula</i>
<i>Italics</i>	Title of books, manuals, and other documents
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
<u>Underlined Italics</u>	A note of caution or warning

SECTION 1 – PURPOSE AND ADOPTION

Oconee Joint Regional Sewer Authority (“OJRSA”) has developed and adopted a comprehensive set of financial policies that are consistent with the Board of Commissioners of Oconee Joint Regional Sewer Authority’s (the “Board”), as the governing body of OJRSA, goals and objectives. This *OJRSA Financial and Accounting Policy* (this “Policy”) is an integral part of the development of service, providing of capital, and establishing of financial plans and the Annual Budget. This Policy provides the basis for decision-making and ensure the OJRSA’s ongoing financial stability.

The Policy shall become effective in accordance with OJRSA Resolution 2025-01. All resolutions or policies (including former financial policies) that are in conflict with the provisions of the approval resolution or the Policy adopted thereby (as amended) are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

SECTION 2 – FINANCIAL MATTERS

2.1 FISCAL YEAR

OJRSA shall be operated on a Fiscal Year basis, which shall commence on the first (1st) day of July of each year and shall end on the thirtieth (30th) day of June of the following year. OJRSA may, by resolution duly adopted by the Board, change the Fiscal Year at any time from that now existing to a different twelve (12) month period.

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2.2 UNRESTRICTED FUNDS AND ACCOUNTS

OJRSA maintains two unrestricted (2) accounts or funds, which are collectively referred to within this Policy as the "Unrestricted Fund." These accounts are utilized to fund the general operation and maintenance of the Wholesale and Retail systems.

The Unrestricted Fund is used to receive revenue and pay expenses associated with the Annual Budget, which may include capital expenditures as approved by the Board. The Unrestricted Fund is comprised of the following two funds:

- A. Wholesale Operations & Maintenance Fund. The banking and investment account used to pay for normal operating business expenses associated with the Wholesale wastewater conveyance and treatment system.
- B. Retail Operations & Maintenance Fund. The banking and investment account used to pay for normal operating business expenses associated with the Retail wastewater conveyance and treatment system. All revenues collected from the Retail system must remain in this fund and cannot intermingle with other OJRSA funds except as necessary for operating shared assets, such as the Coneross Creek Water Reclamation Facility, which is OJRSA's wastewater treatment plant.

2.3 RESTRICTED FUNDS AND ACCOUNTS

OJRSA maintains three (3) restricted bank accounts, each with a specific purpose as detailed below, where the funds can only be used for those purposes which they were collected and/or designated by the Board. Within this Policy, these funds may be collectively referred to as "Restricted Funds."

Expenditures from these funds are strictly limited to the mandates of each fund and can only be made upon Board approval. Restricted Fund revenues or fund balance are not to be used to subsidize other funds, except as required or permitted by this Policy.

- A. Wholesale Impact Fund. The banking and investment account to be used for the renovation, modernization, and expansion of Wholesale system. Such fund shall be managed in a manner consistent with SECTION 2.6(F) of this Policy.
- B. Retail Impact Fund. Banking and investment account to be used for the renovation, modernization, and expansion of OJRSA retail system including the:
 1. Coneross Creek Water Reclamation Facility,
 2. Construction of new treatment facilities, and
 3. Conveyance system.
- C. Capital Projects Fund. This fund is used as a reserve fund for:
 1. Capital Projects,
 2. Unexpected expenses or emergency repairs that were not included in the Wholesale Operations and Maintenance Fund and Retail Operations and Maintenance Fund for a Fiscal Year,
 3. The restoring or replacing of depreciated or obsolete properties of the system, and
 4. Other purposes as recognized by the Board.

2.4 CREATING AND CLOSING ADDITIONAL ACCOUNTS

The OJRSA may create and close additional special fund accounts as necessary, such as when funding a special project. The Board shall determine if such accounts are Unrestricted Funds or Restricted Funds.

2.5 ANNUAL BUDGET

- A. The Annual Budget is the vehicle through which the Board authorizes OJRSA to fund operations during a Fiscal Year for specific purposes and which establishes the economic resources that are required to support these activities. The Annual Budget, which is required by South Carolina law, is a fiscal, planning, and policy document, reflecting the allocation of limited revenues among diverse uses.
- B. Citizen input into decisions relating to revenues will be solicited during the budget public hearing process and will be made available for public review prior to consideration by the Board. Best efforts shall be made for the proposed Annual Budget is to be presented to the Board for its consideration no later than the first scheduled

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Board meeting in May. The Annual Budget shall be approved by the Board by no later than June 30 of each year. Notice of the adoption of the Annual Budget will be provided in accordance with the provisions of South Carolina law.

- C. Budgets shall be prepared using the Cash Basis of Accounting at the department level and provide the basis for the OJRSA's financial management system. The adopted Annual Budget shall constitute the maximum expenditure authorization for a given fund and can be amended only by action of the Board.
- D. In drafting the Annual Budget and identifying multi-year costs, the expenditures shall be prioritized in accordance with the following:
 - 1. Maintenance or installation of devices, equipment, and systems that ensure a safe working environment for Employees and the public;
 - 2. Maintenance or installation of infrastructure or appurtenances to remain in compliance with applicable permits, laws, and regulations; and
 - 3. Installation of equipment and/or programs that reduce operating costs, such as increased utilization of technology, equipment, and proven business methods.
- E. The Executive Director will monitor the financial condition of OJRSA and estimate present and future financial needs. It will be the duty of the Executive Director to take action to bring the budget into balance if adjustments are needed in the course of a Fiscal Year. The Executive Director will provide monthly summary reports and detailed quarterly reports to the Board covering the operating results of OJRSA compared to the budget and prior year performance. All excess revenue collected by OJRSA that exceeds the projected budget revenue figure from a specific revenue category must be reported to the Board on a monthly basis.
- F. Department heads will be accountable for the implementation of department budgets in a manner that accomplishes the programs and objectives for which the budgets were authorized and ensuring that their respective budgets stay within the prescribed funding levels.
- G. Departments must adhere to the Annual Budget by each major expense category of personnel, operating, and capital. Budget transfers or shifts in departmental budgets must be authorized by the Executive Director, provided that overall budget appropriations do not change without the approval of the Board.
- H. OJRSA will operate on a current funding basis which means expenditures shall be budgeted and controlled so as not to exceed current revenues plus the planned use of fund balances accumulated through prior years.
- I. Operating revenues shall be equal or greater than operating expenses. Revenues will be estimated based on actual revenues during the last twelve (12) months in conjunction with rate adjustments, cost-of-service projections, and any projected customer growth approved by the OJRSA Board on an annual basis. All other revenues will be based on actual revenues during the last twelve (12) months (adjusted for any Extraordinary Events).
- J. Expenses will generally be based on actual expenses during the last twelve (12) month period, and as necessary a cost-of-living factor (adjusted for any Extraordinary Events). Labor expenses will primarily be based on the current level of Employees, a cost-of-living adjustment as necessary, and any anticipated merit-based salary adjustments determined by the Executive Director and approved by the Board. All other expenses will be based on last twelve (12) months (adjusted for any Extraordinary Events).
- K. All operations are expected to be self-supporting. OJRSA will conduct an annual review of fee structures, charges for services, and other operating revenues and expenditures.
- L. Multi-year operating cost projections shall be prepared and updated each year to identify the impact of current decision making on future resources.
- M. For purposes of this Policy, the Cash Basis of Accounting is used in defining revenues and expenditures.
- N. OJRSA will make every effort to maximize any discounts offered by creditors/vendors.

2.6 REVENUES

- A. OJRSA will maximize and diversify its revenue base to raise sufficient revenue to support essential agency services and to maintain services. OJRSA must be sensitive to the balance between the need for services and the Member Cities' ability to raise fees to support those services.
- B. OJRSA shall conservatively estimate annual revenue increases.
- C. All surpluses above the budgeted revenue estimates will be available to OJRSA for appropriation through the

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agency's budget monitoring and approval processes. Additional appropriations will be used for activities that support the function or program generating the additional fees.

- D. Revenue shortfalls requiring the utilization of Restricted Fund resources will result in a current appropriation level reduction. In the event of a current Fiscal Year projected total revenue shortfall, OJRSA will document other offsetting revenues or reduce its Annual Budget within the regular budget monitoring process. **TRANSFERS FROM THE RESTRICTED FUND BALANCE TO COVER REVENUE SHORTFALLS IN THE RESTRICTED FUNDS SHALL NOT OCCUR WITHOUT BOARD AUTHORIZATION.**
- E. Whenever possible, OJRSA will maintain a diversified and stable revenue base to reduce the effects of short-term fluctuations in any one revenue source.
- F. The Wholesale Operations and Maintenance Fund and the Retail Operations and Maintenance Fund shall be self-supporting. The Board will establish all user fees at a level related to the full costs (operating, direct, indirect, and capital) of providing the service. The Board will review these fees and charges annually in the Annual Budget process and target rates that meet the cost to provide the service.
- G. Charges for services that benefit specific users should recover full costs, including all direct costs, overhead, loss of earned interest, and depreciation on capital assets. When applicable for determining OJRSA costs, current Federal Emergency Management Agency (FEMA) Rate Schedules may be used, as well as the cost to rent comparable equipment needed to complete a function.
- H. Restricted Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than Debt Service or capital projects.
- I. One-time resources such as proceeds from asset sales, debt refinancing, one-time grants, revenue spikes, budget savings, and similar non-recurring revenue shall not be used for current or new ongoing operating expenses without the approval of the Board. Appropriate uses of one-time resources include:
1. Rebuilding Unrestricted Fund reserves (fund balance);
 2. Establishing or rebuilding the Capital Projects Fund;
 3. Early retirement of debt; and
 4. Funding capital expenditures and/or other non-recurring expenditures.
- J. OJRSA will actively seek grant funding to benefit both operating and capital expenditures. Prior to the acceptance of grant funding, an evaluation of the grant must determine the following:
1. The grant purpose is compatible with OJRSA program objectives;
 2. The benefits provided by the grant exceed the cost of administration;
 3. The grant does not commit OJRSA to long-term, unaccounted for expenditures after the completion of the grant period; and
 4. The cost and funding source to determine whether to continue the service when the grant period ends. The decision to continue to fund or drop the grant will be made prior to accepting the grant. Alternatively, OJRSA could choose to continue the service with other funding.

2.7 EXPENDITURES

- A. Expenses will generally be based on actual expenses during the last twelve (12) month period, and as necessary a cost-of-living factor (adjusted for any Extraordinary Events). Labor expenses will primarily be based on the current level of Employees with a cost-of-living increase and an improvement factor based on performance goals to be based annually. All other expenses will be based on last twelve (12) months (adjusted for any Extraordinary Events). An appropriate balance will be maintained between budget dollars provided for direct public services and dollars provided to assure good management and legal compliance. In addition to the Executive Director and the Board Secretary/Treasurer, all department heads share in the responsibility of understanding the agency's long-term financial viability, its general spending trends, its projected incomes, and educating themselves, and Employees on the necessary short and long-term balance between revenues and expenditures.
- B. All operations are expected to be self-supporting entities. OJRSA will conduct an annual review of fee structures, charges for services, and other operating revenues and expenditures.
- C. The annual expenditures (operating budget minus capital outlay) shall not exceed the annual revenues.
- D. In extraordinary circumstances, the Board may approve the use of fund balance in lieu of rate increases, to

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cover non-recurring or capital costs.

- E. Before OJRSA undertakes any Contracts that would create fixed ongoing expenses, the cost implications of such Contracts will be estimated for current and future years with the aid of strategic financial planning models, when possible.

2.8 DEBT COMPLIANCE

- A. Adherence to this Policy will help assure access to the credit and capital markets and maintenance of the highest possible credit rating given the rating environment.
- B. Debt or bond financing shall not be used to finance operating expenditures.
- C. All bonds, notes, Contracts, accounts payable, and other monetary liabilities will be paid when due and shall have the most superior lien position during the allocation of resources in budget planning, as set forth in OJRSA's bond documents.
- D. Capital Projects, financed through the issuance of bonds or other means, shall be financed for a period not to exceed the expected useful life of the financed property.
- E. OJRSA will consider the use of lease-purchase financing for capital outlay of equipment and heavy vehicles having a useful life of at least three (3) years or more.²
- F. OJRSA shall maintain and collect rates and charges so that the income therefrom is reasonably expected to yield annual net earnings equal to at least the sum of one hundred twenty percent (120%) of the annual Debt Service requirements for all parity bonds outstanding. To assure that this requirement and the overall financial goals and objectives of OJRSA are met, the desired minimum targeted Debt Service Coverage Ratio for any given Fiscal Year shall exceed one hundred twenty percent (120%).
- G. OJRSA will establish an appropriate mix of bonded debt and pay-as-you-go financing in the funding of its Capital Projects.
- H. OJRSA seeks to minimize the protection from optional redemption given to bondholders, consistent with its desire to obtain the lowest possible interest rates on its debt. OJRSA bonds shall generally be subject to optional redemption. OJRSA seeks early calls at low or no premiums because such features have allowed it in the past to refinance debt more easily for Debt Service savings when interest rates dropped. OJRSA will annually evaluate optional redemption provisions for each issue to assure that OJRSA does not pay unacceptably higher interest rates to obtain such advantageous calls.
- I. OJRSA acknowledges its responsibility to meet its continuing disclosure obligations on a timely basis. The Executive Director and shall be authorized to provide any continuing disclosure materials on the OJRSA's behalf to the Municipal Securities Rulemaking Board's EMMA system or any other information repository; continuing disclosure materials include, but are not limited to, audits, annual financial reporting, event notices, voluntary events and third-party information. To the extent OJRSA is not in compliance with its continuing disclosure requirements, it will immediately undertake actions to become compliant.
- J. OJRSA may employ outside financial specialists to assist it in developing a bond issuance strategy, preparing bond documents and marketing bonds to investors. The key players in the OJRSA's financing transactions include Bond Counsel, financial advisor, underwriter(s) and OJRSA representatives (the Executive Director and other OJRSA representatives as may be appointed by the Executive Director). Other outside firms, such as those providing paying agent/registrar, trustee, credit enhancement, auditing, or printing services, are retained as required. The financing team will meet periodically or when necessary to review the overall financing strategy of the OJRSA and make recommendations to the Executive Director.
- K. Lease purchase financings may be considered before the use of Capital Improvement Fund (as described in SECTION 2.9 below) balance for capital equipment and fleet in conformance with governance documents.³
- L. As applicable, OJRSA may enter into Contracts with terms exceeding one (1) year so long as the Contract is subject to appropriation of available funds by OJRSA during its annual budget process.

² Leases are subject to requirements established the Joint Authority Act. OJRSA to consult with legal counsel prior to entering into any lease agreement as it may be considered as a debt that must be approved by the councils of the Member Cities.

³ Leases are subject to requirements established in the Joint Authority Act. OJRSA to consult with legal counsel prior to entering into any lease agreement as it may be considered as a debt that must be approved by the councils of the Member Cities.

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2.9 CAPITAL IMPROVEMENT PROGRAM

- A. OJRSA desires to create a ten (10) year financial forecast that will include projections for annual growth plus allowances for operating costs of new capital facilities. The forecast should be updated annually as part of the Annual Budget process. The forecast will provide the financial health of all major funds and assess the financial implications of current and proposed policies, programs, and assumptions. The forecast will include potential alternatives to improving the long-term financial health of the agency.
- B. The Board will establish a Capital Improvement Fund (a.k.a. the "Projects & Contingency Fund," as well as others that may be created in accordance with SECTION 2.4) and designate said funds for the implementation of Capital Projects. OJRSA will prepare and adopt a ten (10) year Capital Improvement Plan, which shall be reviewed annually with the Annual Budget and revised, as necessary, that will detail each Capital Project, the estimated cost, and funding source.
- C. Operating expenditures will be programmed to include the cost of implementing the Capital Improvement Plan as required.
- D. Capital Projects shall be completed and purchased on a regular schedule.
- E. Pursuant to South Carolina law and OJRSA's bond documents, and within the constraints of operating budgets, debt, including bonds and leases in compliance with SECTION 2.8 above, may be issued for the purchase of Capital Projects, including major renovations.
- F. An amount determined annually by the Board may be deposited into the Capital Improvement Fund from the Annual Budget.
- G. Facilities whose construction or acquisition results in new or substantially increased operating costs will be considered only after an assessment indicates a clear need for the project and resources for funding the increased operating costs are available.
- H. All proposals for the expenditure of capital funds will be formulated and presented to the Board within the framework of a general capital budget. Except in circumstances of any emergency nature, no consideration is given to the commitment of any capital funds in without a prior general review of all capital budget requirements.

2.10 DEPOSITORY AND INVESTMENT POLICY

- A. This Policy mandates pursuit of the following overall goals and objectives: all aspects of cash management operations shall be designed to ensure the absolute safety and integrity of OJRSA's financial assets; and the overall financial objective is to provide the highest possible income support to the OJRSA and present a very low risk of loss of principal. OJRSA's banking and investment policy is in conformance with all federal, state, and local governing legislation, the GFOA best practices and other legal requirements and applies to the depositing and investment of all funds, excluding the investment of Employees' retirement funds.
- B. When allowed, OJRSA will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration.
- C. The Board may elect to participate in the LGIP to acquire maximum returns on investments by pooling available funds with funds from other political subdivisions through the South Carolina Treasurer's Office as permitted by the Code. **INVESTMENTS SOURCED OUTSIDE OF LGIP SHALL BE PROPERLY COLLATERALIZED IN ACCORDANCE WITH SOUTH CAROLINA LAW WITH DOMESTICALLY OWNED SECURITIES.**
- D. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
- E. All investments shall be consistent with this Policy and consistent with GFOA policies and statements.
- F. The investment portfolio shall remain sufficiently liquid to meet all operating and accounts payable requirements that may be reasonably anticipated.
- G. At all times, OJRSA shall remain sufficiently liquid to meet cash flow requirements by matching investment maturities with forecasted cash flow requirements, investing in securities with active secondary markets, and maintaining appropriate portfolio diversification. Reserves and funds not required for the maintenance of a positive cash flow position within the next six (6) months (time deposits held in savings accounts or as certificates of deposits) will be maintained in accounts bearing the highest interest rates available to OJRSA, taking

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into account potential interest rate and credit risk, provided that such accounts are secured from risk as provided by law. Where practicable, such accounts will be structured to ensure availability of funds without incurring unnecessary penalties upon withdrawal. Where practicable, accounts should be structured to maximize FDIC coverage, and where FDIC coverage is not available, such excess funds shall be appropriately collateralized.

- H. The minimum balances have been established as follows:
1. Wholesale Operations and Maintenance Fund: One hundred twenty (120) days cash on hand;
 2. Retail Operations and Maintenance Fund: One hundred twenty (120) Days Operating Cash On Hand.
 3. "Days Operating Cash on Hand" shall be determined under the following formula:

$$= \frac{\text{Cash and Cash Equivalents} + \text{Nonrestricted Investments}}{((\text{Annual Operating Expense} - \text{Depreciation}) \div 365 \text{ Days})}$$
- I. To the extent FDIC insurance is not available, collateralization will be required on all demand deposit accounts, including checking accounts and non-negotiable certificates of deposit.
- J. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.
- K. Officers and Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
- L. The Executive Director or his/her designee is authorized to manage the investment portfolio.
- M. A list will be maintained by the Office Manager and Board Secretary/Treasurer of all financial institutions and depositories authorized to provide investment services for OJRSA.
- N. All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:
1. Proof of Financial Industry Regulatory Authority (FINRA) certification (not applicable to certificate of deposit counterparties).
 2. Proof of state registration.
 3. Certification of having read and understood and agreeing to comply with SECTION 2.10 herein.
 4. Evidence of adequate insurance coverage.

2.11 SURPLUS PROPERTY

- A. Surplus Property, which have little or no salvage value, considering the cost of disposing of same, such as older model computers and printers, may be offered to employees at nominal prices, as established by the department head upon the approval of the Executive Director, before other means of disposition are considered.
- B. Surplus Property with salvage value, but which are likely to bring little at a conventional auction, may be sold through an internet site such as www.govdeals.com or any other reputable internet site or auction service which the Executive Director or designated department head has determined will offer the most exposure to potential interested buyers, or which will likely result in the highest return for OJRSA.
- C. Surplus Property with trade-in value may also be traded-in to a dealer or vendor in exchange for, or toward the purchase of, items needed by a Department of OJRSA.
- D. Surplus Property may also be sold to, traded with or donated to other governmental entities, if such arrangement is determined by the Executive Director to be in the best interests of OJRSA.

SECTION 3– INTERNAL CONTROLS

3.1 ORGANIZATION REVIEW AND APPROVAL OF FINANCES

- A. The F&A Committee is tasked with reviewing and approving monthly and year-to-date financial reports. If the F&A Committee fails to meet to review, discuss, and approve reports, this function shall be performed by the full Board.
- B. Discussions regarding financial matters should be documented in the appropriate meeting's minutes.

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3.2 FINANCIAL

- A. Comparisons of budgeted and actual revenues and expenditures are made in monthly and year-to-date financial reports.
- B. When practical, compare results with actual year-to-date results from the same period in the prior year.
- C. Checks and payments made should have accompanying documentation when reviewed and signed.
- D. Invoices should be approved and signed off on (or initialed) before payment in accordance with the OJRSA Procurement Policy.
- E. Only original invoices should be paid to avoid duplication of payment.
- F. Have fidelity bond coverage to protect against losses caused by acts of fraud or dishonesty.

3.3 RECONCILIATION

- A. OJRSA shall utilize an independent firm knowledgeable in accounting to conduct monthly reconciliations of all OJRSA accounts.
- B. All reconciliations should be reviewed by the Executive Director.
- C. Reconciliation reports shall be presented by the Board Secretary/Treasurer to the F&A Committee or Board at a scheduled monthly meeting as stated in SECTION 3.1 above.

3.4 AUTHORIZED SIGNATORIES

Signatory authority and powers shall be limited to the individuals included in Table 1 below:

Table 1: Authorized signers for financial transactions and documents

Authority	Authorized Signers	Limited Signers	Financial Signer
Sign checks ⁴	Yes	Yes	No
Initiate stop payment orders ⁵	Yes	Yes	Yes
Make deposits at a bank branch	Yes	Yes	Yes
Withdraw cash and obtain cashier's checks ⁶	Yes	No	No
Perform bank branch and online transactions, including payments and wires	Yes	No	Yes
Perform bank account maintenance	Yes	No	Yes
Open and close bank accounts, and sign deposits and other legal financial documents	Yes	No	No
Other banking responsibilities not defined within this Table ⁷	Yes	No	Yes
Execute contracts and binding documents	Yes	No	No
Requisition and Purchase Order authorization	As stated in OJRSA Procurement and Disposal of Property Policy		
Purchase vehicles or equipment	As stated in OJRSA Procurement and Disposal of Property Policy		

3.5 PROCESSES AND PROCEDURES

- A. OJRSA should use prenumbered documents for easier tracking, such as purchase orders, invoices, and checks.
- B. Policies should be communicated throughout the staff and Board. Training should be conducted for all staff upon hiring and as policies change.
- C. OJRSA will establish and maintain accounting systems according to the Generally Accepted Accounting Principles (GAAP) and standards of the Government Accounting Standards Board (GASB).

⁴ Requires two signatures.

⁵ Requires two signatures.

⁶ Requires two signatures.

⁷ Until defined as policy by the Board.

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- D. An annual audit will be performed and completed no longer than six (6) months from the end of the prior Fiscal Year by an independent public accounting firm selected by the Board that will issue an official opinion on the Annual Comprehensive Financial Report (ACFR) with a management letter detailing areas that need improvement, if required.
- E. Full disclosure will be provided in the financial statements and bond representations.
- F. A management letter, the byproduct of an annual audit, shall be presented by the independent certified public accounting firm no later than sixty (60) days from issuance of OJRSA's ACFR.
- G. Financial systems will be maintained to monitor expenditures and revenues on a monthly basis with a thorough analysis and adjustment quarterly, if required.
- H. All revenue collections are the responsibility of the Executive Director or his/her designee.
- I. OJRSA will maintain an internal control system that safeguard assets and provide reasonable assurances (e.g., noting any changes in finance statements) for the proper recording of the financial transactions of OJRSA.

3.6 FINANCIAL SIGNER AUTHORITY

In addition to the signatory authority for the Financial Signer provided in Section 3.4 above, the Financial Signer shall have the authority to perform the following duties in regard to banking activities on a daily basis without prior or separate approval from an Authorized Signer or Limited Signer: (i) initiate stop payment orders; (ii) make deposits at a bank branch, including delegation of such function to records clerk, as needed or convenient; (iii) creating online payments, which are approved for payment online by the Authorized Signer; (iv) paying credit card bills online, includes transfer of funds. However, all such payments shall be approved via "OJRSA Electronic Payment Summary & Authorization" transmittal signed/approved by Authorized Signer; (v) selection, purchase, trade-in, and cancellation of legally authorized investments, as described and authorized herein, for all bank accounts; (vi) transfer of credit card payments to appropriate account due to software limitations of credit card service merchant; and (vii) segregation and distribution of fees to proper accounts when paid by a customer in a lump sum (e.g. payment of engineering, inspection, and connection fees with one (1) check. Payment is initially deposited into the permitting account (WIF), but requires segregation and further disbursement to Wholesale Operations & Maintenance Fund). Notwithstanding the foregoing, the Financial Signer shall inform an Authorized Signer of any of the foregoing actions in writing (include electronic mail) within one (1) business day of any of the authorized banking activities described herein.

SECTION 4 – TAX COMPLIANCE**4.1 TAX POLICIES**

SECTION 4 establishes the policies and procedures (the "Tax Policies") in connection with the issuance of tax-exempt and tax-advantaged obligations of OJRSA ("Bonds" or "Bond Issue") in order to maximize the likelihood that all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt or tax-advantaged status of such Bonds are satisfied. Capitalized terms used herein and not otherwise defined are intended to have the meanings given to such terms in the Internal Revenue Code of 1986, as amended (the "IRS Code") and the Treasury Regulations promulgated thereunder (the "Regulations").

SECTION 4 is intended to supplement the specific representations and covenants of OJRSA set forth in the tax certificate, tax regulatory agreement, or similar tax document ("Tax Agreement") executed by OJRSA in connection with the issuance of a particular issue of Bonds. The individual(s) identified below as responsible for particular compliance duties shall have read, and shall periodically review, the applicable provisions of each Tax Agreement that relate to such duties, and shall consult with Bond Counsel to the extent that the tax law requirements set forth in a Tax Agreement, or their application to the facts, are not clear. (The Board, in connection with Bond Counsel, may supplement this SECTION 4 from time to time with Exhibits setting forth specific timing requirements and other summary checklists relating to the compliance requirements of particular Bond issues.)

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4.2 RESPONSIBILITY

The Responsible Official shall provide a copy of these Tax Policies to OJRSA's auditors and shall instruct such auditors to report to the Responsible Official from time to time any matters the auditors believe relevant to the matters addressed herein.

4.3 TRAINING

OJRSA shall provide appropriate training to the Responsible Official and any other individuals responsible for carrying out compliance duties under SECTION 4 sufficient to enable such individuals to perform those duties. Training may include conference calls or meetings with Bond Counsel to report on issues and questions that arise from time to time in connection with SECTION 4 and for Bond Counsel to report on developments affecting the IRS Code and Regulations and their enforcement that may be relevant to the development and implementation of SECTION 4.

4.4 EXPENDITURE OF BOND PROCEEDS

Until all of the proceeds of a Bond issue have been spent (other than any proceeds deposited in a reserve fund or debt service fund), the Responsible Official shall periodically prepare a written record of the expenditures to date of all proceeds of the Bonds (an "Interim Expenditure Report"), noting any material departures in either timing or use from the original expectations for such expenditures set forth in the applicable Tax Agreement, as well as whether or not any applicable spending targets for arbitrage rebate exceptions have been met. The Responsible Official shall prepare the first such Interim Expenditure Report within six (6) months of the issuance of the Bond issue and at least every six (6) months thereafter until the delivery of the Final Expenditure Report described further below. In preparing such Interim Expenditure Reports, the Responsible Official shall consult as appropriate with Bond Counsel (including, among other things, as to the appropriate level of detail to be used in describing expenditures).

The Responsible Official shall be responsible for determining when all the proceeds of any Bond issue have been spent (other than those held in a reserve fund or debt service fund) and shall take steps to close out with reasonable promptness all project and similar funds holding proceeds of Bonds. If any proceeds together with investment earnings thereon (together, "Remaining Proceeds") remain after paying all expected costs of the projects financed, the Responsible Official shall consult with Bond Counsel as to possible ways to apply such proceeds and their investment and use, with the goal of spending all Remaining Proceeds as promptly as is required by law. Within sixty (60) days of the final expenditure or other disposition of all Remaining Proceeds, the Responsible Official shall prepare a written report (the "Final Expenditure Report") on the expenditure of all proceeds of the Bonds (inclusive of investment earnings), including the use of such proceeds and the schedule of such expenditures, together with any allocations or elections made in connection therewith. Such report also shall address whether rebatable arbitrage must be calculated and paid and on what schedule.

If a particular facility or improvement is only partially financed with proceeds of Bonds, the Responsible Official shall indicate in the report the percentages of each such facility or improvement attributable to equity, the proceeds of Bonds or other sources, including any permitted allocations or reallocations (which, to be valid, must be made within eighteen (18) months following the date the facility or improvement is first "placed in service" and in no event any later than the date sixty (60) days after the fifth (5th) anniversary of the issue date of the Bond issue in question).

4.5 REIMBURSEMENTS

The Responsible Official shall ensure that any use of Bond proceeds to reimburse OJRSA for expenditures made by OJRSA before the issue date of the Bonds in question either satisfies the following timing requirements or is covered by one of the exceptions described below:

- A. Date of Payment being Reimbursed. The expenditure being reimbursed was made no earlier than sixty (60) days before OJRSA adopted a reimbursement resolution that generally described the project to which the expenditure relates and that stated the maximum expected principal amount of the anticipated Bond issue. If no reimbursement resolution was adopted, the expenditure was made no earlier than sixty (60) days before the

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adoption of the bond resolution authorizing the issuance of the Bond issue in question.

- B. Date of Reimbursement. The reimbursement is made no later than eighteen (18) months after the date the related project is “placed in service,”⁸ and in any event no later than three (3) years after the date the expenditure that is being reimbursed was made.
- C. Exception for “Preliminary Expenditures.” The preceding timing restrictions do not apply to the reimbursement of “preliminary expenditures,” up to an amount that does not exceed twenty percent (20%) of the issue price of the Bond issue in question. “Preliminary expenditures” include architectural, engineering, surveying, soil testing, bond issuance costs, and similar “soft” costs incurred prior to the commencement of acquisition, construction, or rehabilitation of a project, but do not include land acquisition, site preparation, and similar costs incident to the commencement of construction.
- D. De Minimis Exception. The timing restrictions described above do not apply to the reimbursement of other costs that do not exceed the lesser of five percent (5%) of the proceeds of the Bond issue or one hundred thousand dollars (\$100,000). (This exception is in addition to the exception for “preliminary expenditures.”)

In addition, the Responsible Official shall ensure that moneys paid to OJRSA to reimburse prior expenditures are not used to create a Sinking Fund within a year of the reimbursement and shall consult with Bond Counsel as to any use of reimbursement payments to create any Sinking Fund.

4.6 USE OF BOND-FINANCED FACILITIES; LIMITS ON PRIVATE BUSINESS USE

OJRSA shall ensure that there is no threat to the tax-exempt or tax-advantaged status of any Bond issue resulting from impermissible “private business uses” of Bond-financed property. Such a threat could arise if more than ten percent (10%)⁹ of the property financed with the proceeds of a Bond issue is used in the trade or business of any person – including the federal government – that is not a state or local governmental entity. (Use by the general public does not constitute private business use.) “Use” for this purpose could result from the ownership or lease of Bond-financed property, from certain contracts to manage the property, from contracts to purchase the output of the property, or from arrangements that give a private party special legal entitlements with respect to the property (e.g., priority rights or other legal rights to control the use of the property).

The Responsible Official shall maintain accurate records of the property financed with the proceeds of each Bond issue, which records shall be updated at least once a year to reflect any conveyances or leases of any part of such property, as well as any management contracts with respect to the property, and any other arrangements involving any special legal rights with respect to the property (e.g., output contracts or naming rights). Such records shall determine at least once a year whether the aggregate level of private business use of the property financed with each outstanding Bond issue is within the applicable ten percent (10%) (or five percent (5%)) percent limitation, and whether there is a foreseeable risk that such limitation may be exceeded in the future. The Responsible Official shall consult with Bond Counsel as appropriate to determine whether particular arrangements (such as leases, output contracts, and management agreements) involve “private business use” (whenever possible, before entering into such arrangements), to consider steps that may be taken to limit potential private business use (such as modifications to the terms of management contracts and output contracts), and as to a determination of the overall level of private business use.

In the event any arrangement or disposition of property results in excessive private business use of Bond-financed property, OJRSA will, to the extent possible, take such remedial steps as may be permitted under Section 1.141-12 of the Regulations, including a redemption of a portion of the outstanding Bond issue, in order to maintain the intended tax treatment of the Bonds; and the Responsible Official will consult with Bond Counsel concerning such remedial actions.

⁸ An asset is “placed in service” when (1.) it has reached a degree of completion which would permit its operation at substantially its design level and (2.) the asset is, in fact, operating at such level.

⁹ This limitation is reduced to five percent (5%) if the private use is either “unrelated” or “disproportionate” to the governmental (including general public) use of the property in question, as those terms are defined in the Regulations. Private use is “disproportionate” only if it exceeds the governmental use of the property. Bond Counsel should be consulted as to whether a particular use would be treated as “unrelated” to the governmental use of the property.

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4.7 ARBITRAGE AND REBATE

OJRSA shall have covenanted in the Tax Agreement entered into with respect to each Bond issue (1) that proceeds of the Bond issue will be invested in accordance with the applicable arbitrage yield-restriction requirements under section 148(a) of the IRS Code and (2) that OJRSA will on a timely basis (a) determine the amount of any rebate liability accrued with respect to the Bond issue under section 148(f) of the IRS Code and (b) make the requisite payments (if any) of that rebate liability to the federal government.

- A. Yield Restriction. The Responsible Official shall monitor the investment of Bond proceeds to ensure that no proceeds that are subject to yield restriction are invested at a yield that is “materially higher”¹⁰ than the yield on the Bond issue in question and shall maintain accurate records (including applicable bank and trust account statements) as to the investment of all Bond proceeds. The Bond proceeds, if any, that are subject to yield restriction will generally be identified as such in the applicable Tax Agreement.
- B. Rebate. Any rebate liability with respect to a Bond issue must be reported and paid (at least in part) no later than sixty (60) days following the fifth (5th) anniversary of the issue date of the Bond issue, every five (5) years thereafter while the Bond issue is outstanding, and within sixty (60) days following the final maturity of the Bond issue.

The Responsible Official shall determine at least annually whether the services of a rebate analyst¹¹ (“Rebate Analyst”) are required with respect to each outstanding Bond issue and, if such services are required, shall provide the Rebate Analyst with all investment and other records necessary for the Rebate Analyst to determine the amount of rebate that is payable or accrued with respect to a Bond issue. (In some cases, the relevant Bond documents may provide that periodic reports from a Rebate Analyst are mandatory.)

At least every six (6) months while there are any unspent Bond proceeds of an issue (other than proceeds in a reserve fund or debt service fund), the Responsible Official shall record the amount of such unspent proceeds as of the relevant target dates (generally, the date every six (6) months following the issue date of the Bond issue in question) in order to monitor whether any spend-down exception to the arbitrage rebate rules is available. (Such information may be incorporated in the Interim and Final Expenditures Reports described in SECTION 4.4 above.) With respect to each Bond issue, the applicable dates and required spend-down amounts will typically be set forth in the Tax Agreement for that Bond issue.

- C. Reserve Funds. Even if a Bond issue otherwise qualified for a spend-down exception to rebate, amounts held in a debt service reserve fund will generally remain subject to the arbitrage rebate requirements. With respect to any Bond issue that has a debt service reserve fund, the Responsible Official shall, at least once a year, make a determination and record (1.) the current balance held in any reserve fund, (2.) whether that balance exceeds the amount excluded from yield restriction under Section 1.148-2(f) of the Regulations, and (3.) the amount, if any, of arbitrage earnings on such fund as of each such date. The Responsible Official shall consult with Bond Counsel as to the proper disposition amounts held in a reserve fund in excess of the amount permitted under Section 1.148-2(f) of the Regulations described in the preceding sentence.
- D. Other Transactions. Because the following transactions may have arbitrage or rebate consequences (or, in some cases, may result in the “reissuance” of a Bond issue), the Responsible Official shall consult with Bond Counsel before:
1. Investing any Bond proceeds in a guaranteed investment contract (with respect to which certain “3-bid” and other procedural requirements may apply);
 2. Pledging any funds as collateral security for the payment of debt service on the Bond issue;
 3. Entering into any swap or other hedging transaction with respect to the Bonds; or

¹⁰ Generally, one-eighth of a percent (0.125%) above the Bond yield.

¹¹ The Rebate Analyst may be an accounting or law firm with experience calculating arbitrage rebate or a financial service firm that specializes in such calculations.

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4. Modifying the interest rate on a Bond issue (other than the periodic modifications resulting automatically under a specified variable interest rate) or extending the timing of required principal payments on a Bond issue.

4.8 AVAILABILITY OF VCAP AS REMEDIAL ACTION

In the event OJRSA's periodic reviews of the matters set forth in SECTION 4 indicate at any time that the use of Bond proceeds or of Bond-financed property has not complied with the applicable requirements of the IRS Code (e.g., with respect to arbitrage yield-restriction, arbitrage rebate payments, permitted expenditures of Bond proceeds, or limitations on the "private business use" of Bond-financed property, among other requirements outlined herein), OJRSA will consult with Bond Counsel as to whether use of the Internal Revenue Service's Voluntary Closing Agreement Program (VCAP), described in *IRS Notice 2008-31* and SECTION 7.2.3 of the *Internal Revenue Manual* (and any subsequent guidance) may be an appropriate means of resolving the problem.

4.9 RECORDS TO BE MAINTAINED

OJRSA will maintain (either in paper or electronic form, or both) copies of all relevant records relating to each Bond issue until at least three (3) years after the latter of: (1) the final maturity of the Bond issue or (2) the final maturity of any tax-exempt obligations issued to refund the Bond issue.

Such records shall include the following for each Bond issue:

- A. The Bond transcript, including copies of the Tax Agreement and 8038-G (or other) form filed with the IRS in connection with the Bond issue;
- B. Records of the investment and expenditure of Bond proceeds, including applicable bank and trust account statements, the Interim Expenditure Reports and Final Expenditure Report described above in SECTION 4.4 of these Tax Policies, and supporting records showing the purpose of particular expenditures (such as draw requests, purchase orders, invoices, and the like);
- C. Contracts and other records documenting any swaps, investment contracts, guarantees, and other financial transactions entered into with respect to the Bond issue;
- D. Copies of rebate calculations (or determinations that an exception to rebate was available), together with supporting workpapers, any reports of a Rebate Analyst, and copies of any and all filings (on form 8038-I or otherwise) and payments to the IRS with respect to rebate;
- E. Copies of any correspondence with the IRS concerning the Bond issue (including but not limited to correspondence relating to an audit or other examination by the IRS of the Bond issue); and
- F. Copies of any and all leases, management contracts, output contracts, and other arrangements involving potential "private business use" of the Bond-financed property (the scope of which should be discussed with Bond Counsel).

4.10 CERTAIN QUALIFICATIONS.

OJRSA reserves the right to use its discretion as necessary and appropriate, in consultation with Bond Counsel, to amend or supplement SECTION 4 as situations warrant. Nothing herein shall authorize the Responsible Official or anyone else to consult with any lawyer unless such consultation is protected by the attorney-client privilege.

SECTION 5 – ACCOUNTING**5.1 ACCOUNTING METHODOLOGY**

The method of accounting used by OJRSA on an annual basis is the Full Accrual Basis of Accounting.

5.2 ELECTRONIC ACCOUNTS PAYABLE AND RECEIVABLES

- A. OJRSA shall pay all vendors that receive electronic payments either directly through the vendor's website, via ACH payments using the OJRSA banking institution's website, which offers fraud protection, or other electronic means as approved by the Executive Director.
- B. All electronic payments will be documented in a manner that shall include the following where applicable: vendor's name, purchase order, invoice number, summary of service or items purchased, purchase cost, and

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general ledger code chargeable against. This documentation will be signed by two individuals with either authorized or limited signatory power in accordance with SECTION 3.4.

- C. Purchase orders shall be required for all goods and non-contracted services received by OJRSA and shall comply with the *OJRSA Procurement and Property Disposal Policy*.
- D. Any vendor that does not accept electronic payments will continue to be paid via paper check through the using the current policies for payments.
- E. The OJRSA will provide all vendors that want to make electronic payments with the OJRSA's bank account information as necessary to complete the deposit.

5.3 CAPITAL ASSETS AND DEPRECIATION

- A. OJRSA capital assets are stated at historical cost.
- B. The agency capitalizes purchases of assets greater than five thousand dollars (\$5,000).
- C. Donated capital assets are recorded at acquisition value at the date of donation.
- D. Depreciation of capital assets is calculated using the straight-line method over the estimated useful lives of the respective assets as stated in Table 2.

Table 2: Types and descriptions of capital assets

Asset Types	Asset Categories	Asset Life (in years)	Examples
Buildings	General Structures	40	Offices, pump stations, workshops
	Water Reclamation Facility	40	Structures, piping
	Other Substantial Aboveground Structures or Enclosures	40	Covered storage, tanks, vaults, basins
Conveyance System	Inflow & Infiltration <u>Repairs</u>	20	Grout injection, manhole rehabilitation
	Inflow & Infiltration <u>Replacement</u>	40	Replacement of line segments, CIPP, manhole replacement
	Pipelines	40	Gravity sewer, force mains, manholes
	Sewer Appurtenances	40	Manholes, ARVs
	Tanks and Vaults	40	Wet wells, valve pits, reservoirs
Equipment	Control Systems and SCADA	10	Programming, meters, telemetry, specific electrical for system, control panels, PLCs
	Electrical Equipment	20	Motors, generators, motor control centers, lighting, conduit
	General Mechanical Equipment	20	HVAC
	Heavy Construction and Off-Road Equipment	10	Backhoes, excavators, utility tractors, forklifts
	Mechanical Equipment	20	Pumps, chains, fans, valves, etc.
	Sewer Inspection and Maintenance Equipment	7	CCTV, cleaning, and testing
Land and Easements	Land	Infinite	Real estate
	Easements and Rights-of-Way (intangible assets)	Infinite ¹²	
Services	Other General Consultation and Engineering Studies	5	Master planning
	Specific Project Consultation Services and Engineering (if implemented or constructed)	20	

¹² Intangible assets consisting of rights-of-way and easements are recorded as capital assets at cost and considered to have an indefinite useful life; therefore, they are not amortized. If changes in factors and conditions result in the useful life of an intangible asset and it is no longer indefinite (e.g., abandon an easement), then the asset is evaluated for impairment because the change in the expected duration of use of the asset has occurred. The carrying value of the intangible asset, if any, following the recognition of any impairment loss, is amortized over the remaining estimated useful life of the asset.

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Asset Types	Asset Categories	Asset Life (in years)	Examples
	Specific Project Consultation Services and Engineering (if <u>not</u> implemented or constructed)	5	
Vehicles	Light-Duty Off-Road Vehicles	7	UTVs, golf carts
	On-Road Commercial Vehicle	10	Dump truck, road tractor, pump truck
	On-Road Vehicles	7	Trucks, SUVs, cars
Other Assets	Furniture and Fixtures	7	Desks, chairs, cubicles
	Leasehold Assets and Improvements	Term of Lease	
	Office Equipment and Machines	4	Computers, servers, plotters, software systems

- E. Assets that have been donated, transferred, sold, junked, or abandoned-in-place in accordance with the *OJRSA Procurement and Disposal Policy* shall be accounted for during the fiscal year in which they are removed at selling price or book value or as directed by OJRSA auditor or accountant.
- F. The cost of fully depreciated assets and the related accumulated depreciation amounts are eliminated from the accounts, whether the assets are retired or continue in service.
- G. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend the life of the asset are not capitalized.

5.4 INSURANCE AND DAMAGE REIMBURSEMENTS

- A. It is the policy of the OJRSA to reimburse the general ledger line items in the funds associated with the expense(s) incurred as a result of the damage.
- B. If an Insurance and Damage Reimbursement for damages is received during the same Accounting Period during which the expenses were incurred, the proper amount will be credited to each fund and general ledger line item that paid for the expense and will not be considered revenue. Examples include:
1. If an insured vehicle is involved in a wreck and the OJRSA paid for repairs using funds designated to the Repair and Maintenance of Rolling Stock and Equipment in the budget, then the Reimbursement received from the insurance company will be credited to that general ledger line item.
 2. Natural Disaster or Third-Party Damage Affecting Pump Station: If damage occurs at an insured pump station, then any insurance or FEMA reimbursements received for expenses incurred by the OJRSA will be credited to the general ledger line item(s) in the fund(s) that paid the expenses. This could include a credit for Payroll Salary and Wages and Overtime for labor, Conveyance System Repair & Maintenance for equipment replacement, etc.
- C. If the Insurance and Damage Reimbursement is received after the end of the Accounting Period in which the expenses were paid, then the amount received will be considered Other Revenue in the fund(s) which paid the expense(s).

5.5 CONSUMABLES, INVENTORY, AND CHEMICAL ACCOUNTING SYSTEM.

- A. It is the policy of the OJRSA to maintain accountability over all tangible items that may have the likelihood of disappearing without being noticed or accounted for.
- B. Any item with a per unit cost of less than five hundred dollars (\$500) and a combined maximum value of five thousand dollars (\$5,000) is not considered Inventory unless it is deemed a "Vital" or "Essential" Inventory, including:
1. Consumables – Items not included in the definition of Inventory and are not replaced or are finished in a process, such as janitorial items, toilet paper, batteries, light bulbs, and gloves. Consumables are usually scrapped when they have failed. Consumables do not include fuels, oils, or lubricants purchased or stored in any size vessel.
 2. Desirable Inventory – An item that would not cause any problems if not on hand in the moment and are typically stocked by or can easily be fabricated by vendors. Examples include bearings, gauges, and belts.

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3. Process Chemicals – Items not included in the definition of Inventory and are liquid or gaseous chemicals used solely for the purpose of treating wastewater and biosolids that is purchased in individual bulk quantities greater than fifty (50) gallons or one hundred (100) pounds, such as chlorine gas, sodium hypochlorite, sodium bisulfite, peracetic acid, and liquid polymer. Process Chemicals do not include chemicals purchased in bags (such as lime or dry polymer) or fuels, oils, or lubricants purchased or stored in any size vessel.
 4. Lab Chemicals – Items not included in the definition of Inventory and are solid, liquid, or gaseous chemicals and associated labware used for compliance monitoring or process control in the OJRSA laboratory, such as pH solution, acids, sodium hydroxide, and *E. coli* bottles.
 5. Other – Items such as bushings, ball valves, electrical relays, and basic plumbing parts.
- C. Any Employee who purchases an Inventory stock item must follow the standard *OJRSA Procurement and Property Disposal Policy* and use a purchase order as established by the Executive Director.
 - D. When an Employee is required to use an Inventory stock item, the Employee shall document the removal of such item through the work order maintenance software system (WOMSS). If the WOMSS is unavailable, the Employee shall use the Parts Room Checkout Sheet. This documentation shall provide the name of the Employee removing the item; the date removed; the Part Identification Number, description, and quantity removed; and the location where the part will be used.
 - E. At the beginning of each month, the Office Manager or their designee will gather the documented information to verify the monetary value of all Inventory removed. This information will then be submitted to the Office Manager for entry into the accounting software system.
 - F. The Office Manager or their designee shall conduct a physical Inventory verification twice a year, once at the end of the first six (6) months of the Fiscal Year (on or around December 31) and at the end of the Fiscal Year (on or around June 30). The results of the physical Inventory verification will be updated by the Office Manager in the accounting software system.

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REVISION HISTORY

This and previous editions must be maintained in accordance with the *OJRSA Records Retention Policy*.

Table 3: OJRSA Financial and Accounting Policy revision history

Revision Number	Date	Description of Changes
General	11/03/2008	<i>OJRSA Resolution 2008/36</i> regarding investments.
General	02/02/2009	<i>OJRSA Resolution 2009/3</i> regarding receivables.
General	04/05/2010	<i>OJRSA Resolution 2010/17</i> regarding Capital Projects Fund.
General	06/07/2010	<i>OJRSA Resolution 2010/24</i> regarding GASB 45.
General	12/02/2013	<i>OJRSA Resolution 2013-22</i> regarding request to Member Cities to agree or disagree to Rescind the Revenue Sharing Agreement dated 11/18/2008 and filed with the Oconee County Register of Deeds in Book 1709 at page 5 (see page 92 of 139).
General	05/07/2018	<i>OJRSA Resolution 2018-01</i> regarding grant-in-aid program for Member Cities.
General	03/04/2020	<i>OJRSA Resolution 2020-01</i> regarding spare parts, consumables, and process chemicals inventory accounting system.
General	03/04/2020	<i>OJRSA Resolution 2020-02</i> regarding Insurance and Damage Reimbursements.
General	09/14/2020	<i>OJRSA Resolution 2021-04</i> regarding electronic accounts payables and receivables.
General	06/07/2021	<i>OJRSA Resolution 2021-13</i> regarding capital assets and depreciation.
0000	08/07/2023	Initial issue of comprehensive <i>OJRSA Financial and Accounting Policy</i> by <i>OJRSA Resolution 2024-01</i>
0001	02/03/2025	Limited revisions to add authority for Financial Signer and Budget functions by <i>OJRSA Resolution 2025-01</i>

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DEFINITIONS, CONSTRUCTION, ACRONYMS, AND FORMAT

This Section of the *OJRSA Financial and Accounting Policy* contains definitions, acronyms, abbreviations, and formatting that are specific to this document. In addition, additional terms using initial capitals shall have meanings ascribed thereto in the body of this Policy.

DEFINITIONS

The following words, unless the context, custom or intent clearly indicates otherwise, shall mean:

Accounting Period means the OJRSA's Fiscal Year.

Annual Budget means a financial plan containing projected expenditures and resources covering a single Fiscal Year (July 1–June 30).

~~—Authorized Signers shall mean the Board Chair (or acting Board Chair) and the Executive Director, acting individually or together, as applicable. These individuals shall possess all authority described in Table 1.~~

~~Limited Signers shall mean the F&A Committee Chair and Operation and Planning Committee Chair. These individuals shall possess all authority described in Table 1.~~

Bond Counsel means, with respect to a particular issue of Bonds (as such term is defined in Section 4.1 hereof), either the law firm that served as bond counsel in connection with the issuance of such Bonds, or any other nationally recognized firm of attorneys experienced in the field of municipal bonds whose opinions as to federal income tax matters are generally accepted by purchasers of municipal bonds.

Capital Improvement Fund means the Projects & Contingency Fund, as well as other funds or accountss that may be created in accordance with SECTION 2.4.

Capital Projects means, in accordance with Generally Accepted Accounting Principles, construction, renovation, or replacement projects for an existing facility or facilities of the OJRSA sewer utility system which extend the life of the system, or the purchase of an asset or equipment, to include software, with a useful life exceeding a year.

Cash Basis of Accounting means the method of accounting utilized by OJRSA, pursuant to which revenues and expenditures are recorded when actual payments are received or disbursed.

Code means the Code Laws of South Carolina 1976, as amended.

Consumable means items not included in the definition of Inventory and are not replaced or are finished in a process, such as janitorial items, toilet paper, batteries, light bulbs, and gloves. Consumables are usually scrapped discarded when they have failed. Consumables do not include fuels, oils, or lubricants purchased or stored in any size vessel.

Contract means any type of binding agreement, regardless of the title.

Days Operating Cash on Hand ~~means shall be determined under the following formula:~~

Days Operating Cash on Hand = $\frac{\text{Cash and Cash Equivalents} - \text{Nonrestricted Investments}}{\text{Annual Operating Expense} - \text{Depreciation} \div 365 \text{ Days}}$ shall have the meaning ascribed thereto in Section 2.10(H) herein.

Debt Service means for the period in question, the total cash required to pay back debt obligations calculated by totaling the periodic interest and principal payments coming due on a debt.

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Debt Service Coverage Ratio means for any period of time, the ratio determined by dividing income available for Debt Service by the Debt Service for the given period.

De Minimis means something that is ~~very~~-trifling or of little importance.

Employee has the meaning given such term in the then current version of the *OJRSA Employee Handbook*.

Executive Director means the Executive Director of OJRSA who serves as the ~~C~~hief ~~A~~administrative ~~o~~fficer of the OJRSA.

Extraordinary Event means an unprecedented event due to circumstances that are not under the control of management, is unusual in nature, and is infrequent in occurrence, such as a vehicle wreck, natural disaster, third-party damage, pandemic, federal government mandates, or other Act of God.

F&A Committee shall mean the OJRSA's Finance & Administration Committee.

Financial Signer shall mean the OJRSA's Office Manager.

Fiscal Year means the period of twelve calendar months, beginning on July 1 of each year and ending on June 30 of the following year, unless the same shall have been changed by OJRSA pursuant to the authorization contained in SECTION 2.1 hereof.

Full Accrual Basis of Accounting means a financial accounting method that allows a ~~n entity company~~ to record revenue before receiving payment for goods or services sold, and record expenses as they are incurred.

Generally Accepted Accounting Principles or GAAP means the collection of commonly-followed accounting rules and standards for financial reporting and measuring financial performance.

Insurance and Damage Reimbursement means the receipt of cash from an insurance company, governmental agency (such as FEMA), or other such organization that covers losses incurred as a result of an Extraordinary Event. Reimbursement could cover equipment, material, labor, infrastructure replacement, and other such expenses incurred by the agency.

Inventory means items used to replace a lost or damaged part of a machine, such as pulleys, couplings, and rotors used for pump components that are not ~~c~~Capital ~~A~~assets as identified in Section 5.3. There are three (3) classifications of Inventory:

1. Vital: An item within critical equipment that, should it fail, will badly reduce or stop production or will harm ~~the agency~~OJRSA, a ~~P~~erson, or the community. These are typically items that have a long lead time to receive when ordered. Examples include spare pumps, motors, repair clamps, air release valves, and generators that are dedicated to specific applications.
2. Essential: An item that could cause a significant loss of production but will not endanger the safety of people or the environment. Examples include pump repair parts and common-size operating valves.
3. Desirable: An item that would not cause any problems if not on hand in the moment and are typically stocked by or can easily be fabricated by vendors. Examples include bearings, gauges, and belts.

IRS Code means United States Internal Revenue Code of 1986, as amended.

Joint Authority Act means in the South Carolina Joint Authority Water and Sewer Systems Act, which is codified at Title 6, Chapter 25 of the Code.

Lab Chemicals means items not included in the definition of Inventory and are solid, liquid, or gaseous chemicals and associated labware used for compliance monitoring or process control in the OJRSA laboratory, such as pH solution, acids, sodium hydroxide, and *E. coli* bottles.

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Limited Signer shall mean the F&A Committee Chair and Operation and Planning Committee Chair. These individuals shall possess all authority described in Section 3.4 herein.

Member Cities means the municipalities of Seneca, Walhalla, Westminster, ~~and the areas they provide retail wastewater collection.~~

Person means any corporate organization (including, without limitation, corporations, limited partnerships, and limited liability companies), business, individual, union, committee, club, other organization, or group of individuals.

Personal Property means any property besides land that is owned by OJRSA.

Policy means these financial policies of OJRSA, as approved by the Board and as amended from time to time.

Process Chemicals means items not included in the definition of Inventory and are liquid or gaseous chemicals used solely for the purpose of treating wastewater and biosolids that is purchased in individual bulk quantities greater than fifty (50) gallons or one hundred (100) pounds, such as chlorine gas, sodium hypochlorite, sodium bisulfite, peracetic acid, and liquid polymer. Process Chemicals ~~does~~ not include chemicals purchased in bags (such as lime or dry polymer) or fuels, oils, or lubricants purchased or stored in any size vessel.

Real Property means any land, all things ~~growing on or~~ attached thereto, and all improvements made thereto including buildings and structures located thereon.

Regulations means United States Department of the Treasury Regulations unless otherwise stated.

Responsible Official means the Executive Director, or such other responsible official designated by the OJRSA Board who is responsible for OJRSA's compliance with the policies and procedures set forth in Section 4 of this Policy and any Tax Certificate to be entered into by OJRSA. The Responsible Official may from time to time delegate certain of the responsibilities to be performed by other members of the staff of OJRSA, acting under the general supervision and direction of the Responsible Official.

Retail Impact Fund means the fund operated pursuant to Section 3.03, ~~the funding source of~~ which is funded by impact fees collected and expended pursuant to Title 6 Chapter 1 Article 9 (DEVELOPMENT IMPACT FEES) of the South Carolina Code of Laws 1976, as amended and *OJRSA Impact Fee Policy*.

Retail means, in reference to OJRSA's wastewater treatment and/or conveyance system, the portion of the wastewater collection system, trunk sewer, and/or treatment plant where OJRSA is the sole wastewater utility providing services to the end user.

Sinking Fund means a fund established by OJRSA for the purpose of accumulating revenue over a period of time to fund a future Capital Project, or repayment of long-term debt.

~~Supplies means all personal property, including but not limited to equipment, materials, printing, insurance, and leases of real property but not real property or an interest in real property other than a lease hold.~~

Surplus Property means OJRSA-owned real or personal property with remaining useful life that has no reasonable expectation of future use within the purposes of OJRSA.

Tax Agreement means the agreement entered into by OJRSA with respect to each Bond or series of Bonds issue setting forth obligations intended to maximize the likelihood that all applicable post-issuance requirements of ~~federal income tax law needed~~ IRS Code to pre-serve the tax-exempt or tax-advantaged status of such Bonds ~~are satisfied.~~

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Wholesale Impact Fund means the fund operated pursuant to Section 3.03, ~~the funding source of which is funded by~~ impact fees collected and expended pursuant to Title 6, Chapter 1 Article 9 (DEVELOPMENT IMPACT FEES) of the ~~South Carolina Code of Laws 1976, as amended~~ and *OJRSA Impact Fee Policy*.

Wholesale means, in reference to OJRSA's wastewater treatment and/or conveyance system, the portion of OJRSA wastewater trunk sewer and/or treatment system that serves the Member Cities, as well as the Town of West Union, ~~which are considered to be the users' retail sewer provider.~~

CONSTRUCTION

In this Policy, unless the context otherwise requires:

- A. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Policy Resolution.
- B. The terms "hereby," "hereof," "hereto," "herein," "hereunder," and any similar terms refer to this Resolution-Policy, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before the date of adoption of this Policy Resolution.
- C. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.
- D. Shall is mandatory and requires compliance. May is permissive.

ACRONYMS AND ABBREVIATIONS

ACH: Automated Clearing House

Board: Board of Commissioners of Oconee Joint Regional Sewer Authority

ACFR: Annual Comprehensive Financial Report

EMMA: Electronic Municipal Markets Access ~~System~~

FEMA: Federal Emergency Management Agency

FDIC: Federal Deposit Insurance Corporation

FINRA: Financial Industry Regulatory Authority

GAAP: Generally Accepted Accounting Principles

GASB: Government Accounting Standards Board

GFOA: Government Finance Officers Association

IRS: United States Internal Revenue Service

LGIP: South Carolina ~~State~~-Local Government Investment Pool

OJRSA: Oconee Joint Regional Sewer Authority

VCAP: Internal Revenue Service's Voluntary Closing Agreement Program

SCDAH: South Carolina Department of Archives and History or any successor agency

WOMSS: Work Order Maintenance Software System

DOCUMENT FORMAT

This ~~manual policy~~ contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Financial and Accounting Policy*.

BOLD CAPITAL LETTERS

Important point of emphasis

Dashed Underline

Name of a form to use for documenting a task referenced in the document

Italic 'Cambria Math' Font

Mathematic or chemistry formula

Italics

Title of books, manuals, and other documents

MIX-SIZED CAPITAL LETTERS

Name of sections or appendices in a book, manual, or other document

Underlined Italics

A note of caution or warning

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SECTION 1 – PURPOSE AND ADOPTION

Oconee Joint Regional Sewer Authority's ("OJRSA") has developed and adopted a comprehensive set of financial policies that are consistent with the Board of Commissioners of Oconee Joint Regional Sewer Authority's's (the "Board"), as the governing body of OJRSA, goals and objectives. ~~The~~ This ~~OJRSA Financial and Accounting Policy~~ (this "Policy") is an integral part of the development of service, providing of capital, and establishing of financial plans and the ~~A~~ annual ~~b~~ Budget. This Policy provides the basis for decision-making and ensure the OJRSA's ongoing financial stability.

The Policy shall become effective in accordance with OJRSA Resolution ~~2024~~ 2025-01. All resolutions or policies (including former financial policies) that are in conflict with the provisions of ~~this~~ the approval rResolution or the ~~Policies~~ Policy adopted thereby (as amended) are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

SECTION 2 – FINANCIAL MATTERS

2.1 FISCAL YEAR

OJRSA shall be operated on a Fiscal Year basis, which shall commence on the first (1st) day of July of each year and shall end on the thirtieth (30th) day of June of the following year. OJRSA may, by resolution duly ~~enacted~~ adopted by the Board, change the Fiscal Year at any time from that now existing to a different twelve (12) month period.

2.2 UNRESTRICTED FUNDS AND ACCOUNTS

OJRSA maintains two unrestricted (2) accounts or funds, which are collectively referred to within this Policy as the "Unrestricted Fund." These accounts are utilized to fund the general operation and maintenance of the Wholesale and Retail systems.

The Unrestricted Fund is used to receive revenue and pay expenses associated with the Annual Budget, which may include capital expenditures as approved by the Board. The Unrestricted Fund is comprised of the following two funds:

- A. Wholesale Operations & Maintenance Fund. The banking and investment accounts used to pay for normal operating business expenses associated with the Wholesale wastewater conveyance and treatment system.
- B. Retail Operations & Maintenance Fund. ~~The~~ Banking and investment account used to pay for normal operating business expenses associated with the Retail wastewater conveyance and treatment system. All revenues collected from the Retail system must remain in this fund and cannot intermingle with other OJRSA funds except as necessary for operating shared assets, such as the Coneross Creek Water Reclamation Facility, which is OJRSA's wastewater treatment plant. ~~If revenues do not equal or exceed expenses, then Oconee County is responsible for providing adequate funding. The Member Cities do not share this responsibility.~~¹

2.3 RESTRICTED FUNDS AND ACCOUNTS

OJRSA maintains three (3) restricted bank accounts, each with a specific purpose as detailed below, where the funds can only be used for those purposes which they were collected and/or designated by the Board. Within this Policy, these funds may be collectively referred to as "Restricted Funds."

Expenditures from these funds are strictly limited to the mandates of each fund and can only be made upon Board approval. Restricted Fund revenues or fund balance are not to be used to subsidize other funds, except as required or permitted by this Policy.

- A. Wholesale Impact Fund. ~~The~~ banking and investment account to be used for the renovation, modernization, and expansion of ~~OJRSA~~ Wholesale system. Such fund shall be managed in a manner consistent with SECTION

¹ See Article 15, Section (a) of the ~~Inter-Municipal Agreement and Joint Resolution~~ filed with the Oconee County Clerk of Court on October 31, 2007.

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2.6(F) of this Policy.

- B. Retail Impact Fund. Banking and investment account to be used for the renovation, modernization, and expansion of OJRSA retail system including the:
1. Coneross Creek Water Reclamation Facility,
 2. Construction of new treatment facilities, and
 3. Conveyance system.
- C. ~~Projects and Contingency~~ Capital Projects Fund. ~~This fund is U~~used as a reserve fund for:
1. Capital ~~P~~projects,
 2. Unexpected expenses or emergency repairs that were not included in the Wholesale Operations and Maintenance Fund and Retail Operations and Maintenance Fund for ~~a F~~the fiscal ~~y~~Year,
 3. The restoring or replacing of depreciated or obsolete properties of the system, and
 4. Other purposes as recognized by the Board.

2.4 CREATING AND CLOSING ADDITIONAL ACCOUNTS

The OJRSA may create and close additional special fund accounts as necessary, such as when funding a special project. The Board shall determine if such accounts are Unrestricted Funds or Restricted Funds.

2.5 ANNUAL BUDGET

- A. The Annual Budget is the vehicle through which the Board authorizes OJRSA to fund operations during a Fiscal Year for specific purposes and which establishes the economic resources that are required to support these activities. The Annual Budget, which is required by South Carolina law, is a fiscal, planning, and policy document, reflecting the allocation of limited revenues among diverse uses.
- B. Citizen input into decisions relating to revenues will be solicited during the budget public hearing process and will be made available for public review prior to consideration by the Board. ~~Best efforts shall be made for ~~h~~ the event the provisions of Section 6-1-330 of the SC Code (LOCAL FEE IMPOSITION LIMITATIONS), apply, public comment will be requested in accordance therewith.~~ The proposed Annual Budget is to be presented to the Board for its consideration no later than the first scheduled Board meeting in May. ~~with approval of T~~he Annual Budget ~~shall be approved by the Board by no later than~~ by June 30 of each year. Notice of the adoption of the Annual Budget will be provided in accordance with the provisions of ~~Section 6-1-80 of the SC Code (BUDGET ADOPTION)~~ South Carolina law.
- C. Budgets shall be prepared using the Cash Basis of Accounting at the department level and provide the basis for the OJRSA's financial management system. The adopted Annual Budget shall constitute the maximum expenditure authorization for a given fund and can be amended only by action of the Board.
- D. In drafting the Annual Budget and identifying multi-year costs, the expenditures shall be prioritized in accordance with the following:
1. Maintenance or installation of devices, equipment, and systems that ensure a safe working environment for ~~E~~employees and the public;
 2. Maintenance or installation of infrastructure or appurtenances to remain in compliance with applicable permits, laws, and regulations; and
 3. Installation of equipment and/or programs that reduce operating costs, such as increased utilization of technology, equipment, and proven business methods.
- E. The Executive Director will monitor the financial condition of OJRSA and estimate present and future financial needs. It will be the duty of the Executive Director to take action to bring the budget into balance if adjustments are needed in the course of a Fiscal Year. The Executive Director will provide ~~to the Board~~ monthly summary reports and detailed quarterly reports to the Board covering the operating results of OJRSA compared to the budget and prior year performance. All excess revenue collected by OJRSA that exceeds the projected budget revenue figure from a specific revenue category must be reported to the Board on a monthly basis.
- F. Department heads will be accountable for the implementation of department budgets in a manner that accomplishes the programs and objectives for which the budgets were authorized and ensuring that their respective budgets stay within the prescribed funding levels.
- G. Departments must adhere to the Annual Budget by each major expense category of personnel, operating, and

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- capital; ~~b~~ Budget transfers or shifts in departmental budgets must be authorized by the Executive Director, ~~i~~ provided that overall budget appropriations do not change without the approval of the Board.
- H. OJRSA will operate on a current funding basis which means expenditures shall be budgeted and controlled so as not to exceed current revenues plus the planned use of fund balances accumulated through prior years.
- I. ~~Operating revenues are budgeted to be cash flow neutral.~~ Operating revenues shall be equal or greater than operating expenses. Revenues will be estimated based on actual revenues during the last twelve (12) months in conjunction with rate adjustments, cost-of-service projections, and any projected customer growth approved by the OJRSA Board on an annual basis. All other revenues will be based on actual revenues during the last twelve (12) months (adjusted for any Extraordinary Events).
- J. Expenses will generally be based on actual expenses during the last twelve (12) month period, and as necessary a cost-of-living factor (adjusted for any Extraordinary Events). Labor expenses will primarily be based on the current level of Employees, a cost-of-living adjustment as necessary, and any anticipated merit-based salary adjustments determined by the Executive Director and approved by the ~~OJRSA~~ Board. All other expenses will be based on last twelve (12) months (adjusted for any Extraordinary Events).
- K. All operations are expected to be self-supporting. OJRSA will conduct an annual review of fee structures, charges for services, and other operating revenues and expenditures.
- L. Multi-year operating cost projections shall be prepared and updated each year to identify the impact of current decision making on future resources.
- M. For purposes of this Policy, the Cash Basis of Accounting is used in defining revenues and expenditures.
- N. OJRSA will make every effort to maximize any discounts offered by creditors/vendors. ~~Staff shall also use competitive bidding to attain the best possible price on goods and services in accordance with the OJRSA's procurement code.~~

2.6 REVENUES

- A. OJRSA will maximize and diversify its revenue base to raise sufficient revenue to support essential agency services and to maintain services. OJRSA must be sensitive to the balance between the need for services and the Member Cities' ability to raise fees to support those services.
- B. OJRSA shall conservatively estimate annual revenue increases.
- C. All surpluses above the budgeted revenue estimates will be available to OJRSA for appropriation through the agency's budget monitoring and approval processes. Additional appropriations will be used for activities that support the function or program generating the additional fees.
- D. Revenue shortfalls requiring the utilization of Restricted Fund resources will result in a current appropriation level reduction. In the event of a current Fiscal Year projected total revenue shortfall, OJRSA will document other offsetting revenues or reduce its Annual Budget within the regular budget monitoring process. **TRANSFERS FROM THE RESTRICTED FUND BALANCE TO COVER REVENUE SHORTFALLS IN THE RESTRICTED FUNDS SHALL NOT OCCUR WITHOUT BOARD AUTHORIZATION.**
- E. Whenever possible, OJRSA will maintain a diversified and stable revenue base to reduce the effects of short-term fluctuations in any one revenue source.
- F. The Wholesale Operations and Maintenance Fund and the Retail Operations and Maintenance Fund shall be self-supporting. The Board will establish all user fees at a level related to the full costs (operating, direct, indirect, and capital) of providing the service. The Board will review these fees and charges annually in the Annual Budget process and target rates that meet the cost to provide the service.
- G. Charges for services that benefit specific users should recover full costs, including all direct costs, overhead, loss of earned interest, and depreciation on capital assets. When applicable for determining OJRSA costs, current Federal Emergency Management Agency (FEMA) Rate Schedules may be used, as well as the cost to rent comparable equipment needed to complete a function.
- H. Restricted Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than Debt Service or capital projects.
- I. One-time resources such as proceeds from asset sales, debt refinancing, one-time grants, revenue spikes, budget savings, and similar non-recurring revenue shall not be used for current or new ongoing operating expenses without the approval of the Board. Appropriate uses of one-time resources include:

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1. Rebuilding Unrestricted Fund reserves (fund balance);
 2. Establishing or rebuilding the ~~Contingency~~ Capital Projects Fund;
 3. Early retirement of debt; and
 4. Funding capital expenditures and/or other non-recurring expenditures.
- J. OJRSA will actively seek grant funding to benefit both operating and capital expenditures. Prior to the acceptance of grant funding, an evaluation of the grant must determine the following:
1. The grant purpose is compatible with OJRSA program objectives;~~;~~
 2. The benefits provided by the grant exceed the cost of administration;~~;~~
 3. The grant does not commit OJRSA to long-term, unaccounted for expenditures after the completion of the grant period; ~~and-~~
 4. ~~OJRSA will evaluate t~~he cost and funding source to determine whether to continue the service when the grant period ends. The decision to continue to fund or drop the grant will be made prior to accepting the grant. Alternatively, OJRSA could choose to continue the service with other funding.

2.7 EXPENDITURES

- A. Expenses will generally be based on actual expenses during the last twelve (12) month period, and as necessary a cost-of-living factor (adjusted for any Extraordinary Events). Labor expenses will primarily be based on the current level of ~~e~~Employees with a cost-of-living increase and an improvement factor based on performance goals to be based annually. All other expenses will be based on last twelve (12) months (adjusted for any Extraordinary Events). An appropriate balance will be maintained between budget dollars provided for direct public services and dollars provided to assure good management and legal compliance. In addition to the Executive Director and the Board Secretary/Treasurer, all department heads share in the responsibility of understanding the agency's long-term financial viability, its general spending trends, its projected incomes, and educating themselves, and ~~E~~employees on the necessary short and long-term balance between revenues and expenditures.
- B. All operations are expected to be self-supporting entities. OJRSA will conduct an annual review of fee structures, charges for services, and ~~other~~ operating revenues and expenditures.
- C. The annual expenditures (operating budget minus capital outlay) shall not exceed the annual revenues.
- D. ~~When necessary~~In extraordinary circumstances, the Board may approve the use of fund balance in lieu of rate increases, to cover non-recurring or capital costs.
- E. Before OJRSA undertakes any Contracts that would create fixed ongoing expenses, the cost implications of such ~~agreements~~Contracts will be estimated for current and future years with the aid of strategic financial planning models, when possible.

2.8 DEBT COMPLIANCE

- A. Adherence to this Policy will help assure access to the credit and capital markets and maintenance of the highest possible credit rating given the rating environment.
- B. Debt or bond financing shall not be used to finance operating expenditures.
- C. All bonds, notes, Contracts, accounts payable, and other monetary liabilities will be paid when due and shall have the most superior lien position during the allocation of resources in budget planning, as set forth in OJRSA's bond documents.
- D. Capital Projects, financed through the issuance of bonds or other means, shall be financed for a period not to exceed the expected useful life of the financed property.
- E. OJRSA will consider the use of lease-purchase financing for ~~C~~capital ~~O~~outlay of equipment and heavy vehicles having a useful life of at least three (3) years or more.²
- F. OJRSA shall maintain and collect rates and charges so that the income therefrom is reasonably expected to yield annual net earnings equal to at least the sum of one hundred twenty percent (120%) of the annual Debt

² Leases are subject to requirements established ~~in Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "Joint Authority Water and Sewer Systems Act"), the Joint Authority Act. OJRSA to C~~consult with legal counsel prior to entering into any lease agreement as it may be considered as a debt that must be approved by the councils of the Member Cities.

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Service requirements for all parity bonds outstanding. To assure that this requirement and the overall financial goals and objectives of OJRSA are met, the desired minimum targeted Debt Service Coverage Ratio for any given Fiscal Year shall exceed one hundred twenty percent (120%).

- G. OJRSA will establish an appropriate mix of bonded debt and pay-as-you-go financing in the funding of its ~~e~~Capital ~~P~~projects.
- H. OJRSA seeks to minimize the protection from optional redemption given to bondholders, consistent with its desire to obtain the lowest possible interest rates on its debt. OJRSA bonds shall generally be subject to optional redemption. OJRSA seeks early calls at low or no premiums because such features have allowed it in the past to refinance debt more easily for Debt Service savings when interest rates dropped. OJRSA will annually evaluate optional redemption provisions for each issue to assure that OJRSA does not pay unacceptably higher interest rates to obtain such advantageous calls.
- I. OJRSA acknowledges its responsibility to meet its continuing disclosure obligations on a timely basis. The Executive Director and shall be authorized to provide any continuing disclosure materials on the OJRSA's behalf to the Municipal Securities Rulemaking Board's ~~Electronic Municipal Markets Access~~EMMA-S system (~~EMMA~~) or any other information repository; continuing disclosure materials include, but are not limited to, audits, annual financial reporting, event notices, voluntary events and third-party information. To the extent OJRSA is not in compliance with its continuing disclosure requirements, it will immediately undertake actions to become compliant.
- J. OJRSA may employ outside financial specialists to assist it in developing a bond issuance strategy, preparing bond documents and marketing bonds to investors. The key players in the OJRSA's financing transactions include ~~B~~bond ~~C~~counsel, financial advisor, underwriter(s) and OJRSA representatives (the Executive Director and other OJRSA representatives as may be appointed by the Executive Director). Other outside firms, such as those providing paying agent/registrar, trustee, credit enhancement, auditing, or printing services, are retained as required. The financing team will meet periodically or when necessary to review the overall financing strategy of the OJRSA and make recommendations to the Executive Director.
- K. Lease purchase financings may be considered before the use of Capital Improvement Fund (as described in SECTION 2.9 below) balance for capital equipment and fleet in conformance with governance documents.³
- L. ~~As applicable~~, OJRSA may enter into ~~C~~contracts with terms exceeding one (1) year so long as the ~~C~~contract is subject to appropriation of available funds by OJRSA during its annual budget process.

2.9 CAPITAL IMPROVEMENT PROGRAM

- A. OJRSA desires to create a ten (10) year financial forecast that will include projections for annual growth plus allowances for operating costs of new capital facilities. The forecast should be updated annually as part of the Annual Budget process. The forecast will provide the financial health of all major funds and assess the financial implications of current and proposed policies, programs, and assumptions. The forecast will include potential alternatives to improving the long-term financial health of the agency.
- B. The Board will establish a Capital Improvement Fund (~~titled a.k.a. the~~ "Projects & Contingency Fund," as well as others that may be created in accordance with SECTION 2.4) and designate said funds for the implementation of Capital Projects. ~~As provided under SECTION 2.9 herein, t~~OJRSA ~~he~~ agency will prepare and adopt a ten (10) year Capital Improvement Plan, which shall be reviewed annually with the Annual Budget and revised, as necessary, that will detail each ~~C~~capital ~~p~~Project, the estimated cost, and funding source.
- C. Operating expenditures will be programmed to include the cost of implementing the Capital Improvement Plan as required.
- D. Capital Projects shall be completed and purchased on a regular schedule.
- E. Pursuant to South Carolina law and OJRSA's bond documents, and within the constraints of operating budgets, debt, including bonds and leases in compliance with SECTION 2.8 above, may be issued for the purchase of Capital Projects, including major renovations.
- F. An amount determined annually by the Board may be deposited into the Capital Improvement Fund from the Annual Budget.

³ Leases are subject to requirements established in the Joint Authority ~~Water and Sewer Systems~~ Act. ~~OJRSA to C~~ consult with legal counsel prior to entering into any lease agreement as it may be considered as a debt that must be approved by the councils of the Member Cities.

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- G. Facilities whose construction or acquisition results in new or substantially increased operating costs will be considered only after an assessment indicates a clear need for the project and resources for funding the increased operating costs are available.
- H. All proposals for the expenditure of capital funds will be formulated and presented to the Board within the framework of a general capital budget. Except in circumstances of any emergency nature, no consideration is given to the commitment of any capital funds in without a prior general review of all capital budget requirements.

2.10 DEPOSITORY AND INVESTMENT POLICY

- A. This Policy mandates pursuit of the following overall goals and objectives: all aspects of cash management operations shall be designed to ensure the absolute safety and integrity of OJRSA's financial assets; and the overall financial objective is to provide the highest possible income support to the OJRSA and present a very low risk of loss of principal. OJRSA's banking and investment policy is in conformance with all federal, state, and local governing legislation, the ~~Government Finance Officers Association (GFOA)~~GFOA best practices and other legal requirements and applies to the depositing and investment of all funds, excluding the investment of ~~e~~Employees' retirement funds.
- B. When allowed, OJRSA will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration.
- C. The Board may elect to participate in the ~~South Carolina State Local Government Investment Pool (LGIP)~~LGIP to acquire maximum returns on investments by pooling available funds with funds from other political subdivisions through the South Carolina Treasurer's Office as permitted by the Code. **INVESTMENTS SOURCED OUTSIDE OF LGIP SHALL BE PROPERLY COLLATERALIZED WITH DOMESTICALLY OWNED SECURITIES IN ACCORDANCE WITH SOUTH CAROLINA LAW WITH DOMESTICALLY OWNED SECURITIES.**
- D. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
- E. All investments shall be consistent with this Policy and consistent with GFOA policies and statements.
- F. The investment portfolio shall remain sufficiently liquid to meet all operating and accounts payable requirements that may be reasonably anticipated.
- G. At all times, OJRSA shall remain sufficiently liquid to meet cash flow requirements by matching investment maturities with forecasted cash flow requirements, investing in securities with active secondary markets, and maintaining appropriate portfolio diversification. Reserves and funds not required for the maintenance of a positive cash flow position within the next six (6) months (time deposits held in savings accounts or as certificates of deposits) will be maintained in accounts bearing the highest interest rates available to OJRSA, taking into account potential interest rate and credit risk, provided that such accounts are secured from risk as provided by law. Where practicable, such accounts will be structured to ensure availability of funds without incurring unnecessary penalties upon withdrawal. Where practicable, accounts should be structured to maximize FDIC coverage, and where FDIC coverage is not available, such excess funds shall be appropriately collateralized.-
- H. The minimum balances have been established as follows:
 1. Wholesale Operations and Maintenance Fund: One hundred twenty (120) days cash on hand;
 2. Retail Operations and Maintenance Fund: One hundred twenty (120) ~~De~~ays ~~O~~perating ~~e~~Cash ~~O~~n ~~H~~and.
 3. "Days Operating Cash on Hand" shall be determined under the following formula:

$$= \frac{\text{Cash and Cash Equivalents} + \text{Nonrestricted Investments}}{((\text{Annual Operating Expense} - \text{Depreciation}) \div 365 \text{ Days})}$$
- I. To the extent FDIC insurance is not available, Full-collateralization will be required on all demand deposit accounts, including checking accounts and non-negotiable certificates of deposit.
- J. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.
- K. Officers and ~~E~~mployees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair

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their ability to make impartial decisions.

- L. The Executive Director or his/her designee is authorized to manage the investment portfolio.
- M. A list will be maintained by the Office Manager and Board Secretary/Treasurer of all financial institutions and depositories authorized to provide investment services for OJRSA.
- N. All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:
 1. Proof of Financial Industry Regulatory Authority (FINRA) certification (not applicable to certificate of deposit counterparties).
 2. Proof of state registration.
 3. Certification of having read and understood and agreeing to comply with SECTION 2.10 herein.
 4. Evidence of adequate insurance coverage.

2.11 SURPLUS PROPERTY

- A. Surplus Property, which have little or no salvage value, considering the cost of disposing of same, such as older model computers and printers, may be offered to employees at nominal prices, as established by the department head upon the approval of the Executive Director, before other means of disposition are considered.
- B. Surplus Property with salvage value, but which are likely to bring little at a conventional auction, may be sold through an internet site such as www.govdeals.com or any other reputable internet site or auction service which the Executive Director or designated department head has determined will offer the most exposure to potential interested buyers, or which will likely result in the highest return for OJRSA.
- C. Surplus Property with trade-in value may also be traded-in to a dealer or vendor in exchange for, or toward the purchase of, items needed by a Department of OJRSA.
- D. Surplus Property may also be sold to, traded with or donated to other governmental entities, if such arrangement is determined by the Executive Director to be in the best interests of OJRSA.

SECTION 3— INTERNAL CONTROLS**3.1 ORGANIZATION REVIEW AND APPROVAL OF FINANCES**

- A. ~~OJRSA-The Finance & Administration Committee (“F&A Committee”)-F&A Committee~~ is tasked with reviewing and approving monthly and year-to-date financial reports. If the F&A Committee fails to meet to review, discuss, and approve reports, this function shall be performed by the full Board.
- B. Discussions regarding financial matters should be documented in the appropriate meeting’s minutes.

3.2 FINANCIAL

- A. Comparisons of budgeted and actual revenues and expenditures are made in monthly and year-to-date financial reports.
- B. When practical, compare results with actual year-to-date results from the same period in the prior year.
- C. Checks and payments made should have accompanying documentation when reviewed and signed.
- D. Invoices should be approved and signed off on (or initialed) before payment in accordance with the OJRSA Procurement Policy.
- E. Only original invoices should be paid to avoid duplication of payment.
- F. Have fidelity bond coverage to protect against losses caused by acts of fraud or dishonesty.

3.3 RECONCILIATION

- A. OJRSA shall utilize an independent firm knowledgeable in accounting to conduct monthly reconciliations of all OJRSA accounts.
- B. All reconciliations should be reviewed by the Executive Director.
- C. Reconciliation reports shall be presented by the Board Secretary/Treasurer to the F&A Committee or Board at a scheduled monthly meeting as stated in SECTION 3.1 above.

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3.4 AUTHORIZED SIGNATORIES AND APPROVERS

Signatory authority and powers shall be limited to the individuals included in Table 1 below:

Table 1: Authorized signers for financial transactions and documents

Authority	Authorized Signers	Limited Signers	Financial Signer
Sign checks and initiate stop payment orders ⁴	Yes	Yes	No
Initiate stop payment orders ⁵	Yes	Yes	Yes
Make deposits at a bank branch	Yes	Yes	Yes
Withdraw cash and obtain cashier's checks ⁶	Yes	No	No
Perform bank branch and online transactions, including payments and wires	Yes	No	Yes
Perform bank account maintenance	Yes	No	Yes
Open and close bank accounts, and sign deposits and other legal financial documents	Yes	No	No
Other banking responsibilities not defined within this Table ⁷	Yes	No	Yes
Execute contracts and binding documents	Yes	No	No
Requisition and Purchase Order authorization	As stated in OJRSA Procurement and Disposal of Property Policy		
Purchase vehicles or equipment	As stated in OJRSA Procurement and Disposal of Property Policy		

~~A. Authorized Signers shall mean the Board Chair (or acting Board Chair) and the Executive Director. These individuals shall possess all authority described in Table 1.~~

~~B. Limited Signers shall mean the F&A Committee Chair and Operation and Planning Committee Chair. These individuals shall possess all authority described in Table 1.~~

~~C. Signatory power shall be limited to the individuals included in Table 1.~~

3.5 PROCESSES AND PROCEDURES

- A. OJRSA should use prenumbered documents for easier tracking, such as purchase orders, invoices, and checks.
- B. Policies should be communicated throughout the staff and Board. Training should be conducted for all staff upon hiring and as policies change.
- C. OJRSA will establish and maintain accounting systems according to the Generally Accepted Accounting Principles (GAAP) and standards of the Government Accounting Standards Board (GASB).
- D. An annual audit will be performed and completed no longer than six (6) months from the end of the prior Fiscal Year by an independent public accounting firm selected by the Board that will issue an official opinion on the Annual Comprehensive Financial Report (ACFR) with a management letter detailing areas that need improvement, if required.
- E. Full disclosure will be provided in the financial statements and bond representations.
- F. A management letter, the byproduct of an annual audit, shall be presented by the independent certified public accounting firm no later than sixty (60) days from issuance of OJRSA's ACFR.
- G. Financial systems will be maintained to monitor expenditures and revenues on a monthly basis with a thorough analysis and adjustment quarterly, if required.

⁴ Requires two signatures.

⁵ Requires two signatures.

⁶ Requires two signatures.

⁷ Until defined as policy by the Board.

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- H. All revenue collections are the responsibility of the Executive Director or his/her designee.
- I. OJRSA will maintain an internal control system that safeguard assets and provide reasonable assurances (e.g., noting any changes in finance statements) for the proper recording of the financial transactions of OJRSA.

3.6 FINANCIAL SIGNER AUTHORITY

In addition to the signatory authority for the Financial Signer provided in Section 3.4 above, the Financial Signer shall have the authority to perform the following duties in regard to banking activities on a daily basis without prior or separate approval from an Authorized Signer or Limited Signer: (i) initiate stop payment orders; (ii) make deposits at a bank branch, including delegation of such function to records clerk, as needed or convenient; (iii) creating online payments, which are approved for payment online by the Authorized Signer; (iv) paying credit card bills online, includes transfer of funds. However, all such payments shall be approved via "OJRSA Electronic Payment Summary & Authorization" transmittal signed/approved by Authorized Signer; (v) selection, purchase, trade-in, and cancellation of legally authorized investments, as described and authorized herein, for all bank accounts; (vi) transfer of credit card payments to appropriate account due to software limitations of credit card service merchant; and (vii) segregation and distribution of fees to proper accounts when paid by a customer in a lump sum (e.g. payment of engineering, inspection, and connection fees with one (1) check. Payment is initially deposited into the permitting account (WIF), but requires segregation and further disbursement to Wholesale Operations & Maintenance Fund). Notwithstanding the foregoing, the Financial Signer shall inform an Authorized Signer of any of the foregoing actions in writing (include electronic mail) within one (1) business day of any of the authorized banking activities described herein.

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SECTION 4 – TAX COMPLIANCE**4.1 TAX POLICIES**

SECTION 4 establishes the policies and procedures (the "Tax Policies") in connection with the issuance of tax-exempt and tax-advantaged obligations of OJRSA ("Bonds" or "Bond Issue") in order to maximize the likelihood that all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt or tax-advantaged status of such Bonds are satisfied. Capitalized terms used herein and not otherwise defined are intended to have the meanings given to such terms in the Internal Revenue Code of 1986, as amended (the "IRS Code") and the Treasury Regulations promulgated thereunder (the "Regulations").

SECTION 4 is intended to supplement the specific representations and covenants of OJRSA set forth in the tax certificate, tax regulatory agreement, or similar tax document ("Tax Agreement") executed by OJRSA in connection with the issuance of a particular issue of Bonds. The individual(s) identified below as responsible for particular compliance duties shall have read, and shall periodically review, the applicable provisions of each Tax Agreement that relate to such duties, and shall consult with Bond Counsel to the extent that the tax law requirements set forth in a Tax Agreement, or their application to the facts, are not clear. (The ~~OJRSA~~ Board, in connection with Bond Counsel, may supplement this SECTION 4 from time to time with Exhibits setting forth specific timing requirements and other summary checklists relating to the compliance requirements of particular Bond issues.)

4.2 RESPONSIBILITY

The Responsible Official shall provide a copy of these Tax Policies to OJRSA's auditors and shall instruct such auditors to report to the Responsible Official from time to time any matters the auditors believe relevant to the matters addressed herein.

4.3 TRAINING

OJRSA shall provide appropriate training to the Responsible Official and any other individuals responsible for carrying out compliance duties under SECTION 4 sufficient to enable such individuals to perform those duties. Training may include conference calls or meetings with Bond Counsel to report on issues and questions that arise from time to time in connection with SECTION 4 and for Bond Counsel to report on developments affecting the IRS Code

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and Regulations and their enforcement that may be relevant to the development and implementation of SECTION 4.

4.4 EXPENDITURE OF BOND PROCEEDS

Until all of the proceeds of a Bond issue have been spent (other than any proceeds deposited in a reserve fund or debt service fund), the Responsible Official shall periodically prepare a written record of the expenditures to date of all proceeds of the Bonds (an "Interim Expenditure Report"), noting any material departures in either timing or use from the original expectations for such expenditures set forth in the applicable Tax Agreement, as well as whether or not any applicable spending targets for arbitrage rebate exceptions have been met. The Responsible Official shall prepare the first such Interim Expenditure Report within six (6) months of the issuance of the Bond issue and at least every six (6) months thereafter until the delivery of the Final Expenditure Report described further below. In preparing such Interim Expenditure Reports, the Responsible Official shall consult as appropriate with Bond Counsel (including, among other things, as to the appropriate level of detail to be used in describing expenditures).

The Responsible Official shall be responsible for determining when all the proceeds of any Bond issue have been spent (other than those held in a reserve fund or debt service fund) and shall take steps to close out with reasonable promptness all project and similar funds holding proceeds of Bonds. If any proceeds together with investment earnings thereon (together, "Remaining Proceeds") remain after paying all expected costs of the projects financed, the Responsible Official shall consult with Bond Counsel as to possible ways to apply such proceeds and their investment and use, with the goal of spending all Remaining Proceeds as promptly as is required by law. Within sixty (60) days of the final expenditure or other disposition of all Remaining Proceeds, the Responsible Official shall prepare a written report (the "Final Expenditure Report") on the expenditure of all proceeds of the Bonds (inclusive of investment earnings), including the use of such proceeds and the schedule of such expenditures, together with any allocations or elections made in connection therewith. Such report also shall address whether rebatable arbitrage must be calculated and paid and on what schedule.

If a particular facility or improvement is only partially financed with proceeds of Bonds, the Responsible Official shall indicate in the report the percentages of each such facility or improvement attributable to equity, the proceeds of Bonds or other sources, including any permitted allocations or reallocations (which, to be valid, must be made within eighteen (18) months following the date the facility or improvement is first "placed in service" and in no event any later than the date sixty (60) days after the fifth (5th) anniversary of the issue date of the Bond issue in question).

4.5 REIMBURSEMENTS

The Responsible Official shall ensure that any use of Bond proceeds to reimburse OJRSA for expenditures made by OJRSA before the issue date of the Bonds in question either satisfies the following timing requirements or is covered by one of the exceptions described below:

- A. Date of Payment being Reimbursed. The expenditure being reimbursed was made no earlier than sixty (60) days before OJRSA adopted a reimbursement resolution that generally described the project to which the expenditure relates and that stated the maximum expected principal amount of the anticipated Bond issue. If no reimbursement resolution was adopted, the expenditure was made no earlier than sixty (60) days before the adoption ~~or enactment~~ of the bond resolution ~~or ordinance~~ authorizing the issuance of the Bond issue in question.
- B. Date of Reimbursement. The reimbursement is made no later than eighteen (18) months after the date the related project is "placed in service,"⁸ and in any event no later than three (3) years after the date the expenditure that is being reimbursed was made.
- C. Exception for "Preliminary Expenditures." The preceding timing restrictions do not apply to the reimbursement of "preliminary expenditures," up to an amount that does not exceed twenty percent (20%) of the issue

⁸ An asset is "placed in service" when (1.) it has reached a degree of completion which would permit its operation at substantially its design level and (2.) the asset is, in fact, operating at such level.

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price of the Bond issue in question. "Preliminary expenditures" include architectural, engineering, surveying, soil testing, bond issuance costs, and similar "soft" costs incurred prior to the commencement of acquisition, construction, or rehabilitation of a project, but do not include land acquisition, site preparation, and similar costs incident to the commencement of construction.

- D. De Minimis Exception. The timing restrictions described above do not apply to the reimbursement of other costs that do not exceed the lesser of five percent (5%) of the proceeds of the Bond issue or one hundred thousand dollars (\$100,000). (This exception is in addition to the exception for "preliminary expenditures.")

In addition, the Responsible Official shall ensure that moneys paid to OJRSA to reimburse prior expenditures are not used to create a Sinking Fund within a year of the reimbursement and shall consult with Bond Counsel as to any use of reimbursement payments to create any Sinking Fund.

4.6 USE OF BOND-FINANCED FACILITIES; LIMITS ON PRIVATE BUSINESS USE

OJRSA shall ensure that there is no threat to the tax-exempt or tax-advantaged status of any Bond issue resulting from impermissible "private business uses" of Bond-financed property. Such a threat could arise if more than ten percent (10%)⁹ of the property financed with the proceeds of a Bond issue is used in the trade or business of any person – including the federal government – that is not a state or local governmental entity. (Use by the general public does not constitute private business use.) "Use" for this purpose could result from the ownership or lease of Bond-financed property, from certain contracts to manage the property, from contracts to purchase the output of the property, or from arrangements that give a private party special legal entitlements with respect to the property (e.g., priority rights or other legal rights to control the use of the property).

The Responsible Official shall maintain accurate records of the property financed with the proceeds of each Bond issue, which records shall be updated at least once a year to reflect any conveyances or leases of any part of such property, as well as any management contracts with respect to the property, and any other arrangements involving any special legal rights with respect to the property (e.g., output contracts or naming rights). Such records shall determine at least once a year whether the aggregate level of private business use of the property financed with each outstanding Bond issue is within the applicable ten percent (10%) (or five percent (5%)) percent limitation, and whether there is a foreseeable risk that such limitation may be exceeded in the future. The Responsible Official shall consult with Bond Counsel as appropriate to determine whether particular arrangements (such as leases, output contracts, and management agreements) involve "private business use" (whenever possible, before entering into such arrangements), to consider steps that may be taken to limit potential private business use (such as modifications to the terms of management contracts and output contracts), and as to a determination of the overall level of private business use.

In the event any arrangement or disposition of property results in excessive private business use of Bond-financed property, OJRSA will, to the extent possible, take such remedial steps as may be permitted under Section 1.141-12 of the Regulations, including a redemption of a portion of the outstanding Bond issue, in order to maintain the intended tax treatment of the Bonds; and the Responsible Official will consult with Bond Counsel concerning such remedial actions.

4.7 ARBITRAGE AND REBATE

OJRSA shall have covenanted in the Tax Agreement entered into with respect to each Bond issue (1-) that proceeds of the Bond issue will be invested in accordance with the applicable arbitrage yield-restriction requirements under section 148(a) of the IRS Code and (2-) that OJRSA will on a timely basis (a-) determine the amount of any rebate liability accrued with respect to the Bond issue under section 148(f) of the IRS Code and (b-) make the requisite payments (if any) of that rebate liability to the federal government.

⁹ This limitation is reduced to five percent (5%) if the private use is either "unrelated" or "disproportionate" to the governmental (including general public) use of the property in question, as those terms are defined in the Regulations. Private use is "disproportionate" only if it exceeds the governmental use of the property. Bond Counsel should be consulted as to whether a particular use would be treated as "unrelated" to the governmental use of the property.

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- A. Yield Restriction. The Responsible Official shall monitor the investment of Bond proceeds to ensure that no proceeds that are subject to yield restriction are invested at a yield that is “materially higher”¹⁰ than the yield on the Bond issue in question and shall maintain accurate records (including applicable bank and trust account statements) as to the investment of all Bond proceeds. The Bond proceeds, if any, that are subject to yield restriction will generally be identified as such in the applicable Tax Agreement.
- B. Rebate. Any rebate liability with respect to a Bond issue must be reported and paid (at least in part) no later than sixty (60) days following the fifth (5th) anniversary of the issue date of the Bond issue, every five (5) years thereafter while the Bond issue is outstanding, and within sixty (60) days following the final maturity of the Bond issue.

The Responsible Official shall determine at least annually whether the services of a rebate analyst¹¹ (“Rebate Analyst”) are required with respect to each outstanding Bond issue and, if such services are required, shall provide the Rebate Analyst with all investment and other records necessary for the Rebate Analyst to determine the amount of rebate that is payable or accrued with respect to a Bond issue. (In some cases, the relevant Bond documents may provide that periodic reports from a Rebate Analyst are mandatory.)

At least every six (6) months while there are any unspent Bond proceeds of an issue (other than proceeds in a reserve fund or debt service fund), the Responsible Official shall record the amount of such unspent proceeds as of the relevant target dates (generally, the date every six (6) months following the issue date of the Bond issue in question) in order to monitor whether any spend-down exception to the arbitrage rebate rules is available. (Such information may be incorporated in the Interim and Final Expenditures Reports described in SECTION 4.4 above.) With respect to each Bond issue, the applicable dates and required spend-down amounts will typically be set forth in the Tax Agreement for that Bond issue.

- C. Reserve Funds. Even if a Bond issue otherwise qualified for a spend-down exception to rebate, amounts held in a debt service reserve fund will generally remain subject to the arbitrage rebate requirements. With respect to any Bond issue that has a debt service reserve fund, the Responsible Official shall, at least once a year, make a determination and record (1.) the current balance held in any reserve fund, (2.) whether that balance exceeds the amount excluded from yield restriction under Section 1.148-2(f) of the Regulations, and (3.) the amount, if any, of arbitrage earnings on such fund as of each such date. The Responsible Official shall consult with Bond Counsel as to the proper disposition amounts held in a reserve fund in excess of the amount permitted under Section 1.148-2(f) of the Regulations described in the preceding sentence.
- D. Other Transactions. Because the following transactions may have arbitrage or rebate consequences (or, in some cases, may result in the “reissuance” of a Bond issue), the Responsible Official shall consult with Bond Counsel before:
1. Investing any Bond proceeds in a guaranteed investment contract (with respect to which certain “3-bid” and other procedural requirements may apply);
 2. Pledging any funds as collateral security for the payment of debt service on the Bond issue;
 3. Entering into any swap or other hedging transaction with respect to the Bonds; or
 4. Modifying the interest rate on a Bond issue (other than the periodic modifications resulting automatically under a specified variable interest rate) or extending the timing of required principal payments on a Bond issue.

¹⁰ Generally, one-eighth of a percent (0.125%) above the Bond yield.

¹¹ The Rebate Analyst may be an accounting or law firm with experience calculating arbitrage rebate or a financial service firm that specializes in such calculations.

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4.8 AVAILABILITY OF VCAP AS REMEDIAL ACTION

In the event OJRSA's periodic reviews of the matters set forth in SECTION 4 indicate at any time that the use of Bond proceeds or of Bond-financed property has not complied with the applicable requirements of the IRS Code (e.g., with respect to arbitrage yield-restriction, arbitrage rebate payments, permitted expenditures of Bond proceeds, or limitations on the "private business use" of Bond-financed property, among other requirements outlined herein), OJRSA will consult with Bond Counsel as to whether use of the Internal Revenue Service's Voluntary Closing Agreement Program (VCAP), described in *IRS Notice 2008-31* and SECTION 7.2.3 of the *Internal Revenue Manual* (and any subsequent guidance) may be an appropriate means of resolving the problem.

4.9 RECORDS TO BE MAINTAINED

OJRSA will maintain (either in paper or electronic form, or both) copies of all relevant records relating to each Bond issue until at least three (3) years after the latter of: (1) the final maturity of the Bond issue or (2) the final maturity of any tax-exempt obligations issued to refund the Bond issue.

Such records shall include the following for each Bond issue:

- A. The Bond transcript, including copies of the Tax Agreement and 8038-G (or other) form filed with the IRS in connection with the Bond issue;
- B. Records of the investment and expenditure of Bond proceeds, including applicable bank and trust account statements, the Interim Expenditure Reports and Final Expenditure Report described above in SECTION 4.4 of these Tax Policies, and supporting records showing the purpose of particular expenditures (such as draw requests, purchase orders, invoices, and the like);
- C. Contracts and other records documenting any swaps, investment contracts, guarantees, and other financial transactions entered into with respect to the Bond issue;
- D. Copies of rebate calculations (or determinations that an exception to rebate was available), together with supporting workpapers, any reports of a Rebate Analyst, and copies of any and all filings (on form 8038-I or otherwise) and payments to the IRS with respect to rebate;
- E. Copies of any correspondence with the IRS concerning the Bond issue (including but not limited to correspondence relating to an audit or other examination by the IRS of the Bond issue); and
- F. Copies of any and all leases, management contracts, output contracts, and other arrangements involving potential "private business use" of the Bond-financed property (the scope of which should be discussed with Bond Counsel).

4.10 CERTAIN QUALIFICATIONS.

OJRSA reserves the right to use its discretion as necessary and appropriate, in consultation with Bond Counsel, to amend or supplement SECTION 4 as situations warrant. Nothing herein shall authorize the Responsible Official or anyone else to consult with any lawyer unless such consultation is protected by the attorney-client privilege.

SECTION 5 – ACCOUNTING

5.1 ACCOUNTING METHODOLOGY

The method of accounting used by OJRSA on an annual basis is the ~~f~~Full ~~a~~Accrual ~~b~~Basis of ~~A~~accounting.

5.2 ELECTRONIC ACCOUNTS PAYABLE AND RECEIVABLES

- A. OJRSA shall pay all vendors that receive electronic payments either directly through the vendor's website, via ACH payments using the OJRSA banking institution's website, which offers fraud protection, or other electronic means as approved by the Executive Director.
- B. All electronic payments will be documented in a manner that shall include the following where applicable: vendor's name, purchase order, invoice number, summary of service or items purchased, purchase cost, and general ledger code chargeable against. This documentation will be signed by two individuals with either authorized or limited signatory power in accordance with SECTION 3.4.

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- C. Purchase orders shall be required for all goods and non-contracted services received by OJRSA and shall comply with the *OJRSA Procurement and Property Disposal Policy*.
- D. Any vendor that does not accept electronic payments will continue to be paid via paper check through the using the current policies for payments.
- E. The OJRSA will provide all vendors that want to make electronic payments with the OJRSA's bank account information as necessary to complete the deposit.

5.3 CAPITAL ASSETS AND DEPRECIATION

- A. OJRSA capital assets are stated at historical cost.
- B. The agency capitalizes purchases of assets greater than five thousand dollars (\$5,000).
- C. Donated capital assets are recorded at acquisition value at the date of donation.
- D. Depreciation of capital assets is calculated using the straight-line method over the estimated useful lives of the respective assets as stated in Table 2.

Table 2: Types and descriptions of capital assets

Asset Types	Asset Categories	Asset Life (in years)	Examples
Buildings	General Structures	40	Offices, pump stations, workshops
	Water Reclamation Facility	40	Structures, piping
	Other Substantial Aboveground Structures or Enclosures	40	Covered storage, tanks, vaults, basins
Conveyance System	Inflow & Infiltration <u>Repairs</u>	20	Grout injection, manhole rehabilitation
	Inflow & Infiltration <u>Replacement</u>	40	Replacement of line segments, CIPP, manhole replacement
	Pipelines	40	Gravity sewer, force mains, manholes
	Sewer Appurtenances	40	Manholes, ARVs
	Tanks and Vaults	40	Wetwells Wet wells, valve pits, reservoirs
Equipment	Control Systems and SCADA	10	Programming, meters, telemetry, specific electrical for system, control panels, PLCs
	Electrical Equipment	20	Motors, generators, motor control centers, lighting, conduit
	General Mechanical Equipment	20	HVAC
	Heavy Construction and Off-Road Equipment	10	Backhoes, excavators, utility tractors, forklifts
	Mechanical Equipment	20	Pumps, chains, fans, valves, etc.
	Sewer Inspection and Maintenance Equipment	7	CCTV, cleaning, and testing
Land and Easements	Land	Infinite	Real estate
	Easements and Rights-of-Way (intangible assets)	Infinite ¹²	
Services	Other General Consultation and Engineering Studies	5	Master planning
	Specific Project Consultation Services and Engineering (if implemented or constructed)	20	
	Specific Project Consultation Services and Engineering (if <u>not</u> implemented or constructed)	5	
Vehicles	Light-Duty Off-Road Vehicles	7	UTVs, golf carts

¹² Intangible assets consisting of rights-of-way and easements are recorded as capital assets at cost and considered to have an indefinite useful life; therefore, they are not amortized. If changes in factors and conditions result in the useful life of an intangible asset and it is no longer indefinite (e.g., abandon an easement), then the asset is evaluated for impairment because the change in the expected duration of use of the asset has occurred. The carrying value of the intangible asset, if any, following the recognition of any impairment loss, is amortized over the remaining estimated useful life of the asset.

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Asset Types	Asset Categories	Asset Life (in years)	Examples
	On-Road Commercial Vehicle	10	Dump truck, road tractor, pump truck
	On-Road Vehicles	7	Trucks, SUVs, cars
Other Assets	Furniture and Fixtures	7	Desks, chairs, cubicles
	Leasehold Assets and Improvements	Term of Lease	
	Office Equipment and Machines	4	Computers, servers, plotters, software systems

- E. Assets that have been donated, transferred, sold, junked, or abandoned-in-place in accordance with the *OJRSA Procurement and Disposal Policy* shall be accounted for during the fiscal year in which they are removed at selling price or book value or as directed by OJRSA auditor or accountant.
- F. The cost of fully depreciated assets and the related accumulated depreciation amounts are eliminated from the accounts, whether the assets are retired or continue in service.
- G. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend the life of the asset are not capitalized.

5.4 INSURANCE AND DAMAGE REIMBURSEMENTS

- A. It is the policy of the OJRSA to reimburse the general ledger line items in the funds associated with the expense(s) incurred as a result of the damage.
- B. If an Insurance and Damage Reimbursement for damages is received during the same Accounting Period during which the expenses were incurred, the proper amount will be credited to each fund and general ledger line item that paid for the expense and will not be considered revenue. Examples include:
 1. If an insured vehicle is involved in a wreck and the OJRSA paid for repairs using funds designated to the Repair and Maintenance of Rolling Stock and Equipment in the budget, then the Reimbursement received from the insurance company will be credited to that general ledger line item.
 2. Natural Disaster or Third-Party Damage Affecting Pump Station: If damage occurs at an insured pump station, then any insurance or FEMA reimbursements received for expenses incurred by the OJRSA will be credited to the general ledger line item(s) in the fund(s) that paid the expenses. This could include a credit for Payroll Salary and Wages and Overtime for labor, Conveyance System Repair & Maintenance for equipment replacement, etc.
- C. If the Insurance and Damage Reimbursement is received after the end of the Accounting Period in which the expenses were paid, then the amount received will be considered Other Revenue in the fund(s) which paid the expense(s).

5.5 CONSUMABLES, INVENTORY, AND CHEMICAL ACCOUNTING SYSTEM.

- A. It is the policy of the OJRSA to maintain accountability over all tangible items that may have the likelihood of disappearing without being noticed or accounted for.
- B. Any item with a per unit cost of less than five hundred dollars (\$500) and a combined maximum value of five thousand dollars (\$5,000) is not considered Inventory unless it is deemed a "Vital" or "Essential" Inventory ~~as defined in the DEFINITIONS section~~, including:
 1. Consumables – Items not included in the definition of Inventory and are not replaced or are finished in a process, such as janitorial items, toilet paper, batteries, light bulbs, and gloves. Consumables are usually scrapped when they have failed. Consumables do not include fuels, oils, or lubricants purchased or stored in any size vessel.
 2. Desirable Inventory – An item that would not cause any problems if not on hand in the moment and are typically stocked by or can easily be fabricated by vendors. Examples include bearings, gauges, and belts.
 3. Process Chemicals – Items not included in the definition of Inventory and are liquid or gaseous chemicals used solely for the purpose of treating wastewater and biosolids that is purchased in individual

OJRSA Financial and Accounting Policy

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bulk quantities greater than fifty (50) gallons or one hundred (100) pounds, such as chlorine gas, sodium hypochlorite, sodium bisulfite, peracetic acid, and liquid polymer. Process Chemicals does not include chemicals purchased in bags (such as lime or dry polymer) or fuels, oils, or lubricants purchased or stored in any size vessel.

4. Lab Chemicals – Items not included in the definition of Inventory and are solid, liquid, or gaseous chemicals and associated labware used for compliance monitoring or process control in the OJRSA laboratory, such as pH solution, acids, sodium hydroxide, and *E. coli* bottles.
 5. Other – Items such as bushings, ball valves, electrical relays, and basic plumbing parts.
- C. Any ~~e~~Employee who purchases an Inventory stock item must follow the standard *OJRSA Procurement and Property Disposal Policy* and use a purchase order as established by the Executive Director.
 - D. When an ~~e~~Employee is required to use an Inventory stock item, the ~~e~~Employee shall document the removal of such item through the work order maintenance software system (WOMSS). If the WOMSS is unavailable, the ~~e~~Employee shall use the Parts Room Checkout Sheet. This documentation shall provide the name of the ~~E~~Employee removing the item; the date removed; the Part Identification Number, description, and quantity removed; and the location where the part will be used.
 - E. At the beginning of each month, the Office Manager or their designee will gather the documented information to verify the monetary value of all Inventory removed. This information will then be submitted to the Office Manager for entry into the accounting software system.
 - F. The Office Manager or their designee shall conduct a physical Inventory verification twice a year, once at the end of the first six (~~6~~) months of the ~~F~~fiscal ~~y~~Year (on or around December 31) and at the end of the ~~f~~Fiscal ~~y~~Year (on or around June 30). The results of the physical ~~i~~Inventory verification will be updated by the Office Manager in the accounting software system.

* * * * *

DRAFT
 For OJRSA Board Consideration

OJRSA Financial and Accounting Policy
February 3, 2025~~August 7, 2023~~

REVISION HISTORY

This and previous editions must be maintained in accordance with the *OJRSA Records Retention Policy*.

Table 3: OJRSA Financial and Accounting Policy revision history

Revision Number	Date	Description of Changes
General	11/03/2008	<i>OJRSA Resolution 2008/36</i> regarding investments.
General	02/02/2009	<i>OJRSA Resolution 2009/3</i> regarding receivables.
General	04/05/2010	<i>OJRSA Resolution 2010/17</i> regarding Capital Projects Fund.
General	06/07/2010	<i>OJRSA Resolution 2010/24</i> regarding GASB 45.
General	12/02/2013	<i>OJRSA Resolution 2013-22</i> regarding request to Member Cities to agree or disagree to Rescind the Revenue Sharing Agreement dated 11/18/2008 and filed with the Oconee County Register of Deeds in Book 1709 at page 5 (see page 92 of 139).
General	05/07/2018	<i>OJRSA Resolution 2018-01</i> regarding grant-in-aid program for Member Cities.
General	03/04/2020	<i>OJRSA Resolution 2020-01</i> regarding spare parts, consumables, and process chemicals inventory accounting system.
General	03/04/2020	<i>OJRSA Resolution 2020-02</i> regarding I nsurance and D amage r eimbursements.
General	09/14/2020	<i>OJRSA Resolution 2021-04</i> regarding electronic accounts payables and receivables.
General	06/07/2021	<i>OJRSA Resolution 2021-13</i> regarding capital assets and depreciation.
0000	08/07/2023	Initial issue of comprehensive <i>OJRSA Financial and Accounting Policy</i> by <i>OJRSA Resolution 2024-01</i>
<u>0001</u>	<u>02/03/2025</u>	<u>Limited revisions to add authority for Financial Signer and Budget functions by <i>OJRSA Resolution 2025-01</i></u>



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PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

To: Oconee Joint Regional Sewer Authority, South Carolina

From: Pope Flynn, LLC

Re: Options for Future Reorganization; Next Steps

Date: November 26, 2024

I. Background

Based on funding from the South Carolina Rural Infrastructure Authority, Oconee Joint Regional Sewer Authority, South Carolina (the “*Authority*” or “*Joint Authority*”) engaged a team comprised of W.K. Dickson & Co., Inc., Willdan Financial Services, and Bolton & Menk, Inc. (the “*Consultant Team*”) to prepare a regional feasibility planning study, which was formally adopted by the Commission (as defined below) on September 9, 2024 (the “*Study*”). The purpose of the Study was to determine long-term sewer service options within Oconee County, South Carolina (the “*County*”). Contemporaneously with the Study, the Joint Authority also undertook its “Oconee County and Western Anderson County Sewer Master Plan” (the “*Master Plan*”). Major infrastructure recommendations in the Master Plan include: developing plans to expand the Coneross Creek Wastewater Reclamation Facility (the “*Coneross WRF*”); updating the regulatory checkbook to gain permitted capacity at Coneross WRF; reducing pump station infrastructure and wastewater travel time; and working with Members (as defined below) to improve collection infrastructure.

The Joint Authority is a body politic and corporate, and a joint authority sewer system organized under Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the “*Joint Authority Act*”). The Authority was created in 2007 under the provisions of the Joint Authority Act by its three member-municipalities (collectively, the “*Members*”)¹: the City of Seneca, South Carolina (“*Seneca*”), the City of Walhalla, South Carolina (“*Walhalla*”), and the City of Westminster, South Carolina (“*Westminster*”). The Authority, by application to the South Carolina Secretary of State dated December 14, 2007, submitted the required information necessary to obtain the corporate certificate and incorporate. The Secretary of State issued a certificate of incorporation on December 19, 2007, which has not been amended.

¹ For purposes of the reconstituted Joint Authority, such term would also include the County once or if it is added as Member.

The relationship between the Joint Authority and the Members is governed by the provisions of an agreement entitled “Inter-Municipal Agreement and Joint Resolution Creating a Joint Authority Water and Sewer System . . . Pursuant to Chapter 25, Title 6, South Carolina Code of Laws as Amended by Act No. 59, South Carolina Acts and Joint Resolutions, Effective June 6, 2007, and Assignment of Rights, Privileges, Duties and Obligations Previously Agreed to by the Parties, and Agreement of the Authority to Provide Sewer Services,” by and among the Members, and filed in the offices of the Clerk of Court of Oconee County as of October 31, 2007 (the “*Authority Agreement*”). The Authority is governed by a commission consisting of nine commissioners (the “*Authority Commission*” or “*Commission*”).

The Authority is, in effect, a successor to the Oconee County Sewer Commission (the “*Sewer Commission*”). The Sewer Commission was established by the County through Ordinance No. 78-2, enacted on February 28, 1978 (the “*Sewer Commission Ordinance*”). The Sewer Commission Ordinance established the composition of the nine-member Sewer Commission and allowed Seneca to designate three members, Walhalla to designate two members, Westminster to designate two members, and the County to designate the remaining two members.

There are numerous agreements and memoranda of understanding among the Sewer Commission, the County, and the Members of the Joint Authority (including the Town of West Union, South Carolina). Several of these agreements are incorporated by reference into the Authority Agreement in numerous provisions, both in general terms and with respect to specific matters² (collectively, the “*Incorporated Agreements*”): namely, an Intergovernmental Agreement dated April 18, 2006; an Intergovernmental Agreement (SWAG) dated February 28, 2005; a Memorandum of Understanding dated March 10, 2004; a Memorandum of Understanding dated February 24, 2005; and an Intergovernmental Agreement dated April 18, 2006. In addition to various obligations and commitments concerning the use of the Sewer Commission’s facilities and services, the Incorporated Agreements contain some provisions concerning the composition of the Sewer Commission and circumstances under which its composition may change over time.

II. Summary of Findings and Recommendations from Study

The Study identified three options for the future: (1) do nothing and maintain the *status quo*; (2) complete revision of Authority governance documents, requiring a reconstitution of the Joint Authority; and (3) consolidation with a regional provider. The Study strongly suggests that option (1) is not viable. Accordingly, this memorandum will focus on options (2) and (3).

III. Option 2 – Complete Revision of Authority Governance Documents

1. Recommendations

To implement Option 2, the Study recommends the following changes related to governance:

² See Authority Agreement, Preamble at 15; *Id.*, Article 11, §(e); *Id.*, Article 13, §(a); *Id.*, Article 15, §§(a) and (b).

- (1) Adding the County as a Member;
- (2) A five-member Commission, including at least one representative from: the County, Seneca, Walhalla, and Westminster. The method of appointment of fifth member is to be determined;
- (3) Per capita voting as a rule, with weighted voting for debt matters only;
- (4) Establish parameters for debt, including preapproval for financing of certain scopes of work, and clear mechanisms for member approval of other debt;
- (5) Establish clear parameters and mechanisms for the addition of new members;
- (6) Establish power for the Authority to provide retail sewer service;
- (7) Establish an equitable rate structure;
- (8) Establish how growth will be funded; and
- (9) Establish a new operating agreement (with a minimum term of 40 years).

2. *Recommended Actions*

In order to implement the recommendations in the Study, we recommend amending and reconstituting the Joint Authority, and starting over with entirely new documents from beginning to end.³ This additionally includes rescission all of the Incorporated Agreements. To the extent there are additional counterparties to the Incorporated Agreements, other than the Members (such as the City of West Union), termination of, or substantial amendments to, such agreements will also be necessary.⁴

Reconstitution may be accomplished through a single ordinance of each Member (including the County, who is recommended for addition in the Study) and should be done *only* after all parties have come to a mutual understanding of the desired scope of the Joint Authority's capital improvement plan and its cost.⁵ Once those matters are known with a high-level of certainty, we would recommend each of the Members enact an ordinance that:

- authorizes imposition of new incorporation documents;
- authorizes a governance agreement among the Members as to how many commissioners (referred to herein as a "*Commissioner*" or "*commissioner*") each Member shall be entitled to appoint, and includes proposed bylaws (the "*Governance Agreement*"); and
- authorizes a new agreement regarding capacity, operations, and financial matters between the Joint Authority and its Members (the "*Operating Agreement*").

³ In lieu of amendment and reconstitution, the Joint Authority could be administratively dissolved and created from scratch under the Joint Authority Act. While the practical effect of this approach is the same, the amendment and reconstitution process likely avoids the onerous task of transferring or conveying the various sewer system assets to the newly created entity.

⁴ Dissolution would also necessitate the rescission of the Incorporated Agreements, and the consent or approval of counterparties other than the Members.

⁵ This should correspond to the various Capital Improvement Plans prepared by each Member, and the follow-on financial model and cost of service study contemplated under and recommended under the "Next Steps" provisions of the Study.

i. Amended Incorporation Documents

Amended incorporation documents should be drafted (i) to provide for any changes in membership, and (ii) to remove any incorporation restrictions. Restrictions, if any, should be addressed in the Governance Agreement or in the Operating Agreement. Including restrictions in the incorporation documents when the same subject matter is addressed by either the Governance Agreement or the Operating Agreement may recreate the inconsistencies and circuitous references prevalent in the current documents.

To amend and replace the current incorporation documents, all commissioners should execute and file an amendment to the incorporation documents with the South Carolina Secretary of State that specifies or includes: (1) the names of all proposed members of the reconstituted Commission; (2) a certified copy of each proposed Member's ordinance determining it is in the entity's best interest to participate in or join, as applicable, the reconstituted Joint Authority; (3) a certified copy of the ordinance or resolution of each entity appointing that Member's commissioners; (4) a statement that the proposed Members desire that the Joint Authority continue to be organized as a public body corporate and politic under the Joint Authority Act; (5) confirmation of the name of the Joint Authority; and (6) revision to the purpose for the creation of the Joint Authority that conform to the scope of the Joint Authority Act. The Secretary of State will then review the proposed amendment and issue an amended corporate certificate with the names of all voting members, the name of the Joint Authority, and the purpose of the Joint Authority.

ii. Reconstitute Commission Composition

The Study found that the membership and voting process for the Commission should be revised to achieve its mission. New participants could provide financial resources and insight into future sewer demand, and revisions to the voting procedure and membership qualifications could better align the Commissioners with the purpose of the Joint Authority and improve governance.

The Study found that the County should join the Joint Authority because "they are the one . . . stakeholder with the most ability from a financial perspective to generate significant revenues from multiple sources that could be used for sewer . . .", and it has control over land use planning and economic development in the unincorporated areas of the County, which are "two . . . of the primary drivers of the need for expanding sewer."⁶

The Study also cited feedback from stakeholders indicating that "having multiple representatives and the majority of those being either elected officials or employees of the municipality was recognized to present challenges for the good of the whole"⁷ due to conflicting

⁶ Study, p. 60.

⁷ Study, p. 60.

duties of officials or employees as between the Member they represent and the Joint Authority they are charged with governing as a Commissioner.⁸

The Study proposes a new five-member Commission with designated representatives from each of the Members:⁹ the County, Seneca, Walhalla and Westminster. The Study does not identify the fifth Commissioner, but contemplates appointment by the County or the Oconee County legislative delegation. A delegation appointment is not practicable because the Joint Authority Act specifically contemplates that only the Members, acting through their respective governing bodies, can appoint Commissioners. As a result, thoughtful consideration should be given to the fifth Commissioner and their method of appointment. If the City of West Union were added as a Member, then they could be given a Commission appointment. However, the Study also notes that they are small, financially disadvantaged and generally not recommended for inclusion. As a result, the best option is likely granting the appointment authority for the fifth Commissioner to the County, with particular requirements or conditions in the Governance Agreement as to qualifications for such Commissioner.

In addition to the structure and composition of the Commission, there are a number of considerations around the qualifications, and certain restrictions South Carolina law imposes on Commissioners, as follows:

- The office of a Commissioner is created under Section 6-25-60 of the Joint Authority Act.¹⁰ Under Article XVII, Section 1 of the Constitution of the State of South Carolina, 1985, as amended, “[n]o person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector.”¹¹ An elector must be resident within the jurisdiction from which he is appointed and registered to vote therein.¹² Accordingly, it is clear that a Commissioner must be resident of and registered to vote within the boundaries of the Member appointing him.¹³
- The South Carolina Attorney General has similarly opined that because the office of a Commissioner is a public office for constitutional purposes, the prohibition on dual office-holding applies.¹⁴ There is some thought that an elected or appointed official

⁸ An analysis or determination of whether the Commissioners are fiduciaries to the Commission is beyond the scope of this memorandum. However, the Joint Authority Act does contemplate that each Commissioner shall undertake an oath to “execute the duties of his office faithfully and impartially....”

⁹ The Joint Authority Act requires a minimum of five members.

¹⁰ S.C. Code Ann. § 6-25-60.

¹¹ S.C. Const. art. XVII, § 1.

¹² 2022 WL 3279345, at *4 (S.C.A.G. Aug. 2, 2022) (“our Supreme Court interpreted article XVII, section 1 to imply a residency requirement even when one is not specified by the Legislature”).

¹³ § 6-25-60(A) also states that “[a] commissioner serves at the pleasure of the governing body by which he was appointed.” While we are unaware of any challenge to this provision, the discretionary nature of such provision is troubling in light of Article VI, Section 1 of the South Carolina Constitution 1895, as amended. Article VI, Section of the Constitution provides that “the terms of all officers must be for some specified period . . .” As a result, there may be a constitutionality question as to the discretionary terms of Commissioners under § 6-25-60(A).

¹⁴ 2002 WL 31341804, at *2 (S.C.A.G. Aug. 19, 2002) (“Unquestionably, a member of the Commission [under the Joint Authority Act] holds an office for dual office holding purpose.” “In this instance, presuming the person is elected to county council, he would vacate the office of member of the Joint Water and Sewer Commission upon assuming

from a Member may serve *ex officio* based on the elected office held at the Member.¹⁵ However, in a 2002 opinion, the South Carolina Attorney General opined that this was improper because “[t]here is no *ex officio* correlation between those two positions.”¹⁶ The law recognizes an “*ex officio*” or “incidental duties” exception where “there is a constitutional nexus in terms of power and responsibilities between the first office and the ‘*ex officio*’ office.”¹⁷ Said another way, a Commissioner can serve if the office from which the appointment springs if the underlying office is properly characterized as incidental to service on the Commission.

- We note that the Supreme Court has found that the provision of water and sewer service is a key “governmental function.”¹⁸ And the legislative findings in the Joint Authority Act explicitly provide that “the creation of a joint system is an alternative method whereby a [Member] may obtain the benefits and assume the responsibilities of ownership in a project.”¹⁹ We think it is arguable that service on the Commission is incidental to the duties of a Mayor (if under the strong-mayor form of government) or City Manager.²⁰

- Additionally, the Joint Authority Act previously provided that the Commission representative “may be an officer or employee of the member and may also serve *ex officio* as a member of the Commission.” However, the Joint Authority Act was amended in 2007 (Act No. 59 of 2007), and this provision was deleted. Such amendment creates further questions regarding the legality or propriety officers or employees of any Member serving as a Commissioner.

In light of foregoing, and the conflicting roles/duties of the existing Commissioners noted in the Study, we strongly recommend that any new Commissioners be a resident of the appointing Member and not be officers (Mayor or council members) or employees of the Member. Each Member should select a Commissioner meeting the qualifications of an elector for that Member that does not already hold a public office or serve as an employee of the Member. Instead, Members should look to appoint unaffiliated electors that will serve faithfully and impartially, acting in the best interest of the Commission.

the office of Council member”). But see, 2022 WL 17541133, at *4 (S.C.A.G. Nov. 22, 2022)(Based on an analysis of the factors delineated in *State v. Crenshaw*, 274 S.C 475, 266 S.E.2d 61 (1980) to determine whether a position constitutes an office, the Attorney General overruled a prior opinion (see 1985 WL 165972 Jan. 4, 1985) and determined that “the Darlington City Manager does not hold an office for purposes of dual office holding”).

¹⁵ It is noted that the current Commission includes a number of members who also serve as elected representatives of their cities.

¹⁶ *Id.*

¹⁷ *S.C. Pub. Int. Found. v. S.C. Transp. Infrastructure Bank*, 403 S.C. 640, 646, 744 S.E.2d 521, 524 (2013).

¹⁸ *City of Beaufort v. Beaufort-Jasper Cnty. Water & Sewer Auth.*, 325 S.C. 174, 180, 480 S.E.2d 728, 731 (1997)

¹⁹ S.C. Code Ann. § 6-25-128.

²⁰ 2022 WL 17541133, at *4 (Utilization of *Crenshaw* factors to determine whether an official is exercising sovereign powers of the State).

iii. Voting Procedure

The Study recommends “that for matters not related to debt, each [Commissioner] would receive one vote, with all votes being equal.”²¹ The Study further recommends that for matters related to debt, the new [Governance Agreement] must determine the most equitable manner in which to apportion votes. It is recommended that this be based on something such as the proportionate flow of each stakeholder to the Coneross WRF, a fixed capacity allocation, or an annual process of determining an equitable allocation for specific votes.”²²

The Joint Authority Act provides that “[a] commissioner has one vote and may have additional votes as a majority of the members of the joint system determines,”²³ except that with regard to the election of chairman, vice-chairman, secretary, and treasurer of the Commission, each Commissioner shall have one vote.²⁴ The Joint Authority Act also provides that the Joint Authority cannot undertake a project for which bonds will be issued without the approval of a favorable vote of two-thirds of all Commissioners following unanimous approval of the governing bodies of all Members. Practically speaking, this means the Operating Agreement, which should include preauthorization of borrowing for the near-term capital plan and the maintenance of the system, must be approved by two-thirds of all Commissioners. The approval of the bond resolution, the provisions of which actually implement the borrowing plans, may be subject to a different threshold (including weighted voting as discussed below) at or in excess of a majority of a quorum.

The Joint Authority Act provides that each Commissioner may receive “additional votes as a majority of the members of the joint system determines.” While the Study contemplates weighted voting for debt issuances, additional consideration should also be given to weighted voting for other financial matters (rates and charges), amendments to the Bylaws or other governing matters. Options can be drawn from other joint authorities, which include weighted voting options based on capacity,²⁵ flow,²⁶ or customer count,²⁷ or the Joint Authority can determine its own weighting metrics. The decision whether to utilize weighted voting, how/when to utilize weighted voting and the methodology for weighted voting should be discussed by the ad hoc committee (as contemplated in the study), and if determined for use, should be memorialized in the Governance Agreement and bylaws.

²¹ Study at 78.

²² Study at 79.

²³ S.C. Code Ann. § 6-25-60(A).

²⁴ S.C. Code Ann § 6-25-60(B).

²⁵ Anderson Regional Joint Water System.

²⁶ Pickens Regional Joint Water System; Piedmont Municipal Power Agency (using a hybrid option with a fixed amount of voting shares, plus additional shares based upon a proportionate share of base billing demand).

²⁷ Lowcountry Regional Water System.

iv. Rescind and Replace All Prior Agreements

The Study noted that the Authority Agreement and the Incorporated Agreements impede action and that “inaction is not an option.”²⁸ This is because sewer service in the County is at a point where inaction “will ultimately result in negative impacts to the things that all county citizens prioritize – quality of life and protection of abundant and natural resources.”²⁹

A new Operating Agreement that says the same thing as the existing Authority Agreement and the Incorporated Agreements will not serve the Joint Authority well in the future. Our firm regularly works with several other joint authorities created under the Joint Authority Act and there are key provisions in each of their respective operating agreements that allow for their operational success and ability to access the bond market. As mentioned above, we think the best way to do this is through an omnibus ordinance by each Member that approves a new Operating Agreement and rescinds all prior agreements. The new Operating Agreement should provide for the following:

- a defined “Project,” which may be expansive or limited in scope, for which the Members can preauthorize the issuance of debt to construct and to provide for capital maintenance and regulatory compliance, and to extend the useful life of the Project
- the method or methodology for determining the apportionment of operating costs (usually on the basis of relative flows) and capital costs (usually on the basis of capacity)³⁰
- define the components of each Member’s monthly payment, which should include (at minimum) the following components of Member charges along with clear methodologies for calculating and apportioning them:
 - capital charge
 - operation and maintenance charge
 - depreciation charge
 - debt service charge
- define the payment obligation of the Members as “absolute and unconditional” and provide for a “step-up” provision providing for Members to jointly and severally stand-behind any debt obligation
- provide for capacity allocation, including adjustments and transfers

²⁸ Study at 77. Additionally, in its most recent monitoring report dated October 1, 2024, RIA informed OJRSA that “[t]he efforts to act on the recommendations and reorganization efforts outlined in th[e] [P]lan may be a consideration in evaluation for future funding requests for Oconee Joint Regional Sewer Authority and the participating systems” (Emphasis added).

²⁹ *Id.*

³⁰ This is something that should be reviewed and considered in the “Financial/Rate Cost of Service Study” as recommended in the “Next Steps” section of the Study at 84.

- provide a defined mechanism for all or a portion of the Members to finance additional capacity and expansion apart from the initial pre-authorized “Project”
- provide that each Member include sewer charges on water bills
- ensure that Members’ individual revenue bond obligations are structured on a net revenue (as opposed to a gross revenue) basis, whereupon payment obligations to the Joint Authority are prioritized
- determine whether collection infrastructure will be owned, operated or maintained by the Joint Authority
- mandated compliance and associated penalties for failure to comply with Joint Authority’s sewer use policy

IV. Option 3 – Consolidation with an Existing Entity

Consolidation with an existing entity trades self-determination for financial relief. This trade-off may be worth it in the short to medium term, but aside from an initial agreement specifying certain near-term activities, the Members would have no say in policy matters regarding who is served in the future.³¹ This option abdicates responsibility for sewer in the County. Given the condition of the various systems this may appear attractive, but rehabilitation and expansion costs will be paid by the ratepayers at the end of the day.

Further, a review of consolidation options requires a fact-specific analysis. The process for consolidation of the Joint Authority into a municipality versus a special purpose district is very different. The practical considerations of any consolidation option should be analyzed once and if a consolidation candidate is identified.³²

V. Conclusion

While the above covers a great deal of ground, the pieces will fall into place if the Members can determine:

- the composition of the Commission
- weighted voting
- the scope and cost of the pre-authorized capital plan
- an acceptable rate structure and methodology

If these matters can be determined with adequate definition, we would then propose that the Joint Authority and each Member adopt a resolution and ordinances, respectively, reincorporating the Joint Authority, reconstituting the Commission, and rescinding and replacing all existing

³¹ This is according to State law.

³² Such arrangement would require a separate memorandum to identify and describe the consolidation process.

Agreements. From our perspective those actions are straightforward once the Members determine the matters set forth above.

In the absence of such determinations, or a failure by some or all of the Members to act, options for the potential consolidation of the Joint System should be considered and candidates for such consolidation should be reviewed, vetted and stress-tested.