



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

April 11, 2025

GENERAL INFORMATION

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

- Tonight is the finals of the 2025 Pre-Season Baseball & Softball Tournaments. Games will be held in Salem & Westminster.
- The regular season for T-ball, most baseball, and most softball will begin next week. Schedules will be posted on Facebook in the coming days.
- Sleep In Heavenly Peace had a private bed build at the Rec Department last Saturday. They were able to build 10 beds that families in the community can apply for via their Facebook page and website.
- Next is the final week of spring volleyball.

Hospitality Tax Borrowing

Last week the deadline for financial institutions to submit proposals for the Hospitality Tax borrowing for the Horton Recreational Fields was extended for two weeks. The original deadline was April 2, 2025, and is now April 16, 2025. This was done to allow a local institution to perform its due diligence on a prospective submittal.

SCIIP Sewer Project

The city received several bids on phase II of the project. HRH is the apparent low bid, and the city is evaluating ways to trim price.

Anderson Park

Little was done on site this week due to periods of rain.

Horton Outdoor Recreational Area

On-site, little has changed from last week.-This week, the *Invitation for Subcontract Bids* for the concession stand was released. More information may be found here:

<https://westminstersc.org/departments/administration/#bids>

Heirloom Farms

J&M has begun installing water lines in the subdivision as weather and soil conditions permit them to do so.

Sewer is complete.

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

Bridge girders have been installed

Westminster Planning Commission

Nothing to report.

OJRSA

The OJRSA Board met this week; the draft minutes are attached. The Executive Committee met this week; the agenda is attached. The Ad Hoc Committee met this week, the agenda is attached, in addition, the Ad Hoc Committee made corrections to the 3/13/25 committee meeting minutes and approved the minutes with these corrections. Those revised minutes are attached.

PMPA

The PMPA Board is scheduled to meet, Thursday, April 17, 2025; the agenda is attached.

PLEASE MARK YOUR CALENDARS

April 15, 2025 at 8:30 am Operations & Planning Committee at OJRSA

April 17, 2025 at 10:00 am PMPA Board Meeting at PMPA

April 18, 2025 - City Offices closed in observance of Good Friday

April 22, 2025 at 9:00 am Finance & Administration Committee at OJRSA

**April 29, 2025 at 4:00 pm Called City Council Budget Workshop at the Westminster Fire Department
City Council Meeting Schedule**

May 5, 2025 at 4:00 pm OJRSA Board Meeting at OJRSA

May 8, 2025 at 9:00 am OJRSA Ad-hoc Feasibility Implementation Committee at OJRSA

May 13, 2025 at 6:00 pm City Council Meeting at the Westminster Fire Department

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

April 18, 2025 Three Crosses at Retreat Street Park

*Good Friday event hosted by Cross Roads #2 Baptist Church at Retreat Street Park beginning at 5:00pm.
Food and music will be apart of the community event.*

April 19, 2025 Ms. Johnson's Easter Egg Hunt – location to be announced next week.

April 11 until 30, 2025 Westminster Senior Outreach Supply Drive

*Westminster Senior Outreach will be accepting paper and plastic goods until April 30 to be donated to
Lakeview Assisted Living Facility. A flyer is attached.*

May 17, 2025 Music on Main in Downtown Westminster

Westminster Music Centre presents Music on Main. Car Show will begin at 3:00.

June 19, 2025 Westminster Juneteenth Luncheon at Magnolia Manor in Westminster

Westminster will host its second Juneteenth luncheon. More Detail to come.

WSC
WESTMINSTER SENIOR CENTER
A.T. CAYWOOD OUTREACH
IS GIVING BACK TO THE COMMUNITY WITH A...
PAPER & PLASTIC GOODS
DONATION DRIVE

ITEMS CAN BE DROPPED OFF AT:
211A LUCKY STREET WESTMINSTER SC 29693
UNTIL: APRIL 30 2025
MON, TUE, THU AND FRI - 10 AM TO 3PM

ALL DONATIONS WILL BE DELIVERED TO
LAKEVIEW ASSISTED LIVING IN WALHALLA,
WHICH IS IN NEED OF THE FOLLOWING ITEMS:

- **PAPER TOWELS**
- **NAPKINS**
- **PAPER PLATES / BOWLS**
- **SOLO TYPE CUPS**
- **PLASTIC CUTLERY**
- **FLUSHABLE WIPES**
- **TOILET PAPER**





Oconee Joint Regional Sewer Authority

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

OCONEE JOINT REGIONAL SEWER AUTHORITY

Commission Meeting

April 7, 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
- 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
- Kyle Lindsay, OJRSA Operations Director
- Dalton Justice, OJRSA Commercial Pretreatment & Construction Inspector
- Johnny McCall, OJRSA Operations Supervisor
- Donald Broome, OJRSA Operator
- Remy Simoneaux, OJRSA Operator
- Michael McClain, OJRSA Conveyance Supervisor
- Terry Reed, OJRSA Conveyance

Others present were:

- Larry Brandt, OJRSA Attorney
- Norm Cannada, The Journal
- Keith Wilbanks, OJRSA Contract Operator
- Reagan Osbon, Westminster Assistant City Administrator
- 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.

B) Invocation and Pledge of Allegiance – By Mr. Dial.

C) Special Recognition – Mr. Lindsay began by stating he appreciated the board's support to the staff and appreciates the OJRSA staff for the hard work they do. He presented the "Facility Excellence Award" to the board and stated it is proof that the OJRSA staff does a good job. Mr. Lindsay stated the OJRSA received this award for zero non-compliances recorded for 2024.

Mr. Bronson asked Mr. Lindsay to elaborate on what this award is about. Mr. Lindsay replied that there are approximately 300 utilities in South Carolina, and any of them can submit an application to the SC Department of Environmental Services (SCDES) for this award. The application must contain

information about non-compliance issues, sewer overflows, number of miles of pipe, and equipment used. SCDES awarded this to only thirty-two (32) utilities, and they compare each facility's records with the application to SCDES's compliance records to determine who gets the award. The board congratulated the OJRSA team on this achievement.

D) Public Session – Mr. Adams said the discussion of increasing impact fees is on the agenda for today. He voiced his concern about rushing to do this when it is unknown what the Ad Hoc Committee will recommend for the board structure and when it is unknown what will happen with President Trump's economic agenda and tariffs.

E) Approval of Minutes:

- **Board of Commissioners Meeting of March 6, 2025**

Mr. Dial made a motion, seconded by Mr. Moulder, to approve the March 6, 2025 Board Meeting minutes as presented. The motion carried.

F) Committee and Other Meeting Reports:

- **Sewer Feasibility Implementation Meeting of February 13, 2025** – Ms. Stephens presented the report to the Commission. **See attached minutes.*

Mr. Moulder made a motion, seconded by Mr. Dial, to accept the February 13, 2025 Sewer Feasibility Implementation Meeting minutes as presented.

- **Operations & Planning Meeting of March 25, 2025** – Mr. Faires presented the report to the Commission. **See attached minutes.*

Mr. Faires made a motion, seconded by Mr. Hinkle, to approve the March 25, 2025 Operations & Planning Meeting minutes as presented. The motion carried.

- **Finance & Administration Meeting of March 25, 2025** – Ms. Myers presented the report to the Commission. **See attached minutes*

Ms. Myers made a motion, seconded by Mr. Moulder, to approve the March 25, 2025 Finance & Administration Meeting minutes as presented. The motion carried.

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

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

H) Presentation and Discussion Items:

- **Consider Possible Increases to Impact Fees for Fiscal Year 2026 (Exhibit B)** – Mr. Eleazer explained that impact fees were designed for growth paying for growth. Someone has to pay for sewer costs associated with growth, and the OJRSA board decides if the costs should be paid entirely by existing users, those who are causing the growth, or somewhere in between.

The Director stated that the OJRSA currently has an impact fee of \$15.25 per gallon based on water meter size. A residential user is one type of connection (with a 5/8" or 3/4" water meter based on 150 gallons per day). Non-residential users are all others (including apartment complexes).

In August of 2023, Mr. Jason Gillespie of Weston & Sampson Engineers did a study and recommended impact fees be raised to \$24.50 per gallon to cover future expansion of the treatment plant as well as conveyance system upgrades with upsizing of existing facilities. At that time, OJRSA impact fees were \$11.25 per gallon, and the board felt it was too extreme to raise them to \$24.50 per gallon and instead approved a \$4 per gallon increase (to the current \$15.25 per gallon rate).

Mr. Gillespie was recently asked to update his impact fee memo to include: 1) an update of rates based on the current policy using the water meter size requested by the O&P Committee, and 2) rates using a model reflective of what SCDES uses to determine the hydraulic loading capacity of

wastewater as stated in the appendix of Regulation 61-67 that was requested by the F&A Committee. Two (2) updated Weston & Sampson memos (Exhibit B) were provided to the board *(made a part of these minutes)*. The Director added that Mr. Gillespie now recommends an impact fee rate of \$25.73 per gallon.

The Director said it was established in the past that the Schedule of Fees be revisited every year during budget time, so he asked the board to recommend what rate to put in the update that will be effective on July 1, 2025.

Mr. Dial asked what hydraulic loading is. Mr. Eleazer replied it is how much wastewater is estimated (for system design purposes) to flow into the conveyance system and wastewater treatment plant from any facility based on a specific purpose. These numbers are overly conservative but are still the standards used by SCDES. The Director said the OJRSA used to use that model for calculating fees years ago before it changed to basing it on water meter size around 2022. That original way of calculating fees was very cumbersome and difficult: an apartment complex is calculated by number of bedrooms, and then they might have laundry facilities, coffee shop, swimming pool, and a gym which all have different numbers requiring different calculations.

Mr. Dial asked, since the rate was increased the last time, how much the OJRSA's costs have gone up. Mr. Eleazer replied that he couldn't answer this question as the impact fees are strictly for growth costs and do not pertain to routine operations and maintenance costs.

Mr. Eleazer added that the F&A Committee wasn't looking to change the way the fee is calculated based on water meter size, but rather to tie it back in line with the SCDES regulations. Currently the OJRSA charges 150 gallons per day for a residence, but SCDES uses 300 gallons per day, so essentially the OJRSA is only charging for half the regulatory flow. If the OJRSA were to raise the residential flow to the 300 gallons per day, it would obtain double the amount in impact fees without raising the actual impact fee rate.

Mr. Moulder agreed, stating this would connect it to a regulatory requirement versus just an increase in the rate, and it would still accomplish the same thing. He asked if SCDES stipulates 300 gallons per day for a residence, why is the OJRSA only charging 150 gallons per day? Mr. Parris said that keeping the flow lower slows down the speed to when the OJRSA reaches the capacity required for an upgrade. Mr. Moulder said he also understood the complexity of calculating fees for multiple uses, but the F&A Committee hoped to tie this to a regulatory requirement with the rate increase.

Mr. Bronson said this is on the agenda today as a discussion item and not as an action item. He asked if the F&A Committee wanted to take this information back to their committee to discuss it and bring a recommendation back to the board. Mr. Moulder stated he appreciated the Executive Director's statement about not wanting to go back to a complex way of calculating fees. He said he wanted to tie the fees to regulatory requirements, but he doesn't want to make calculating impact fees any more complicated than it is to get to the same result (as raising rates) in the end. He stated the board can make the decision.

Mr. Moulder added that he would like to see rate increases done in a phased approach of three-to-four (3-4) years. Mr. Dial and Mr. Hinkle agreed, and Mr. Dial said a timeline should be set up.

I) Action Items:

1. Receive Public Comments Regarding Resolution 2025-02 Adoption of OJRSA Sewer Use Regulation (Exhibit C) – There were no public comments.

Mr. Eleazer stated for the record that the OJRSA provided three (3) legal notices in The Journal with instructions on how to comment, there were multiple press releases on local media and Facebook, the Member Cities and Oconee County were notified and given a summary on March 7, 2025, the Chamber of Commerce and Oconee Economic Alliance were notified on March 10, 2025, Ms. Allison McCullough (OJRSA Regulatory Services Coordinator) notified all of the industries, and all waste haulers were notified by Ms. Amanda Kelley (OJRSA Records Clerk). The OJRSA has not received any written comments.

Mr. Eleazer added that there was an error on page 8 of 96 that had a wrong spelling of an address, and if the board approves the resolution to adopt, the approved version will include the correction of this address.

2. Approve Resolution 2025-02 Adoption of OJRSA Sewer Use Regulation (Exhibit C) –

Mr. Moulder made a motion, seconded by Mr. Dial, to approve adoption of the OJRSA Sewer Use Regulation (Exhibit C) as presented. 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 sewer overflow this afternoon around 2:00 p.m. caused by clogged pumps at the Seneca Pump Station. Approximately 1,500 gallons were spilled. The pumps were unclogged and debris removed. This was reported to SCDES.

The Director reminded the board that each of the Member Cities' biannual updates for the Corrective Action Plan are due to Ms. Allison McCullough of the OJRSA by April 30, 2025. The OJRSA must submit its biannual update (which includes the cities' updates) to SCDES by May 10, 2025.

2. Miscellaneous (If Any) – There will be a Utility Workforce Roundtable Summit being held at ReWa in Greenville tomorrow morning. Mr. Eleazer said he and Mr. Kyle Lindsay (OJRSA Operations Director) will be in attendance. The OJRSA has had difficulty finding people to fill positions in the organization, but this is not just a local problem.

Mr. Eleazer stated that the OJRSA Maintenance Supervisor resigned right around the holidays, and the position was filled in February; however, the new supervisor only lasted about a month and resigned as well.

The Director added that in addition to the Maintenance Supervisor position being open, a maintenance tech is out long-term due to health issues, and another maintenance tech position is open. There are currently two (2) maintenance techs working, and they are rotating being on-call. Fortunately, Mr. Keith Wilbanks is willing to help out as needed for operations and may even assist in the maintenance department in the interim.

K) Commissioners' Discussion – None.

L) Executive Session ***(NOTE: Board May Act on Matters Discussed in Executive Session Upon Returning to Open Session.)*** *[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.]*

1. Receipt of Legal Advice – Environmental Enforcement and Compliance Matters.

2. Receipt of Legal Advice – Easement Acquisition for Future Sewer Expansion.

At 4:44 p.m., Mr. Dial made a motion, seconded by Mr. McKee, to enter an Executive Session to receive legal advice regarding enforcement and compliance matters and an easement acquisition. The motion carried.

At 6:05 p.m., Mr. Faires made a motion, seconded by Mr. McKee, to return to Regular Session. The motion carried.

Mr. Moulder and Ms. Myers left the meeting during Executive Session.

Mr. Faires made a motion, seconded by Mr. Dial, to approve an agreement with HCBV, LLC for a future line easement. The motion carried.

M) Upcoming Meetings:

- 1. Sewer Feasibility Implementation Ad Hoc Committee** – Thursday, April 10, 2025 at 9:00 a.m.
- 2. Operations & Planning Committee** – Wednesday, April 16, 2025 at 8:30 a.m.
- 3. Finance & Administration Committee** – Tuesday, April 22, 2025 at 9:00 a.m.
- 4. Board of Commissioners** – Monday, May 5, 2025 at 4:00 p.m.

Mr. Bronson stated he wants to add an Executive Committee meeting this week or next week to discuss the Executive Director's performance review in Executive Session. Mr. Bronson said he will discuss this with the Executive Committee members and also requested that Mr. Brandt attend, and he will notify Mr. Eleazer to schedule it.

N) Adjourn – Mr. Bronson adjourned the meeting at 6:10 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 March 7, 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
April 7, 2025 at 4:00 PM

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 David Dial
- C. Special Recognition** – Presentation by Kyle Lindsay, OJRSA Operations Director
 - 2024 SCDES Facility Excellence Award** – Recognition by the South Carolina Department of Environmental Services in recognition of facility personnel who are striving for excellence in the protection of the environment and are meeting or exceeding compliance expectations.
- D. 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.
- E. Approval of Minutes**
 - Board of Commissioners Meeting of March 6, 2025
- F. Committee and Other Meeting Reports**
 - Sewer Feasibility Implementation Meeting of February 13, 2025 – Lynn Stephens, Secretary/Treasurer
Minutes to be considered at the May 5, 2025 board meeting
 - Operations & Planning Meeting of March 25, 2025 – Bob Faires, Committee Chair
 - Finance & Administration Meeting of March 25, 2025 – Celia Myers, Committee Chair
- G. Secretary/Treasurer's Report** (Exhibit A) – Lynn Stephens, Secretary/Treasurer
- H. Presentation and Discussion Items** [May include vote and/or action on matters brought up for discussion]
 - Consider possible increases to impact fees for Fiscal Year 2026 (Exhibit B) – Chris Eleazer, Director
- I. Action Items**
 - 1. Receive public comments regarding Resolution 2025-02 Adoption of OJRSA Sewer Use Regulation (Exhibit C) – Kevin Bronson, Board Chair
 - 2. Approve Resolution 2025-02 Adoption of OJRSA Sewer Use Regulation (Exhibit C) – Kevin Bronson, Board Chair
- J. Executive Director's Discussion and Compliance Matters** – Chris Eleazer, Director
 - 1. Environmental and regulatory compliance matters
 - 2. 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 [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.]*
 - 1. Receipt of Legal Advice – Environmental enforcement and compliance matters.
 - 2. Receipt of Legal Advice – Easement acquisition for future sewer expansion.

M. Upcoming Meetings *All meetings to be held in the OJRSA Lamar Bailes Board Room unless noted otherwise.*

- Sewer Feasibility Implementation Ad Hoc Committee – April 10, 2025 at 9:00 AM
- Operations & Planning Committee – April 16, 2025 at 8:30 AM
- Finance & Administration Committee – April 22, 2025 at 9:00 AM
- Board of Commissioners – May 5, 2025 at 4:00 PM

N. Adjourn



Secretary/Treasurer's Report for Board of Commissioners

Prepared for the April 7, 2025 OJRSA Board of Commissioners Meeting

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

UNRESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Wholesale Operations & Maintenance (O&M)	654,636	2,695,000	3,349,636
Retail Operations & Maintenance (RO&M)	3,150,537	245,000	3,395,537
TOTAL UNRESTRICTED FUNDS	3,805,173	2,940,000	6,745,173

RESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Projects and Contingency (PCF)	790,744	0	790,744
Wholesale Impact Fund (WIF)	722,417	5,327,000	6,049,417
Retail Impact Fund (RIF)	3,400	0	3,400
TOTAL RESTRICTED FUNDS	1,516,561	5,327,000	6,843,561

Combined Total for All Funds

Cash **5,321,734**

Investments **8,267,000**

Combined **13,588,734**

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	183.6	6,657,488	X NO YES
RO&M Fund	92.6	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 February 2025 (mark with an "X" on appropriate line): X YES NO See attached document(s) from accountant.

Reconciliation Notes:

Awaiting reconciliation letter from Susan Stamey.

See next page for more information

INVESTMENTS UPDATE

Maturing Investment	%age Rate	Fund Code	Maturity Date	Amount (\$)	To Be Reinvested?		
California Bank	5.3	WIF	4/3/2025	245,000.00	X	YES	NO
Beal Bank	5.05	WIF	4/16/2025	245,000.00	X	YES	NO
Heritage Bank	5.05	WIF	4/17/2025	245,000.00	X	YES	NO
Flagstar Bank	5.5	WIF	4/30/2025	245,000.00	X	YES	NO
Merrick Bank	5.4	WIF	5/6/2025	245,000.00	X	YES	NO
						YES	NO
						YES	NO
						YES	NO
						YES	NO
						YES	NO
						YES	NO
						YES	NO
						YES	NO

Investment Notes:

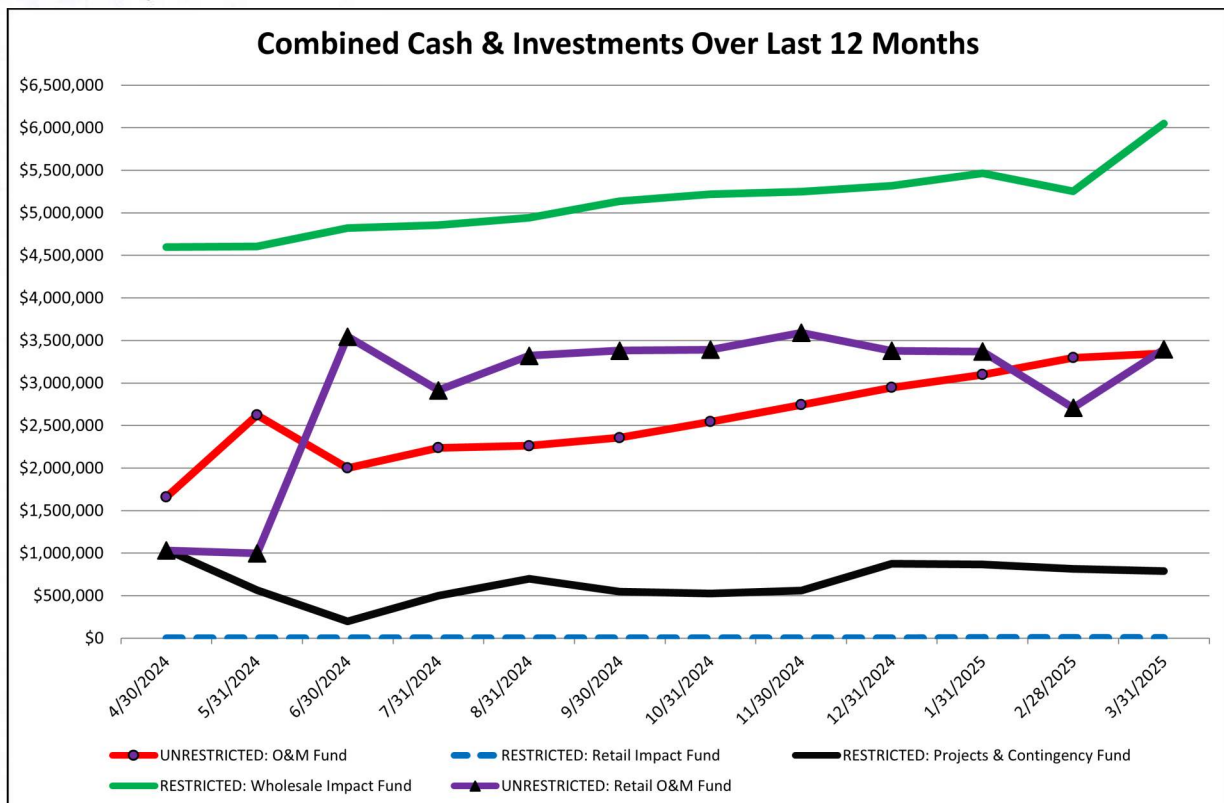
See additional sheets for investment information and trends

By my signature, to the best of my knowledge, I certify this report is accurate.



Lynn Stephens

OJRSA Secretary/Treasurer





3453 Pelham Road, Suite 204, Greenville, SC 29615
Tel: 864.686.5774

MEMORANDUM

TO: Chris Eleazer, Executive Director, Oconee Joint Regional Sewer Authority

FROM: Jason Gillespie, P.E.

DATE: April 3, 2025

SUBJECT: Recommendations for Impact Fee (April 2025 update)

Weston and Sampson (WSE) was contracted in 2023 to update a technical memorandum prepared by Gillespie Engineering in May 2020 that provided recommendations for impact fee structure. Due to the significant increase in capital improvement costs since then, WSE revisited the cost assumptions and updated the fee structure recommendations accordingly. In 2020, OJRSA performed a significant amount of research regarding existing impact fee structures of other South Carolina utilities, as well as receiving meter counts from SJWD (Startex Jackson Wellford Duncan) Water District. Additionally, SJWD provided OJRSA with typical water consumption per meter size per an AWWA water utility survey. Water consumption per meter size is shown below in Table 1:

Table 1: Water Consumption Data Per Meter Type and Size (source: AWWA)

Meter Type / Size		Typical Flow (gpd)
Residential	5/8"	150
	3/4"	150
	1"	365
Commercial / Industrial	5/8"	225
	3/4"	225
	1"	365
	1 1/2"	1,630
	2"	3,305
	3"	9,815
	4"	12,340
	6"	23,630
	8" ¹	22,832

In addition to the information obtained by OJRSA regarding SJWD meter counts, Gillespie Engineering also obtained similar information from the City of Anderson, Powdersville Water District, and Lexington Joint Municipal Water and Sewer Commission (JMWSC). All four utilities have what would be considered customer bases similar to what is served by OJRSA. None of the three utilities that Gillespie Engineering

¹ The typical ADF from the AWWA survey (as shown in Table 1) for an 8" meter was lower than that of a 6" meter. It is assumed this is just from a smaller sample size for 8" meters in the study. As a result, for the purposes of calculating a proposed impact fee for an 8" meter, the 6" meter fee was increased by 57% (the difference between the maximum flow rates of the two meter sizes).

obtained data from had data on average flow per meter size and type. Therefore, the information shown in Table 1 is assumed to be typical for all utilities in the study. Meter count data is as shown in Table 2:

Table 2: Meter Count Data for Similar Sized Utilities in South Carolina

Meter Type / Size		SJWD	City of Anderson ²	Powdersville Water District ²	JMWSC	Average
Residential	5/8"	24,350	0	0	0	12,175
	3/4"	0	16,564	13,568	16,994	11,782
	1"	134	0	0	17	76
Commercial / Industrial	5/8"	690	0	0	0	345
	3/4"	0	0	0	356	178
	1'	245	3,741	235	177	1,100
	1 1/2"	110	201	76	37	106
	2"	96	187	107	132	131
	3"	31	37	10	9	22
	4"	7	8	1	15	8
	6"	6	31	1	8	12
	8"	1	3	0	0	1
	10"	0	1	0	0	0

It is assumed that water consumption data and meter size distribution have not changed significantly since 2020; thus, the values shown in Tables 1 and 2 are used for the current update.

In the original 2020 analysis, a rule-of-thumb capital improvement cost per gallon per day (gpd) of average daily flow was used: \$9 per gpd for treatment and \$2.25 per gpd for conveyance (equal to 25% of the treatment gpd cost). Using these assumptions, an impact fee structure was developed, for a combined \$11.25 per gpd ADF.

WSE evaluated the capital improvement costs in the current construction market climate in 2023, and the impact fee was raised to \$15.25 per gpd ADF. This is below the WSE's recommendation at that time of \$24.50 per gpd ADF. We have now updated the analysis again to estimate costs for the current market climate in 2025. Our analysis showed that construction costs within the wastewater construction industry have risen approximately 5% since 2023. Therefore, updated capital improvement costs as of April 2025 are estimated as:

Treatment Plant Construction	\$14.70/gpd
Soft Costs – Design, Permitting, Construction Administration and Inspection, Legal, etc. (20%)	\$2.94/gpd
Project Contingency (20%)	\$2.94/gpd
TOTAL TREATMENT PLANT COSTS	\$20.58/GPD
TOTAL CONVEYANCE SYSTEM COSTS (25% OF TREATMENT)	\$5.15/GPD
TOTAL RECOMMENDED IMPACT FEE BASIS	<u>\$25.73/GPD</u>

² City of Anderson and Powdersville Water District did not have meter data broken out between residential and commercial / industrial. Therefore, all 3/4" meters were assumed to be residential.

Using the above cost assumptions, the proposed impact fees for FY2026 are shown below in Table 3:

Table 3: Proposed and Current Impact Fee Structure Based on Meter Type and Size

Meter Type / Size		Impact Fee PROPOSED FY 2026	WSE Recommended Impact Fee For FY 2024	Impact Fee CURRENT (approved in 2023)
Residential	5/8" or 3/4"	\$3,900	\$3,700	\$2,300
	1"	\$9,400	\$8,900	\$5,600
Commercial / Industrial	5/8" or 3/4"	\$5,800	\$5,500	\$3,400
	1"	\$9,400	\$15,300	\$5,600
	1 1/2"	\$41,900	\$39,900	\$24,900
	2"	\$85,000	\$81,000	\$50,400
	3"	\$252,500	\$240,500	\$150,000
	4"	\$38,500	\$302,300	\$188,200
	6"	\$608,000	\$578,900	\$360,400
	8"	\$954,600	\$908,900	\$565,800

A review of current impact fees within upstate South Carolina was not performed with this analysis, but could be added. However, it is difficult to compare impact fees amongst utilities because development trends, system characteristics, systems that have already built to accommodate for growth, etc. can vary widely. Systems such as OJRSA's which is spread out amongst three different municipalities, has more challenges in constructing capital improvements compared to systems that are in more congested, well-developed areas.



3453 Pelham Road, Suite 204, Greenville, SC 29615
Tel: 864.686.5774

MEMORANDUM

TO: Chris Eleazer, Executive Director, Oconee Joint Regional Sewer Authority

FROM: Jason Gillespie, P.E.

DATE: April 3, 2025

SUBJECT: Impact Fee Analysis – SCDES Contributory Loadings

Oconee Joint Regional Sewer Authority (OJRSA) currently has an impact fee based on an estimate of \$15.25 per GPD, as assessed on an estimated typical flow from the water meter size. These current rates are shown in Table 1.

Table 1: Current Impact Fee Structure Based on Meter Type and Size

Meter Type / Size		Impact Fee CURRENT (approved in 2023)	WSE Recommended Impact Fee For FY 2024
Residential	5/8" or 3/4"	\$2,300	\$3,700
	1"	\$5,600	\$8,900
Commercial / Industrial	5/8" or 3/4"	\$3,400	\$5,500
	1"	\$5,600	\$15,300
	1 1/2"	\$24,900	\$39,900
	2"	\$50,400	\$81,000
	3"	\$150,000	\$240,500
	4"	\$188,200	\$302,300
	6"	\$360,400	\$578,900
	8"	\$565,800	\$908,900

WSE evaluated the capital improvement costs in the current construction market climate in 2023, and the impact fee was raised to \$15.25 per gpd ADF. This is below the WSE's recommendation at that time of \$24.50 per gpd ADF. We have now updated the analysis again to estimate costs for the current market climate in 2025. Our analysis showed that construction costs within the wastewater construction industry have risen approximately 5% since 2023. Therefore, updated capital improvement costs as of April 2025 are estimated as¹:

Treatment Plant Construction	\$14.70/gpd
Soft Costs – Design, Permitting, Construction Administration and Inspection, Legal, etc. (20%)	\$2.94/gpd

¹ See "Recommendations for Impact Fee (April 2025 Update)" Memorandum from Weston & Sampson, April 3, 2025 for more information

Project Contingency (20%)	\$2.94/gpd
TOTAL TREATMENT PLANT COSTS	\$20.58/GPD
TOTAL CONVEYANCE SYSTEM COSTS (25% OF TREATMENT)	\$5.15/GPD
TOTAL RECOMMENDED IMPACT FEE BASIS	<u>\$25.73/GPD</u>

OJRSA requested an analysis of what the impact fees would be if the \$15.25 per GPD were instead assessed on the sewer contributory loading as defined in South Carolina Department of Environmental Regulation 61-67, "Standards for Wastewater Facility Construction" Appendix A: Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities. One downside to using the unit contributory loadings is that it does not always correlate to the actual amount of wastewater that the system may see due to the particular development.

The table of Unit Contributory Loadings is shown in Appendix A attached, along with a representative example of each type of establishment, and its corresponding impact fee based on \$15.25 per gpd.

Appendix A: Impact Fees Based on SCDES Contributory Loading

Type of Establishment	SCDES Hydraulic Loading (GPD)	Representative Example				
		Units	Component Flow (GPD)	Total Flow (GPD)	Impact Fee @ \$15.25/GPD	Impact Fee @ \$25.73/GPD
Airport				560	\$ 8,540	\$ 14,409
Per Employee	8	20	160			
Per Passenger	4	100	400			
Apartments, Condominium, Patio Homes						
3 Bedrooms	300			300	\$ 4,575	\$ 7,719
2 Bedrooms	225			225	\$ 3,431	\$ 5,789
1 Bedroom	150			150	\$ 2,288	\$ 3,860
Assembly Hall						
Per Seat	4	500		2000	\$ 30,500	\$ 51,460
Barber Shop				594	\$ 9,059	\$ 15,284
Per Employee	8	18	144			
Per Chair	75	6	450			
Bars, Taverns				816	\$ 12,444	\$ 20,996
Per Employee	8	12	96			
Per Seat, Excluding Restaurant	30	24	720			
Beauty Shop				708	\$ 10,797	\$ 18,217
Per Employee	8	18	144			
Per Chair	94	6	564			
Boarding House, Dormitory						
Per Resident	38	100		3800	\$ 57,950	\$ 97,774
Bowling Alley				880	\$ 13,420	\$ 22,642
Per Employee	8	16	128			
Per Lane, No Restaurant, Bar or Lounge	94	8	752			
Camps						
Resort, Luxury (Per Person)	75	100		7500	\$ 114,375	\$ 192,975
Summer (Per Person)	38	100		3800	\$ 57,950	\$ 97,774
Day, with Central Bathhouse (Per Person)	26	100		2600	\$ 39,650	\$ 66,898
Travel Trailer (Per Site)	131	50		6550	\$ 99,888	\$ 168,532
Car Wash						
Per Car Washed	56	80		4480	\$ 68,320	\$ 115,270
Churches						
Per Seat	2	500		1000	\$ 15,250	\$ 25,730
Clinics, Doctors Office				496	\$ 7,564	\$ 12,762
Per Employee	11	16	176			
Per Patient	4	80	320			
Country Club, Fitness Center, Spa						
Per Member	38	250		9500	\$ 144,875	\$ 244,435
Dentist Office				928	\$ 14,152	\$ 23,877
Per Employee	11	24	264			
Per Chair	6	16	96			
Per Suction Unit, Standard	278		0			
Per Suction Unit, Recycling	71	8	568			
Per Suction Unit, Air Generated Unit	0		0			
Factories, Industries						
Per Employee	19	50		950	\$ 14,488	\$ 24,444
Per Employee, w/ Showers	26	200		5200	\$ 79,300	\$ 133,796
Per Employee w/ Kitchen	30	200		6000	\$ 91,500	\$ 154,380
Per Employee w/ Showers and Kitchen	34	250		8500	\$ 129,625	\$ 218,705
Fairgrounds						
Average Attendance Per Person	4	1000		4000	\$ 61,000	\$ 102,920
Grocery Store						
Per Person, No Restaurant or Food Prep	19	400		7600	\$ 115,900	\$ 195,548
Hospitals				13500	\$ 205,875	\$ 347,355
Per Resident Staff	75	80	6000			
Per Bed	150	50	7500			

Appendix A: Impact Fees Based on SCDES Contributory Loading

Type of Establishment	SCDES Hydraulic Loading (GPD)	Representative Example				
		Units	Component Flow (GPD)	Total Flow (GPD)	Impact Fee @ \$15.25/GPD	Impact Fee @ \$25.73/GPD
Hotels						
Per Bedroom No Restaurant	75	100		7500	\$ 114,375	\$ 192,975
Institution						
Per Resident	75	100		7500	\$ 114,375	\$ 192,975
Laundries						
Per Machine (Self Service)	300	25		7500	\$ 114,375	\$ 192,975
Marinas						
Per Slip	23	30		690	\$ 10,523	\$ 17,754
Mobile Homes						
Per Unit	225			225	\$ 3,431	\$ 5,789
Motels						
Per Unit, No Restaurant	75	100		7500	\$ 114,375	\$ 192,975
Nursing Homes						
Per Bed	75	40		3000	\$ 45,750	\$ 77,190
Per Bed w/ Laundry	113	80		9040	\$ 137,860	\$ 232,599
Offices, Small Stores, Business, Administration Buildings						
Per Person, No Restaurant)	19	25		475	\$ 7,244	\$ 12,222
Picnic Parks						
Average Attendance Per Person	8	100		800	\$ 12,200	\$ 20,584
Prison / Jail						
Per Employee	11	25	275	4975	\$ 75,869	\$ 128,007
Per Inmate	94	50	4700			
Residences						
Per House	300			300	\$ 4,575	\$ 7,719
Rest Areas, Welcome Center						
Per Person	4	50		200	\$ 3,050	\$ 5,146
Per Person w/ Showers	8	50		400	\$ 6,100	\$ 10,292
Rest Homes						
Per Bed	75	40		3000	\$ 45,750	\$ 77,190
Per Bed, w/ Laundry	113	80		9040	\$ 137,860	\$ 232,599
Restaurants						
Fast Food, Not 24 Hrs, Per Seat	30	50		1500	\$ 22,875	\$ 38,595
24 Hr, Per Seat	53	50		2650	\$ 40,413	\$ 68,185
Drive In, Per Car Space	30	24		720	\$ 10,980	\$ 18,526
Vending Machine, Walk-up Deli or Food Prep (Per Person)	30	40		1200	\$ 18,300	\$ 30,876
Schools, Day Care						
Per Person	8	50		400	\$ 6,100	\$ 10,292
Per Person w/ Cafeteria	11	500		5500	\$ 83,875	\$ 141,515
Per Person w/ Cafeteria, Gym & Showers	15	1200		18000	\$ 274,500	\$ 463,140
Service Stations						
Per Employee	8	12	96	5776	\$ 88,084	\$ 148,616
Per Car Served	8	150	1200			
Car Wash (Per Car Washed)	56	80	4480			
Shopping Centers, Large Department Stores, Malls						
Per Person, No Restaurant	19	1000		19000	\$ 289,750	\$ 488,870
Stadiums, Coliseums						
Per Seat, No Restaurant	4	1000		4000	\$ 61,000	\$ 102,920
Swimming Pools						
Per Person, w/ Sewer Facilities and Showers	8	100		800	\$ 12,200	\$ 20,584
Theatres						
Indoor, Per Seat, Drive in, Per Stall	4	800		3200	\$ 48,800	\$ 82,336

**RESOLUTION 2025-02****Adoption of OJRSA Sewer Use Regulation**

A RESOLUTION ADOPTING THE OCONEE JOINT REGIONAL SEWER AUTHORITY SEWER USE REGULATION; 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. OJRSA was established pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "Act") by its three member-municipalities: the City of Seneca, the City of Walhalla, and the City of Westminster under the terms of an Intergovernmental Agreement dated October 31, 2007 (the "Agreement").
- B. Pursuant to the Act and the Agreement, the Commission is tasked with the management and control over the joint regional sewer system owned by OJRSA.
- C. In fulfilling this charge, the Commission has determined it is in the best interest of OJRSA to adopt a new OJRSA Sewer Use Regulation to substantially revise the prior Sewer Use Regulation, incorporating current regulatory criteria, policies, and protections for the OJRSA collection system and treatment works.

Section 2 Adoption. In accordance with the findings above, the Commission hereby adopts the OJRSA Sewer Use Regulation as set forth at Exhibit A.

Section 3 Effective Date. The OJRSA Sewer Use Regulation shall become effective at 12:01 am Local Time on April 8, 2025. All regulations or policies that are in conflict with the provisions of this Resolution 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 7th day of April 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:

Larry Brandt, OJRSA Attorney

Date: _____

<Seal>

RESOLUTION 2025-02 Adoption of OJRSA Sewer Use Regulation
April 7, 2025

Page 2 of 2

Exhibit A

Attached beginning on following page

DRAFT
For OJRSA Board
Consideration

OJRSA Sewer Use Regulation
April 8, 2025

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
04/08/2025	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 2025-02</i> on 04/07/2025.	SCDES and OJRSA Board of Commissioners

OJRSA Sewer Use Regulation
April 8, 2025

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DRAFT
For OJRSA Board
Consideration

OJRSA Sewer Use Regulation
April 8, 2025

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DRAFT
For OJRSA Board
Consideration

OJRSA Sewer Use Regulation
April 8, 2025

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 Environmental Services) and approved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on February 3, 2025, a thirty (30) day public notice given on March 8, 2025 in *The Journal* (Seneca, South Carolina), on the OJRSA website (www.ojrsa.org), mass media releases, and on social media accounts updated by OJRSA.

The Approval Authority was made aware of the public notice and comment period on March 8, 2025.

A public comment period was granted from February 3, 2025 until the OJRSA Board of Commissioners Meeting on April 7, 2025. The agency also accepted written comments as stated in the legal notices advertised in *The Journal* (Seneca, South Carolina) on March 8, 2025; March 22, 2025; and April 2, 2025; at www.ojrsa.org/info; mass media releases; and on OJRSA social media accounts.

APPROVED and ADOPTED by *OJRSA Resolution 2025-02* by the Oconee Joint Regional Sewer Authority Board of Commissioners on April 7, 2025 during the Board of Commissioners Meeting.

EFFECTIVE: 12:01 AM LOCAL TIME ON APRIL 8, 2025.

OJRSA Sewer Use Regulation
April 8, 2025

Section 2– Administrative Information

2.1 PURPOSE AND POLICY

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

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

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

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

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

2.2 APPLICATION OF REGULATIONS

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

2.3 DEFINITIONS

OJRSA Sewer Use Regulation
April 8, 2025

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

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

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

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

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

Approval Authority shall mean the State of South Carolina, by and through the Department of Environmental Services, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and associated regulations.

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

- A. If the User is a corporation:
 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the OJRSA. If the designation is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior to or together with any reports to be signed an Authorized Representative.

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- E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.

Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from wastewater.

Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.

Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to the water reclamation facility and its treatment process.

Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.]*

Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Centigrade (20°C).

Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.

Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale. Breweries also produce non-alcoholic products (e.g., "non-alcoholic beer"). Breweries shall also include craft brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*

Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion of fat, oil, grease, solids, and water.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five (5) feet outside the building wall.

Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location. Building drains are considered a portion of the building sewer.

Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee Handbook* or when otherwise established by the OJRSA Board of Commissioners.

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

Calendar Day shall mean all days, including weekends and holidays.

Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive) each year.

Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.

Capacity Permit. See definition for Permit.

Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.

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

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

Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and a tasting room products for produced at the facility. Also see Alcoholic Beverage.

CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to eliminate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of overflows on Waters of the State/United States, the environment, and public health.

Collection System. See definition for Conveyance System.

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

Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. *OJRSA currently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer system.*

Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.

Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater, are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional) Users may be subject to Local Limits as determined by the Director.

Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA, with failure to meet such deadlines subject to potential additional enforcement action as stated within the Regulation, including civil penalties.

Cumulative Consumer Price Index, as applicable to SECTION 8.6, shall mean the aggregate administrative, civil, or criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index as reported for the month of December each calendar year beginning with December 2023. *This amount shall be rounded up or down to the next whole dollar.*

Contact Cooling Water. See definition for Cooling Water.

Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and challenges to the environmental community as a result of:

- A. The recent development of new chemicals or other products;
- B. New or recently identified byproducts or waste products;
- C. Newly discovered or suspected adverse health or environmental impacts;
- D. Physical or chemical properties that are not fully evaluated or understood;
- E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other environmental program levels of control; and
- F. Other factors.

Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.

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

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

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

- A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact with any raw material, waste intermediate or final product, and which does not contain levels of contaminants detectably higher than that of intake water and does not have added chemicals for water treatment at the facility.
- B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact means the water has chemical(s) added at the facility or comes into contact with the product produced at the facility. This includes water contaminated through any means, including chemicals added for water treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, process materials, intermediate materials, final products, waste product, and/or wastewater.

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

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

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

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

Director. See definition for Executive Director.

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

Discharge Permit. See definition for Permit.

Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and SCDES approved location.

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

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

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

Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for definition.

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Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set forth in SECTION 8 of this Regulation.

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

Environmental Harm shall mean a pollutant effluent which:

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

Equivalent Permitting Record. See definition for Permit.

Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA Sewer Use Regulation* or Industrial User permit.

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

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

Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence or amount of alcohol volume. Also see Alcoholic Beverage.

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

FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal and/or vegetable or plant sources.

FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liquefy the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices must be cleaned manually to remove any FOG accumulation.

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

FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system and treatment works. This program is detailed in SECTION 9 of these Regulations.

FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes (catering and other such operations are considered a commercial purpose subject to FSE regulations).

FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats, oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Interceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not consider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be construed as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller devices will be considered for approval by OJRSA on a case-by-case basis for Multi-Family Developments.

FOG Permit. See definition for Permit.

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FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the responsibility of administering the provisions of the FOG Control Program to ensure User compliance with applicable laws, rules, regulations, and policies.

FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.

FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the Wastestream. These are identified as an “under the sink” reservoir or a “floor trap” which is a small container or tank with baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease interceptor” but should not be confused with a FOG Interceptor as defined by the OJRSA.

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

FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumbers must perform an inspection on a FCD when the device is being cleaned.

FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and appliances to the FOG Control Device.

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

Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or making food available for consumption. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering operations are considered a commercial purpose subject to FSE regulations*). FSEs will include but are not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens, assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities, and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establishment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-related wastes. Also see definition of FOG Generator.

Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.

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

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

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

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

Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous rights, privileges, uses, or practices.

Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such as toilets and urinals. *This does not include process wastewater from industrial facilities.*

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Hair Trap/Interceptor shall mean a device used to remove hair before it enters the sewer system. Facilities that may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common effluent line shared by a number of wash stations.

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

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

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

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

Hazardous Waste. See definition for Hazardous Material Item B.

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

Hearing Officer shall be defined by OJRSA SUR 8.2(D)(5).

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

Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility shall be considered a Food Service Establishment.

Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity between wastewater and FOG to affect separation of FOG from wastewater, and may incorporate a flow control device, air entrainment, and other means or principles to improve the efficacy of separation as demonstrated by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by an independent entity using specific equipment or devices that have been tested and meet or exceed standards established by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which may include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical Engineers (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combination of these and other entities to include the aforementioned requirements. Some jurisdictions refer to these as "hydromechanical grease interceptors".

Indirect Discharge. See definition for Discharge.

Industrial User shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of Act. An Industrial User may or may not be a CIU and/or SIU.

Industrial User Permit. See definition for Permit.

Industrial Wastewater. See definition for Wastewater.

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

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

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

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

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

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

Institutional User. See definition for Commercial User.

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

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

Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompliance.

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

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

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

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

May is permissive. Shall is mandatory and requires compliance.

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

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

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

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

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

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

Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condominiums, duplexes/multiplexes, etc. (Under certain conditions, dormitories, communal living spaces, hostels and the like may be considered a Multi-Family Development.) A structure or complex of buildings is also considered to be a Multi-Family Development if it has a shared privately-owned sewer service (the portion located on private property) serving two (2) or more individual living units (e.g., apartments, townhomes, etc.) that is combined prior to connection to the public sewer system.

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

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

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

New Source shall mean:

- A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- B. Construction on a site at which an Existing Source is located results in a modification rather than a New Source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:

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

Noncontact Cooling Water. See definition for Cooling Water.

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

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

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

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

OJRSA shall mean the Oconee Joint Regional Sewer Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Regulatory Services Coordinator, depending on who is authorized to perform this function.*

Pretreatment Facility. See definition for Pretreatment System.

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Pretreatment Program shall mean a program approved by SCDES to enforce the national pretreatment program requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Standards to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs to proactively protect its infrastructure while overseeing its management responsibilities.

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

Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before discharging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.

Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include sewer services ("laterals" or "service laterals"). It is not a public sewer.

Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public Service Commission.

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

Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.

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

Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform wastewater analyses.

Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12) month period.

Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the Board of Commissioners.

Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA regulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*

Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential User.

Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings, minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities. These devices may also be referred to as a "grit interceptor," "sand trap," or other such name.

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

Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision, company, or other such party (all collectively referred to as "party" in this definition) that discharges to a system that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-

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

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

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

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

Satellite Sewer System Permit. See definition for Permit.

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

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

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

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

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

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

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

Shall is mandatory and requires compliance. May is permissive.

Significant Industrial User shall mean:

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

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

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

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

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

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

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

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

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

Standard Industrial Classification System shall mean a classification pursuant to the 1997 edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States' Office of

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Management and Budget (OMB). The NAICS system was set in place in 1997 to take the place of the SIC System. The SIC codes are still referenced in some pretreatment regulations and are still currently in use.

State shall mean the state of South Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
- B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and cooling water.

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

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

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

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

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

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

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

2.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS

°C: Celsius

°F: Fahrenheit

§: Section

ADF: Average Daily Flow (unit of volume during a period of time)

ADMI: American Dye Manufacturers Institute

AO: Administrative Order

ASCE: American Society of Civil Engineers

ASME: American Society of Mechanical Engineers

ASTM: American Society of Testing and Materials-International

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

BMP or BMPs: Best Management Practice(s)

BOD: Biochemical Oxygen Demand

CAO: Chief Administrative Officer

CEC: Contaminants of Emerging Concern

CEO: Chief Executive Officer

CFR: Code of Federal Regulations

CIU: Categorical Industrial User

CMOM: Capacity, Management, Operation, and Maintenance Audit

COD: Chemical Oxygen Demand

CPI: Consumer Price Index of All Urban Consumers (CPI-U)—U.S. city average, All items (as issued by the US Bureau of Labor Statistics)

CROMERR: Cross Media Electronic Reporting Rule

CSA: Canadian Standards Association

CWA: Clean Water Act

Dir: Executive Director of the OJRSA

DMR: Discharge Monitoring Report

e.g.: *Exempli Gratia*, Latin for “for example”

EPA: United States Environmental Protection Agency

ERG: Enforcement Response Guide

et seq.: *Et Sequentes*, Latin for “and the following”

FCD: FOG Control Device

FOG Insp: FOG Inspector (or person(s) authorized to serve in this capacity for the OJRSA)

FOG: Fats, Oils, and Grease

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FOIA: South Carolina Freedom of Information Act (SC Law Title 30 Chapter 4)	PDF: Portable Document Format
FSE: Food Service Establishment	PDI: Plumbing and Drainage Institute
gal: Gallon (unit of volume)	PFAS: Per- and Polyfluoroalkyl Substances
gpd: Gallons per Day (unit of volume during a period of time)	pH: Potential of Hydrogen or Power of Hydrogen (unit of acidity/basicity)
HFD: Hydromechanical FOG Device	PL: Public Law
I&I: Inflow and Infiltration	POTW: Publicly Owned Treatment Works
in.: Inch or Inches, as appropriate (unit of distance)	PU: Private Utility
IU: Industrial User	QAC or QACs: Quaternary Ammonium Compound(s)
kg: Kilogram (unit of mass)	RCRA: Resource Conservation and Recovery Act
lb (or lbs): Pound or Pounds, as appropriate (unit of mass)	RSC: Regulatory Services Coordinator or Inspector (or person(s) authorized to serve in this capacity for the OJRSA)
MB: Megabyte	SC Rxx (where "xx" is either letters and/or numbers): South Carolina Regulation ("xx" references the regulation)
mg/L: Milligrams per Liter (unit of concentration)	SC: South Carolina
NAICS: North American Industry Classification System	SCADA: Supervisory Control and Data Acquisition
NCPs: National Categorical Pretreatment Standard(s)	SCDES: South Carolina Department of Environmental Services or any successor agency
NH ₃ -N: Ammonia Nitrogen	SCDHEC: South Carolina Department of Health and Environmental Control, predecessor agency to SCDES
No.: Number	SDWA: Safe Drinking Water Act
NOAA: National Oceanic and Atmospheric Administration	SIC: Standard Industrial Classification System
NOSNC: Notice of Significant Noncompliance	SIU: Significant Industrial User
NOV: Notice of Violation	SNC: Significant Noncompliance
NPDES: National Pollutant Discharge Elimination System	SS: Suspended Solids
NSF: National Sanitation Foundation	SU: Standard Units for pH Measurements
O&M: Operation and Maintenance	SUR: <i>OJRSA Sewer Use Regulation</i>
OD: Oxygen Demand	SWDA: Solid Waste Disposal Act
OJRSA SUR xx (where "xx" is either letters and/or numbers): Oconee Joint Regional Sewer Authority Regulation ("xx" references the regulation)	TKN: Total Kjeldahl Nitrogen
OJRSA: Oconee Joint Regional Sewer Authority	TMS: Tax Map System
OMB: Office of Management and Budget, an office within the Executive Office of the President of the United States	TRC: Technical Review Criteria
OSHA: Occupational Safety and Health Administration	TSS: Total Suspended Solids
PC: Pretreatment Coordinator or person(s) authorized to serve in this capacity by or Inspector for the OJRSA	US: United States
	USC: United States Code
	WEF: Water Environment Federation

2.5 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 2.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

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.

2.6 ELECTRONIC SUBMITTAL OF DOCUMENTS

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

- 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.
- G. Documents requiring Wet Signatures as stated within the SUR may be submitted electronically but must be accompanied by the Wet Signature hard copy.

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Section 3 – Use of Sewers

3.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE

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

3.2 SEWER SYSTEMS

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

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3.3 PERMITS REQUIRED

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

3.4 RESPONSIBILITY OF COSTS

All costs and expense incident to the installation and connection of building sewers and/or extension of the conveyance system shall be borne by the Owner.

3.5 USE OF PUBLIC SEWERS REQUIRED

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

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

3.10 COMPLIANCE WITH OTHER REGULATIONS

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

3.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER

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

3.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION

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

3.13 SPECIAL PRETREATMENT DEVICES

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

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

3.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE

- A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections ("laterals"), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g., SCDES).
- D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for engineering standards or regulations met per SECTION 3.14, and be inspected and approved by County or Member City Codes Department (or other as appropriate), OJRSA, and/or SCDES.

3.15 CONNECTION CONSTITUTES CONSENT

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

3.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER

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

3.17 VARIANCES

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

DRAFT
For OJRSA Board
Consideration

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Section 4 – Prohibitions and Limitations on Wastewater Discharges

4.1 PROHIBITED DISCHARGES

- 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 SHRED-DING 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.

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8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.
 9. Wastewater which constitutes a slug discharge as defined herein.
 10. Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
 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.
 14. Any trucked or hauled pollutants not authorized under SECTION 10 of these Regulations.
 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.
 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
 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.
 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
 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.
- 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.
- 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 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.

4.2 CONDITIONALLY PROHIBITED DISCHARGES

Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, 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 SCDES 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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- C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initiation of a discharge. These specific limits and definitions of duration and maximums shall be on file at the OJRSA's office and available upon request. Future changes or additions to these limitations shall be developed, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically incorporated into the Pretreatment Program.
1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with this Section.
 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director may impose an alternate limit in accordance with SC R61-9 403.6I.
 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.
 - (a) To be eligible for equivalent mass limits, the Industrial User must:
 - (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment (SECTION 4.5);
 - (iii) Provide sufficient information to establish the facility's actual average daily flow (ADF) rate for all waste streams, based on data from a continuous effluent flow monitoring device as well as the facility's long-term average production rate. Both the actual ADF rate and the long-term average production rate must be representative of current operating conditions;
 - (iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - (v) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 - (b) An Industrial User subject to equivalent mass limits must:
 - (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in paragraph 4.4(C)(4)(a)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

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- (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 SCDES as necessary before

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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 SCDES 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.

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4.9 PRETREATMENT

- 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 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

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

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

4.11 RECOVERY OF PREVENTATIVE EXPENSES

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

4.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS

OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to the POTW, human health and the environment through pass-through and other impacts addressed by this Regulation. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving waters/biosolids.

- A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CEC; and specified information on Users' products and processes that may contribute to the creation of discharge of CEC.
- B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall include any existing data in the possession or control of the User and may include requirements for the User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data, and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance with this Regulation.
- C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 8.2) or otherwise pursuant to the terms of this Regulation actions by a User to address CEC.
 - 1. Such actions may include:
 - (a) Further or routine monitoring requirements;
 - (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable or User-specific technology-based limits; and
 - (c) Requirements for BMPs.

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2. Any such requirements may be based on:
 - (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;
 - (b) EPA or DHEC standards or criteria; or
 - (c) Generally accepted criteria determinations by recognized national scientific entities.

4.13 QUATERNARY AMMONIUM COMPOUNDS

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

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

4.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES

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

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

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

- A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition of a Satellite Sewer System (collectively referred to in SECTION 4.15 as a "Satellite System") shall be required to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
- B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per

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

1. Five (5) year recurrence interval or greater
 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length in minutes or days
 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-site: PF Map: Contiguous US (noaa.gov)
- C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow criteria shall be evaluated at each connection point independently of any other connection points, which may necessitate data collection from the Satellite System's infrastructure.
- D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a pump station as near to the connection point as practicable. All effort shall be made to establish a flow monitoring point that minimizes:
1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any other Satellite System flow monitoring points.
- E. The Satellite System shall provide metering data and any required follow up information to OJRSA for review. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date for that analysis.
- F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.
- G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Measured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow \leq Allowable Daily Flow).
- H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as follows:
1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influence. (See SECTION 4.15.1 for an example):
 - (a) For a flowmeter with at least twelve (12) months of flow data:
 - (i) Actual daily flows for the last twelve (12) months will be calculated for each month and averaged to produce an average daily flow (ADF) for each month of data. Data shall be reviewed to exclude any days with missing or questionable data that could skew the calculation. For a month to have valid data to be included in the analysis, at least seventy-five (75%) of the days within the month should have complete data. A minimum of nine (9) months of valid data within the previous twelve (12) month period should be used for the analysis; if there is less than nine (9) months of valid data within the last twelve (12) months, then the evaluation period shall extend to prior to the last twelve (12) month period until there is at least nine (9) months of valid data.
 - (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and the month with the lowest ADF shall be designated as the ADF to be used in the analysis.
 - (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

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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*):

$$\text{Allowable Daily Flow} = [\text{Average Daily Flow (ADF)} \times (1 + \text{Meter Accuracy Percentage})] + \text{Allowable I\&I Flow}$$

- 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.

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 percent ($\pm 5\%$)) 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

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.

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

4.15.2 Allowable I&I Flow Calculation Formula and Example

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

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

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

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

4.15.3 Allowable Daily Flow Formula and Example

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

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

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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Section 5 – Revenue System

5.1 FEES AND CHARGES AS REGULATION

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

5.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES

Reference current version of *OJRSA Schedule of Fees*.

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Section 6 – Discharge Permits and Reporting

6.1 INDUSTRIAL USER DISCHARGE PERMITS

- 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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13. Application Signatories and Certification – All wastewater discharge permit applications and Industrial User reports must contain the following Certification Statement and be signed by an Authorized Representative of the Industrial User. These documents and records must be submitted to OJRSA with Wet Signature.

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

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

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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Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with SC R61-9 403.6(f) this adjusted limit along with supporting data shall be submitted to the OJRSA.

- (d) Sampling and analysis shall be performed in accordance with SECTION 7.3.
 - (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (f) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
3. Compliance Certification – A statement, reviewed by the User's Authorized Representative as defined in SECTION 2.3 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and pretreatment requirements.
 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule pursuant to this Section must meet the requirements set out in SECTION 6.5 of these Regulations.
 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance with SECTION 6.11 of these Regulations and signed by an Authorized Representative as defined in SECTION 2.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signature.

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

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

6.4 PERIODIC COMPLIANCE REPORTS

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

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- (a) If no monitoring was required for a previous month, then the blank DMR form must be signed and submitted with the words "No monitoring required".
 - (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the signed DMR form must be submitted with the words "No Discharge" written across the form.
 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12th) calendar day of each month. The recognized date of acceptance is:
 - (a) The paper form can be dropped off at OJRSA by the twelfth (12th).
 - (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12th) of the month. Should the twelfth (12th) of the month fall on a weekend or holiday observed by the US Postal Service, then the following day the US Postal Service is operating becomes the submittal date based on the postmark. If the DMR was mailed by the twelfth (12th) but not received by the OJRSA by the twenty-fourth (24th) day of the month, then it shall be considered late. It is the responsibility of the User to ensure it is received by the OJRSA in accordance with these Regulations.
 3. DMR Components
 - (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was conducted for the previous month.
 - (b) Flow reporting form with flows shown for every day of the calendar month. If there was no flow for a day, then a zero (0) must be entered for that day.
 - (c) Daily pH reporting log.
 - (d) Copies of any violation reporting forms that were submitted for the monitoring for the reporting month.
 - (e) An explanation for any violations (if necessary).
 - (f) Additional information as set forth in the User's permit as part of a completed DMR.
 4. DMRs that do not contain all the information designated above and DMRs that are not filled out completely will be considered incomplete and subjects the User to the enforcement actions set forth in SECTION 8 of this Regulation. DMRs are considered incomplete if the:
 - (a) Data is not reported correctly,
 - (b) DMR does not have a Wet Signature and a date (unless using an EPA approved method as stated in 6.4(B)(1)),
 - (c) Flow sheet does not have all flows reported for each day,
 - (d) Reporting period is not shown on the DMR, or
 - (e) User failed to submit all required data as stated on the Permit.
 - (f) DMRs that are not submitted with all this information by the twelfth (12th) will be considered incomplete and subject to enforcement.
 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.** If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time, so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR was not complete before the due date. The User will be notified of the incomplete DMR in the enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as stated in 6.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the User be waiting on laboratory data, then the remaining data must be submitted on the DMR form by the twelfth (12th) and a revised DMR submitted as soon as the missing data is received. Users that notify OJRSA of the missing data before the date as stated in 6.4(B)(2) and submit this missing information as soon as received will not be subject to enforcement actions.
 6. Reports for "No Discharge" Industrial Users are subject to these conditions and may have specific reports in their Discharge Permit as necessary.
- C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) designated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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

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

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

6.5 COMPLIANCE SCHEDULE PROGRESS REPORTS

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

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

6.6 REPORTS OF CHANGED CONDITIONS

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

6.7 REPORTS OF POTENTIAL PROBLEMS

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

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all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

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

6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

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

6.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE

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

6.10 USER RECORDS

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- 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:
 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
 2. The dates analyses were performed;
 3. Who performed the analyses;
 4. The analytical techniques or methods used; and
 5. The results of such analyses.
- 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.

6.11 CERTIFICATION STATEMENTS

Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 6.4 must certify on each report with the following statement that there has been no increase in the pollutant in its Wastestream due to activities of the User. The certification statement, including a Wet Signature, shall be provided by the Authorized Representative and must include the following:

BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE PRETREATMENT STANDARD FOR 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF: THERE HAS BEEN NO INCREASE IN THE LEVEL OF _____ [list pollutant(s)] IN THE WASTEWATERS DUE TO THE ACTIVITIES AT THE FACILITY SINCE FILING OF THE LAST PERIODIC REPORT UNDER SECTION 6.4 OF THIS REGULATION.

6.12 CONFIDENTIALITY

INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS, MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE 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.

6.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY

- A. Industrial User Discharge Permit Review
 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. 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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are discouraged for monitoring purposes. The industrial process discharge may or may not be pre-treated.

2. During the review process, unique conditions are established for each industrial category. The final Discharge Permit specifies the exact conditions which are applicable to the specific permittee (User). In the permit process, specific self-monitoring characterization of the wastewater is required for certain industrial categories. Every Discharge Permit has established selected pollutants for self-monitoring purposes, which are established through Categorical Pretreatment Standards or the pollutants that are present and/or are suspected of being present in the wastewater discharge. If the User has been determined to be categorical, effluent parameters will be based upon the EPA's Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS, WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pretreatment Standards must be included in the Discharge Permit, even though the User may not discharge all or any of the regulated pollutants.
 3. Reporting frequency is at the discretion of the Director. Contributing factors are:
 - (a) Categorical Requirements,
 - (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type and concentrations of pollutants in the Wastestream,
 - (c) Past compliance history, and
 - (d) Reasonable potential to adversely affect the sewer system.
 4. Discharge Permit limits will be developed based on the historical data from an industry and the Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on need and pollutants of concern for the permitted industry.
- B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water reclamation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to develop technically based limits for Significant Industrial Users under the Pretreatment Program. The headworks analysis is calculated through a required design loading program utilizing treatment efficiencies, process inhibition levels, and water quality criteria on the receiving stream. The information obtained from the headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a specific criteria on the total allowable loading for the WRF and may significantly alter total allowable loading. Total allowable loading is at the discretion of the Director.

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Section 7 – Sampling and Monitoring

7.1 RIGHT OF ENTRY AND INSPECTIONS

- A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper credentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter upon any property of Users to determine whether the User is complying with all the requirements of these Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall allow OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their premises for said purposes. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- B. The SIU inspection and sampling plan is as follows:
 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire, then OJRSA can inspect and sample the facility more often than annually.
 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and sample the facility more often than annually.
 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often than annually; especially if the causative agent is known and the SIU has this pollutant in their wastewater.
 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more often than annually.
 6. If the collection system has blockages or issues and the SIU discharges to that collection system section, then OJRSA can inspect and sample the SIU more often than annually.
 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the facility more often than annually.
 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment system.
 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event of an emergency where the public health or the environment can be impacted.
 10. Should OJRSA need to gather site specific information to administer the pretreatment program, then OJRSA can inspect and sample the SIU more often than annually.
- C. The Nonresidential User inspection and sampling plan is as follows:
 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to the violation.
 3. If the collection system has blockages or issues and the User discharges to that collection system section, then OJRSA can inspect and sample the User.
 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and sample the User as part of their evaluation of their pretreatment program update.
 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and sample the User as required by this regulation.

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6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often if the User has the potential to cause the upset.
 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.
 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where the public health or the environment can be impacted.
 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.
- D. 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 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.
- E. Confidentiality Agreements – See Section 6.12. **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 provisions set forth in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

7.2 COMPLIANCE DETERMINATION

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

7.3 ANALYSIS OF INDUSTRIAL WASTEWATERS

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

7.4 SAMPLING FREQUENCY

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

7.5 SAMPLE COLLECTION

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

7.6 SAMPLING STRUCTURE

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

7.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING

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

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

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Section 8 – Enforcement

8.1 ENFORCEMENT MANAGEMENT STRATEGY

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

8.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES

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

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

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

8.3 JUDICIAL REMEDIES

Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

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

8.4 INJUNCTIVE RELIEF

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

8.5 CRIMINAL VIOLATIONS

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

8.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS

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

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- E. Failure to Pay – See SECTION 8.8.

8.7 PERFORMANCE BONDS

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

8.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT

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

8.9 TENANT RESPONSIBILITY

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

8.10 VANDALISM

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

8.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

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

8.12 ENFORCEMENT MANAGEMENT STRATEGY

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

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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., SCDES, 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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3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.
4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, persons or property, or environmental harm; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Regulation or other applicable laws.

D. Assignment of Responsibilities

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

E. Enforcement Response Guide

1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based on the whether the noncompliance involves:
 - (a) Sampling, Monitoring, and Reporting (SECTION 8.12.1);
 - (b) Compliance Schedules (Construction Phases or Planning) (8.12.2);
 - (c) Effluent Limits (8.12.3);
 - (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations (8.12.4);
 - (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 8.12.5;
 - (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (8.12.6); and/or
 - (g) Other Regulatory Violations (8.12.8).
2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate enforcement responses to various types of noncompliance and appropriate OJRSA personnel to implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**
3. The Director may delegate his/her role and authority in any enforcement action as deemed appropriate. (SECTION 8.1)
4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES Permit, and other locally established regulations.
5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.
6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Conference or Notice of Violation when the violation does not meet the criteria of Significant Noncompliance (SNC) or when the User is cooperative in quickly resolving the problems.
7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems 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 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 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 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 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 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 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 water and/or sewer.	Dir

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 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 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

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		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 water and/or sewer.	Dir

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 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 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 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 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 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 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.	RSC, PC

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 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 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 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 water and/or sewer.	RSC, PC, Dir

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

8.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit) 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 8.6); 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 8.6); seek termination of 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 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 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 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 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 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 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 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 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 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 water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of 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 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 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 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 8.6); 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 8.6); 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 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 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 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 water and/or sewer.	RSC, PC, Dir
	Second (2 nd) violation.	Seek termination of 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
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 8.6).	
	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 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 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 8.6); criminal investigation; seek termination of User's water and/or sewer.	RSC, PC, Dir

8.12.7 Hauled Waste Acceptance Violations ERG

Violation	Circumstances	Range of Response	Personnel
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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 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

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
	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 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 8.6); Adjudicatory Hearing; criminal investigation; seek termination of 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 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 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 water and/or sewer.	RSC, PC, Dir

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Section 9 – 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.

9.1 PURPOSE

- A. The FOG Control Program has been developed in accordance with SECTION 3 and SECTION 4 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 4.2.
- 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.

9.2 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 8 of this Regulation.

9.3 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 9.7.
- 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 9.7 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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2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do substantial modifications which include replacement of fifty percent (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation of a FOG Control Device as set forth in this Regulation.
- D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with SECTION 9.7 when five (5) or more units occupy a single building and share common wastewater drain lines that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as constructed unless the facility has to do substantial modifications which include replacement of fifty percent (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation of a FOG Control Device as set forth in this Regulation.
- E. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative impact on its conveyance or treatment system from FOG must be plumbed together through a common drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.
- F. Food Service Establishments and FOG Generators
1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, reconstructed, or change ownership shall meet the requirements included herein prior to opening, expanding, or reopening the FSEs.
 2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Regulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues, manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior to installation.
 3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3) compartment sink must have a FOG Control Device installed.
 4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly installed, maintained, and operating in accordance with this Regulation by no later than June 30, 2024.
- G. Multi-Unit Commercial Facilities
1. New Multi-Unit Commercial Facilities
 - (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line connections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, grease waste line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other food service establishment kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
 - (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF. Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-out locations to accommodate a FOG Control Device of adequate size as approved in the *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Interceptors must be approved by the OJRSA prior to construction. A copy of the maintenance agreement shall be filed with the OJRSA for any FCD that is not owned and maintained by the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation 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 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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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 6.12. **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 6.12 of this Regulation to the specific facts and circumstances at issue.

9.5 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.

9.6 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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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.

- E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and installation of any FCD.
- 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.
- 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.
- 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*.
- 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 a unit 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.
- 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.
- 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.
- B. Facilities that provide dining space and vending machines with no food preparation other than microwave ovens and the like will be evaluated on a case-by-case basis.
- C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) FOG Trap or Hydromechanical FOG Device that meets minimum efficiency and installation requirements necessary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
 - 1. Facilities without a ventilation hood system or filter as required by SC Department of Agriculture R61-25 (Retail Food Establishments);

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2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sandwiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serving ware with very limited culinary washing;
 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
 4. Coffee Shops (small);
 5. Ice Cream Shops;
 6. Frozen Yogurt Shops;
 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
 8. Doughnut Shops with baking only (no mixing of ingredients or frying);
 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary cleaning, and number of meals served);
 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served);
 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-4)).
- D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required by SC Department of Agriculture R61-25 (Retail Food Establishments), then they will be considered at least a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all efficiency and installation requirements necessary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary cleaning, and number of meals served);
 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served);
 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) persons);
 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65) persons);
 6. Doughnut Shops with on-premises frying;
 7. Coffee Shops (large);
 8. Caterers;
 9. Convenience Stores serving food (with or without fuel pumps);
 10. Supermarket/Grocery Stores;
 11. Hotels with Kitchens as stated in OJRSA SUR 9.3(D); and
 12. 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).
- E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet 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.**
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
 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)

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- 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.**
 - 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 DESIGN AND INSTALLATION REQUIREMENTS

- A. General Requirements
 - 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.
- B. General FCD Requirements
 - 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*.
 - 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.
- 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.
 - 3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required flow and grease capacity.
 - 4. Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are prohibited in accordance with OJRSA SUR 9.6(I).
 - 5. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:
 - (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;
 - (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit (140°F);
 - (c) Acidic or caustic cleaners (e.g., lye or root killer);
 - (d) Fryer oil or grill trap FOG waste; and
 - (e) FOG Control Additives (as defined in SECTION 2.3).
- D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG devices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Interceptors.”
- E. FOG Interceptor 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.

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3. The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.¹
4. All FOG Interceptors shall be adequately secured against unauthorized access.
5. All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
6. Discharge of, or addition of, the following materials are strictly prohibited from disposal to an inground FOG Interceptor:
 - (a) Acidic or caustic cleaners (e.g., lye or root killer); and
 - (b) FOG control additives (as defined in SECTION 2.3).

9.9 MAINTENANCE REQUIREMENTS

- A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements as stated within this Section based on changes in operation, business hours, equipment, menu options, seating capacity, etc.
- B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the costs associated with repairing the system in accordance with SECTION 4.11 RECOVERY OF PREVENTATIVE EXPENSES and SECTION 8—Enforcement.
- C. FOG Traps
 1. **FOG TRAPS SHALL BE MAINTAINED ON A FREQUENCY FOR THE PROPER FUNCTION OF A FOG TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE BASIS; USING THE “25% RULE”² OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE³; HOWEVER, CLEANING SHALL NOT EXCEED TWENTY-ONE (21) CALENDAR DAYS.**
 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance. These records shall be maintained in accordance with SECTION 9.4.
- 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.
- 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 DEVICE⁴.** A reduced cleaning frequency may be granted on a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as

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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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 85 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

Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

- A. Comply with requirements in SECTION 9.9.
- B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste Transporter.
- 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 FOG Generator. The record must include the name, address, and phone number of the FOG Generator company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- E. Perform the following activities:
 1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load of FOG waste to the disposal site.
 2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator. Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues

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with the device should be taken while the device is empty and submitted to OJRSA with the notification.

3. Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler or plumber hires a new employee in the period between training offerings by the OJRSA, then they must make arrangements with OJRSA to obtain the training before performing an inspection. When the next regular scheduled class is held, then the new employee will be subject to this training as well in order to meet the training requirement set by OJRSA.
- 4.

9.11 FEES

Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste Transporters as stated in the *OJRSA Schedule of Fees*.

9.12 COMPLIANCE ENFORCEMENT

- A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance with any of the requirements set forth in this Regulation may result in the initiation of enforcement action. Violations of these provisions are subject to the enforcement provisions contained in SECTION 8 of the Regulation, which may include administrative and civil penalties. In addition, fines assessed for violations involving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance expenses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation, costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer, may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 8.12(E).
- B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated compliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for enforcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for failure to comply, additional time required for compliance, and steps taken to avoid further delays.
- C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Transporter to demonstrate compliance
- D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regulation. These actions may include providing as-built drawings for the facility, mapping and inspection of the sewer line, and other enforcement actions set forth in SECTION 8 of this Regulation.
- E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement action.

9.13 REQUESTS FOR VARIANCE

- A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained in this Regulation must be submitted in writing to the 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 10 – Hauled Waste Acceptance

10.1 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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3. There has been an emergency declaration by the President of the United States (or by a federal agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has determined that the hauled waste from outside of the OJRSA service area will not impact the treatment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If it is determined the OJRSA can accept such waste, then the Executive Director shall establish a maximum amount of waste that can be accepted from such areas each day. The acceptance of such waste under these circumstances, as well as the daily limits for such waste, may be altered, amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treatment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water reclamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the wastewater treatment plant.
- C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall typically be in writing and is subject to applicable inter-jurisdictional agreements.
- D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- E. Abuse of the above requirements stated in SECTION 10.1 shall result in actions as detailed in SECTION 8.12.7.
- F. All Haulers will be permitted annually by OJRSA.
- G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record must include the name, address, and phone number of the FOG Generator company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other material removed from the FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspection.

10.2 SPECIFIC CONDITIONS OF ACCEPTANCE

- 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.

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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.
4. The information for each load of portable toilet waste must be provided to the OJRSA prior to disposal at the treatment facility.
5. Acceptance of portable toilet 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.

D. Beneficial Hauled Waste

1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled waste may be accepted at locations and under conditions set forth in an approval letter.
2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in writing to the attention of the OJRSA Regulatory Services Coordinator.
3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions and limitations may apply.
4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as a condition of acceptance of each designated beneficial hauled waste.

E. Prohibited Wastes

1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regulation to any facility connected to OJRSA facilities, including those that originate on private property (e.g., private sewers).

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3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be considered hazardous under the RCRA regulations.

10.3 HAULED WASTE TRANSPORTER REQUIREMENTS

- A. The contents of a Hauled Waste Transporter operated by a SCDES-licensed hauler of holding tank waste shall be discharged to the POTW only at a location approved by the Director. Such wastewater must have prior written approval of the Director before being discharged. The discharge of this waste shall be subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy of this letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed hauler shall provide the information requested as shown in the Regulation.
- B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director, as stated in appropriate sections of this Regulation.
- C. Only wastes originating within the OJRSA's service area may be accepted.
- D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier than January 1 and an ending date no later than December 31.
- E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compliance with all applicable regulations and that truck contents are as represented on each Septic Tank Discharge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that includes the following signed certification statement, which must include a Wet Signature from the Authorized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not 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 ORIGINATED IN OCONEE COUNTY OR WITHIN THE OJRSA SERVICE AREA, AND TO THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL, TOXIC MATERIAL, OR INDUSTRIAL MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY ADVERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.

10.4 INSPECTION AND MONITORING

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

10.5 FEES AND CHARGES

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

10.6 ENFORCEMENT

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

DRAFT
For OJRSA Board
Consideration

OJRSA Sewer Use Regulation
April 8, 2025

Section 11 – Severability

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

DRAFT
For OJRSA Board
Consideration

OJRSA Sewer Use Regulation
April 8, 2025

Section 12 – Conflict

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

DRAFT
For OJRSA Board
Consideration

AGREEMENT FOR FUTURE SEWER LINE EASEMENT

WITNESSETH:

Less, however, that portion of property conveyed to Target Corporation by deed recorded in Deed Book 3167, Page 295, in the Register of Deeds Office of Oconee County, South Carolina, described as Lot 2 on the plat of survey recorded in Plat Book B963, Pages 9 & 10, in the Register of Deeds Office of Oconee County, South Carolina.

1. Property Owner agrees to grant to OJRSA a permanent thirty foot (30') wide easement and/or right-of-way along the northwest corner of said property for the construction, installation, and maintenance of a gravity sewer trunk line which may be designed and or installed in the future for the anticipated development upon the property. The exact location of the easement and/or right-of-way will be determined when the design of the future trunk line is complete.
2. OJRSA agrees that at such time as installation is affected, said gravity sewer trunk line shall be designed and installed in accordance with the best engineering practices.

3. Property Owner and OJRSA agree the easement to be granted in accordance with the terms and provisions set forth herein shall run with the land for the benefit of all parties to this agreement, their heirs, successors and assigns forever, and shall be binding upon the property until released or terminated in writing by OJRSA.

IN WITNESS WHEREOF, the parties have hereunto placed their hands and affixed their seals, individually or by its officer(s) and agent(s) authorized to do so, this _____ day of _____, 20_____.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

HCBV, LLC

Witness

By: _____
Print Name and Title: _____

Witness

**Oconee Joint Regional Sewer
Authority**

Witness

By: _____
Chris Eleazer, Executive Director

Witness



Executive Committee Meeting

OJRSA Operations & Administration Building

Lamar Bailes Board Room

April 10, 2025 at 11:15 AM

CALLED MEETING

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, Committee Chair
- B. Executive Session** NOTE: Committee may act on matters discussed in executive session upon returning to open session
 - Review of the Executive Director's performance - *[Executive Session permissible under SC Law 30-4-70(a)(1), which states: Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.]*
- C. Upcoming Meetings** *All meetings to be held in the OJRSA Lamar Bailes Board Room unless noted otherwise.*
 - Operations & Planning Committee – April 16, 2025 at 8:30 AM
 - Finance & Administration Committee – April 22, 2025 at 9:00 AM
 - Board of Commissioners – May 5, 2025 at 4:00 PM
 - Ad Hoc Sewer Feasibility Implementation Committee – May 8, 2025 at 9:00 AM
- D. Adjourn**



Ad Hoc Sewer Feasibility Implementation Committee

OJRSA Operations & Administration Building

Lamar Bailes Board Room

April 10, 2025 at 9:00 AM

This advisory committee was established by the OJRSA Board of Commissioners at its November 4, 2024 meeting to consider recommendations and report to the OJRSA Board and Oconee County as identified in the [Regional Feasibility Planning Study](#) as adopted by the OJRSA on September 9, 2024. The committee can neither create policy nor make decisions on behalf of the OJRSA or other wastewater service providers within the area. See the study at www.ojrsa.org/info for more information.

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** – Joel Jones, Committee Chair
- B. Public Comment** – 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.
- C. Approval of Minutes**
 - Ad Hoc Sewer Feasibility Implementation Committee Meeting of March 13, 2025
- D. Committee Discussion and Action Items**
 - 1. Review summary of reconstitution memo and discuss next steps – Joel Jones, Committee Chair
 - 2. Discuss final recommendations for steps forward towards reorganization, consolidation, and other matters relevant to this committee – Joel Jones, Committee Chair
- E. Public Comment Following Committee Discussion and Action Items** – Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- F. Upcoming Meetings** *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*
 - 1. Executive Committee – April 10, 2025 at 11:15 AM **Called Meeting**
 - 2. Operations & Planning Committee – April 16, 2025 at 8:30 AM
 - 3. Finance & Administration Committee – April 22, 2025 at 9:00 AM
 - 4. Board of Commissioners – May 5, 2025 at 4:00 PM
 - 5. Ad Hoc Sewer Feasibility Implementation Committee – May 8, 2025 at 9:00 AM
- G. Adjourn**



Oconee Joint Regional Sewer Authority

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

OCONEE JOINT REGIONAL SEWER AUTHORITY Ad-Hoc Sewer Feasibility Implementation Committee March 13, 2025

The Ad-Hoc Feasibility Implementation Committee meeting was held at the Coneross Creek Wastewater Treatment Plant.

Commissioners/Committee Members that were present:

- Joel Jones (ReWa) – Committee Chair
- Amanda Brock (Oconee County)
- Chris Eleazer (Oconee Joint Regional Sewer Authority)
- Scott McLane (City of Seneca)
- Celia Myers (City of Walhalla)
- Scott Parris (City of Westminster)
- Sue Schneider (Citizen - formerly worked for Spartanburg Water) – *via webcam*
- Scott Willett (Anderson Regional Joint Water System)

Committee Members that were not present:

- Rivers Stilwell (Attorney, Maynard Nexsen)
- Chip Bentley, ACOG

OJRSA appointments and staff present were:

- Lynn Stephens, Secretary/Treasurer to the Board and Office Manager
- Allison McCullough, Regulatory Services Coordinator

Others present were:

- Lawrence Flynn (Pope Flynn - OJRSA Attorney) – *via webcam*
- Kevin Bronson, City of Westminster Administrator (also serves as OJRSA Board Chairman)
- Angie Mettlen (Vice President, WK Dickson)
- Katherine Amidon (Environmental Planner, Bolton & Menk)
- Tony Adams, Oconee Co. Citizen

A. Call to Order – Mr. Jones called the meeting to order at 9:03 a.m. He stated that he is going to ask the committee to consider amending the agenda after the public comments, as the approval of last month's minutes was left off the agenda in error.

B. Public Comment – Mr. Bronson thanked everyone for what they are doing on the committee, and then he apologized to the committee for having received a memorandum last month from Mr. Michael Traynham (and given to them by Mr. Chris Eleazer) that was full of what he felt were misstatements, conjecture, and inflammatory statements. Mr. Bronson said the board was asked at this month's meeting to release it to the public, and the board chose not to.

Mr. Bronson said some of the items in this memo were "flat out wrong." The document did not have specific names or places mentioned which condemned everyone on the board as if they were guilty of that act. The memo also states that the Cities did not take some of the things that the OJRSA requires to do seriously, and on behalf of the City of Westminster, the city took it very seriously and

has done its best to provide all the information that was requested and on time in the manner it was requested. Mr. Bronson said he will be working with Mr. Traynham and Mr. Eleazer to ensure the document is corrected and then given back to this committee. Mr. Bronson stated that he wanted this committee to know his opinion on the memo and that he feels the board chose not to release the memo to the public for the same reasons.

Ms. Schneider asked Mr. Bronson if he wanted this memo to be recalled from the committee. Mr. Bronson replied that the accusations are out there, and he prefers to have the Member Cities and people called out by name in a revised version of the memo. Mr. Jones stated he read the memo, and it did not sway his vote in any way, so this didn't matter to him either way; however, it is a board-level decision on what to do with it.

C. Approval of Ad Hoc Committee Minutes – As discussed at the beginning of the meeting, Mr. Jones asked the committee to amend this agenda for minutes approval for last month's meeting on February 13, 2025.

Ms. Brock made a motion, seconded by Mr. Willett, to amend the agenda to approve last month's Ad Hoc Feasibility Implementation Committee Meeting minutes. The motion carried.

- **February 13, 2025** – Mr. Willett asked Mr. Adams if his public comments were accurate in the minutes; Mr. Adams was good with them.

Mr. Willett made a motion, seconded by Ms. Myers, to approve the February 13, 2025 Ad Hoc Feasibility Implementation Committee Meeting minutes as presented. The motion carried.

D. Presentation and Discussion Items

1. Update on SC RIA Timeline and Process Schedule – Mr. Jones asked Ms. Mettlen to update the committee on the timeline and schedule. Ms. Mettlen said she spoke with Ms. Bonnie Ammons of the Rural Infrastructure Authority (RIA) several times since last month's meeting. Ms. Ammons is amenable and is fine if a couple more months are needed to get to the end of the Ad Hoc Committee. Ms. Ammons said her approval is not needed for a time extension, because the timeline came out of the study and is not mandated by the RIA.

Ms. Mettlen added that the reason for the tight timeline was to keep things from dragging on and to keep making progress on a path forward. Ms. Mettlen suggested getting some of the items, that could cause a stumbling block later, flushed out early in the process.

Mr. Jones said he would like to leave today with the understanding that the next step is for this committee to draft a recommendation, but first there must be consensus within the group to move it forward.

2. Review Summary of Reconstitution Memo and Discuss Next Steps – Mr. Eleazer stated that the OJRSA board released Attorney Lawrence Flynn's memo, *included as Exhibit A*, to the public in their March board meeting. Mr. Jones feels the different portions of this memo need to be discussed and stated that the last item was to consider consolidation. Mr. Jones stated that he feels that the top priority is how the organization will be set up.

Ms. Mettlen said that Mr. Chip Bentley apologized for not being here today, as he got sick while attending a conference. Mr. Bentley told her and Mr. Jones that there was a discussion about the reconstitution of the board and the number of people on the board, and it seemed to be okay with everyone. It also sounded like everyone agreed that a consolidation of the collection systems would be on the table.

Ms. Mettlen said there was also some discussion with Ms. Myers and the Walhalla City Council about some questions about the valuation of the system. This will need to be worked out.

As long as the committee follows Mr. Flynn's path forward (what is detailed in his memo), things that need to be worked on and discussed first can be called out. If there are things needing to be done that require money, Ms. Ammons is open to discussions about funding them as long as progress is continuing to be made.

Mr. Jones said he feels that consolidation must be done for the success of this organization. He asked for a discussion to be opened up to see if the committee has a consensus on this.

Mr. McLane stated that the City of Seneca is willing to consider consolidation but there would have to be meetings set up to have questions answered. Mr. Jones asked what the reasons would be that they would not want to consolidate. Mr. McLane said he couldn't answer that; meetings need to be set up with Mr. Scott Moulder (City Administrator) and Mr. Bob Faires (Utilities Director) to further discuss this and the costs associated with it. Ms. Mettlen said that there are several models (such as a franchise agreement) that can be looked at.

Mr. Willett said he has no stake in a wastewater system (his experience has been with a drinking water utility only), and from the outside looking in, he does not know how you can run a wastewater treatment facility without having control over the collection system, so he feels it is essential to consolidate. Mr. Willett added that how that consolidation takes place is a different question. Mr. Willett says he answers to a board but he serves 200,000 people, and he tries to convince the 14-member board to do the right thing for those 200,000 people. He said he is asking this committee and the city councils to focus on the needs of the citizens of Oconee County.

Ms. Myers said the City of Walhalla is not opposed to consolidation, but the sewer system is considered an asset which is part of a bond. Unless there is going to be a \$20,000,000 buyout to pay the bond, there must be some legal work to disassociate that from the bond before the city can hand over control. The city is already talking to legal representatives on how that could look, but it would be up to the bond investors.

Mr. Willett asked Mr. Flynn if this would be a refinance or is there a way to assume responsibility for the outstanding bonds. Mr. Flynn started by saying he does not represent any of the Member Cities as their bond counsel, and he recommended each city speak to their bond counsels about the process. He stated that Westminster and Seneca have a combined water/sewer/electric system, and Walhalla has a combined water/sewer system. Generally, most of the master bond resolutions pledge the revenues on a combined basis for those combined systems. The revenue of each component of the combined system is pledged exclusively as the security for those bonds that are then issued, meaning that the bond holders stand shoulder to shoulder.

From review of the cities' financial audits, each municipality has debt, but it is unknown how the improvements were originally funded. Generally, the way public utilities work is that the water and electric systems largely subsidize the sewer system. Rate consultants say to make sure that each component of the combined system operates on a stand-alone basis, and then the sewer system is being subsidized by another component of the system. Even though it's permitted by state law and generally appreciated by the rating agencies and the bond holders, they need to get an even footing through rate adjustments or expense reductions.

The typical language in the master bond resolutions is in order to stealth portions of the system (assets in the ground, service area, etc.) or an entire component (water, sewer, or electric system proper) of the system, there is a procedure built out that would dictate the terms by which you could decouple that component of the system from the pledged assets and can, in some circumstances, be done without redeeming all the debt. Typically, you can make a finding that the reduction or removal of the assets from the system does not affect the interest of the bond holders. It's easier done on the sewer system since it is being subsidized by another component, but it does take a detailed dive by a third-party consultant (like Willdan, Raftelis, or some other feasibility or

rate consultant) to make a financial justification for each of the municipalities to decouple the system without hurting the bond holders.

Mr. Flynn added that if consolidation is part of the discussion, identifying the amount of debt and where the value is, and whether OJRSA acquires the systems and redeems or pays off certain portions of the debt as compensation, this is going to be a high-level math problem needing a third-party consultant to figure out how that debt gets paid.

Ms. Schneider said in her experience running a sewer utility is hard. Compliance is hard, the cost to expand systems is more expensive, and making customers happy is hard. She said she hopes Oconee County considers consolidation of collection lines into preferably one (1) system that can assume or pay off debt, take on assets, make sure the lines are maintained, and deal with customer and regulatory issues. Consolidation just makes more sense for long-term success than multiple systems. Mr. Jones said there is no value to sewer except the ability to provide service.

Mr. Parris stated the City of Westminster is open and willing to go down the road to consolidation and has been looking at this for quite some time.

Mr. Flynn added there is a recent example of a broad-scale consolidation in Greenville County, which is Metropolitan Sewer. There were engaged professionals (including Willdan) who did a deep dive analysis to identify how to resolve the debt math problems. Ms. Mettlen said the OJRSA is working with the Member Cities on the Capital Improvement (CIP) and Corrective Action Plans for rehab, but there should be some additional information coming forward. This is for compliance issues, but it could help inform for some of this discussion as well.

Mr. Willett said he hopes people realize that all pipe isn't the same foot by foot. The condition of the pipe matters. The information from the CIP would be critical in determining the true value.

Mr. Eleazer said Mr. Dyke Spencer was involved in the development of the 20-year Master Plan and spoke about Beaufort/Jasper going through consolidation, and they feared the loss of using sewer for annexation purposes. Mr. Eleazer thinks there is a method for that to stay in place. Mr. Flynn replied that is correct and suggested Ms. Schneider, who has some experience with that, speak a little about it.

Ms. Schneider stated that when doing a consolidation or annexation, depending on the relationship between the parties, you want both parties to win. That is a successful thing. Often with small communities, there is concern about how much they are spending (some going into debt), loss of potential revenue, and/or determining their future (decisions about annexation and how they wanted to grow). Each community has its own identity and ideas. A contract can be designed to address these issues.

Ms. Schneider added there are franchise models to review. You can address how you do annexation and inputs with communities. You can also address the county. There is a way to address everyone.

Mr. Jones said it sounds like the entire community would support consolidation as a recommendation from this group.

Mr. Jones said he was going to go through Mr. Flynn's memo now, and the first item is the governance structure and including Oconee County as a member. Mr. Jones asked if anyone was opposed to having the County as a member. No one objected.

Mr. Jones said the best thing this committee can do is to set up a board that will serve the rate payers, not necessarily the communities, the county, nor the municipalities. He said he thinks this provides a greater level of service when the allegiance is to the rate payers; however, the committee may be under some legal restraints to appoint members beyond what is laid out here. He said the goal should be to have a board that is as unified and serving the people at the end of the pipes. Ms. Brock added "and who are going to be at the end." Mr. Jones agreed.

Mr. Jones said the structure was laid out with five (5) members, including one (1) from Oconee County. He asked if there were any comments on this. Ms. Schneider said she wants Oconee County engaged in some way; and if consolidating for the good of the rate payer, you want the three-to-five (3-5) members being from that district of the rate payers and not necessarily representative of the Member Cities if they divested of their assets and debt. You can create a sewer district based on who has sewer. Who do you think would be represented? The cities, but you're calling it out as a whole.

Mr. Willett asked if the assets are ceded or if the liabilities are assumed to reside with the consolidation (whatever form that may be), what would be the rationale for providing weighted voting as the memo states? Several members said there shouldn't be. Mr. Willett continued by saying if the OJRSA owns the debt, each member of the board would be equal, because they won't have any greater stake than the other folks.

Mr. Jones asked Mr. Flynn what would representation look like in a consolidated authority. Mr. Flynn said when this memo was drafted, it was before the discussion about consolidation of the collection systems. If consolidation is recommended, this will change several of the items in the memo, and the OJRSA would operate more in the construct of the traditional special purpose district (SPD) like Spartanburg Sanitary Sewer where there is a collection network and treatment assets, so you control everything for the entire system and not the constituent membership. The weighted voting would happen if you don't take over the collection system (and continue to have independently owned satellite sewer systems).

Ms. Schneider hopes for the consolidation for Oconee County and that the board looks at the big picture of addressing public health, regulatory issues, and what is the future of Oconee County.

Mr. Jones said it looks like consolidation is the first priority, and the second priority should be the representation of this consolidated utility. He added that he didn't think the discussion should get into an appointed versus elected members yet until the recommended governance structure is determined. Everyone agreed.

Mr. Jones asked if there were any comments about the operating agreement. Ms. Schneider asked if there would be an operating agreement. Mr. Flynn replied that is a requirement of the statute to have an operating agreement or governance agreement that lays out the procedures for adopting bylaws and implementing powers, so that would be the vehicle by which restricting who the members can appoint as members.

Mr. Willett asked if that would also cover how the municipalities want to handle growth. Mr. Flynn replied that would be a separate agreement between the Cities and OJRSA, and you may want to have something that is subject to change as there is turnover on the councils. You don't want to bind the future councils to a memorialized governance. Mr. Willett said the operating agreement has a minimum term of forty (40) years, and he likes that Anderson Regional's operating agreement is evergreen (meaning it automatically renews). As long as Anderson Regional is issuing debt and performing the service it was constructed for, everyone is in.

Ms. Mettlen asked if Mr. Flynn could revise the memo to line out the steps of what would be needed if this committee is going to recommend consolidation moving forward, as a lot of what is in there would be non-issues at that point. This would further clarify what needs to be addressed to avoid future roadblocks. Mr. Flynn replied that he has some of this in electronic form, and it won't be hard to change the terms; it's just a matter of prioritizing the items to be addressed and restructuring according to the Ad Hoc committee's recommendations.

Mr. Jones said the committee doesn't need to spend much more time on this memo at this point and asked if there were any other comments or questions.

Ms. Brock said her only concern is the words “shall be” in regard to members of the board not being an officer or employee of an appointing member. Oconee County would be limited for representation.

Ms. Myers said the City of Walhalla has some concerns with not having someone with knowledge of wastewater or financials be their representation. Other committees (such as construction board of appeals, planning commission, architectural review) have requirements that members have some sort of knowledge.

Mr. Jones said he was going to push back on that a little. The board does not need to know how to operate wastewater utilities; that is for staff to do. The board is meant to set policy. He said he understands Walhalla’s view, but if this is consolidated for the community, you need a board to operate that way.

Ms. Brock replied that the Cities have funding decisions that would be required. Mr. Jones replied that the utility would fund the decisions. Mr. Willett said the role of the board is to ask good questions and make sure staff is being held accountable.

Ms. Brock said part of the purpose of coming here is for Oconee County to have representation, and Oconee County Council is pushing the County as an entity and not as its citizens. Mr. Jones said he hears that and will see how Mr. Flynn lays that out, but in his opinion, that does not provide the best long-term value for a wastewater utility.

Ms. Schneider acknowledged that Oconee County has an enormous role in this process, but she added that all the entities and Oconee County have councils that do not have a minimum requirement to be a councilmember except age. If you have a board that’s goal is to move the sewer district, it’s not the board doing it. Boards that you see throughout various states just oversee: They make sure audits are done and that the bigger picture is done.

Ms. Schneider added that the county has a huge role as it approves certain types of annexation. Ms. Brock said the county doesn’t have to approve annexations. Ms. Schneider said you may not have to, but the County can choose to. If the sewer district wanted to annex an area that was not contiguous, the County could require its approval. Ms. Brock said that is why she feels the County Council would find it important for the board member to be an inside person at county government. If there are economic development pushes in one direction or another, the County Council is not going to want to pick a person to provide that possibly confidential information to. Ms. Schneider replied that she didn’t think it was going to get to a consolidated board then if an entity must be identified like that. Ms. Brock said she didn’t know if it was a must, but she wasn’t sure about the “shall not.”

Ms. Schneider asked if the path was to have an elected board from within the area. Mr. Flynn replied that they cannot currently be elected according to the proposed legislation. They can only be appointed by members who are constituent members of the body. There is no authorization for a separate election unless we amend or add that the authorization to the statutory act. Ms. Schneider asked for the county and cities not to look at the OJRSA as a separate entity, but rather as a partner in economic development. Having an entity on the board negates the advantage of moving the sewer district as a whole.

Mr. Flynn said in his experience there has been a strong board overreach in many of the places he’s counseled, but most boards do not end up with people who have specific knowledge. If you are concerned with having someone who is in tune with the business community, you appoint the president of the Chamber of Commerce, and he does your bidding accordingly, but you remove the immediate problem of having someone who “wears two (2) hats” (an individual who represents two (2) separate entities simultaneously) and doesn’t know which hat to wear when setting policy.

Ms. Myers suggested the “shall not” be taken out of the text and let the councils decide on their own and then advocate for why you don’t want an employee to be on the board. Mr. Flynn replied this creates a “tragedy of the commons” where why would one (1) city appoint someone truly independent when another city (or the county) appoints someone who is only acting on their municipality’s behalf. Each municipality will subsequently go back to their own corners and appoint people that are acting in the best interest of their municipality (similar to how it is now).

Ms. Mettlen said the OJRSA is still operating under the Joint Agency Act; however, there are some amendments going on there; however, that is still in effect regardless of whether there is a consolidation of collection systems or not. Mr. Flynn said that is correct. Ms. Mettlen told Ms. Myers that the cities are still member entities.

Mr. Eleazer asked how the other utilities represented on this committee address economic development. Ms. Schneider said Spartanburg County liked economic development, because it gave them new customers. It’s all about “housetops” when it comes to revenue (like what Mr. Jones mentioned in an earlier meeting). It’s important and provides jobs, but it does not exist without sewer. Spartanburg County would provide information to Spartanburg Water such as location of the facility and how much water they would use per day. Once it was determined that the plant had the capacity and ability to treat the waste, Spartanburg County would make the deal. If it’s not currently in the sewer district, you work with the county to get it annexed. Mr. Jones said it’s similar for Greenville County; however, the county will secure funding, but ReWa will participate in it and may contribute to it.

Mr. Jones is looking for the committee to come up with a recommendation. It is not for the committee to determine what people are going to do with it. It seems like people are divided on this today. Ms. Brock said she could take the comments today back to her council. Mr. Jones said the committee needs a workable solution, but it may not be ideal for everybody.

- 3. Update on Potential Legislative Amendment to the South Carolina Joint Authority Water and Sewer Systems Act** – Mr. Jones said the legislation was touched on a little already but asked Mr. Eleazer if he had anything to add. Mr. Eleazer replied that Mr. Bronson (OJRSA Board Chairman) and he met with Senator Alexander last Friday afternoon and presented him with the proposed changes to the legislation. It was a good meeting and well received. Senator Alexander may be reaching out to the Member Cities to discuss it and see what their thoughts are. There may be more information to share at next month’s meeting.

Mr. Jones asked if the committee should consider an alternative to the election process. Mr. Flynn said it could be added, but it would require further edits to the legislation. Mr. Jones said he is concerned that as the system grows, is the member appointee from their district, their customer, or are they people within the service area – and how is it determined? Mr. Parris replied the memo says “customer,” and then asked is it a customer of the member or a customer of the whole system? Mr. Willett said if the Joint Water System Act is not modified, it would have to be a customer of the entity doing the appointment.

Mr. Jones said if the board consolidates, members are no longer customers of the municipalities, but rather the new entity. He asked if there is another alternative process that needs to be considered, because this committee doesn’t want to create a new entity that members cannot be appointed to.

Mr. Eleazer asked if it was in the current statute, or the proposed statute, that it must be a customer. Mr. Flynn replied that it was in the language regarding the fifth member that is appointed by the legislative delegation, and in his prior memo, it reads that the person needs to be an “elector” to be qualified to serve. However, there is nothing in there about who the members are and nothing that requires them to be a sewer customer. Mr. Jones said an “elector” would imply someone who

lives within the voting district. He added that the entities are serving outside the voting district and therefore would have a growing population of people who wouldn't have representation. He said he doesn't think the committee is going to get to this today, but it needs to be given serious thought.

Mr. Willett suggested gerrymandering the districts where the municipalities are at the center, so that people can be added and pulled according to electoral requirements rather than dividing the county where one city can get to appoint more due to population. Ms. Brock replied that Oconee County just redistricted, and it could be done by council district.

Ms. Schneider asked if it was consolidated into one entity where you could see all the assets, can this entity raise funds through an ad valorem tax like an SPD can do? Mr. Flynn said the joint agencies under the statute are expressly prohibited from levying taxes, so it will not be a taxing entity like the original SPDs. Mr. Flynn cautioned that if this committee tried to attempt to add taxing authority to the joint agency act, it probably would kill any amendments this committee is contemplating. Ms. Schneider said the success for anything long term is how you are going to pay for anything, and that should be considered in a reconstitution. Once you take on all the assets and all the problems and want to build a capital plan outward, that will continue to be a challenge. Ms. Schneider apologized to the committee saying she had to leave the meeting now due to other scheduling conflicts.

Ms. Schneider left the meeting at 10:20 a.m.

Mr. Jones asked Mr. Flynn to try to revise this memo for a consolidated entity and the representation on it. Mr. Flynn asked if the committee wants to layer in elected authorization into the proposed legislative amendments as well and throw that in as an additional route for governance.

Mr. Willett asked what Mr. Flynn's opinion is on the level of effort to do that. Mr. Flynn said the drafting side is not difficult; Mr. Willett said he meant getting it approved. Mr. Flynn said it was not discussed with Senator Alexander, and he said if you go to an elected board, you are wholly removing any appointment authority from those members who have now given over their collection system and would have zero say in the member that would otherwise be serving for that area. It's probably a question more for the board. Anything that is added that would make flexibility to a statute is a net positive, but whether the membership would be happy with that remains to be seen.

Mr. Jones asked everyone on the committee to put some thought into this and determine what is your preferred method and what is best served by that today and in the future.

- 4. Rate and Cost of Service Study** – The Director reported that Mr. Daryll Parker of Willdan Financial made a presentation to the board last Thursday night. The focus on what he presented had to do with the existing structure. Currently it requires all three (3) Member City councils to approve the OJRSA to borrow funds, which has been tried a couple times in the past without success. Mr. Parker showed what the rates need to be to raise the revenues to bite off the largest chunk (if not all) of the projects on the spreadsheet. Mr. Parker's focus was on the next ten (10) years, and what he came up with was a 74% rate increase in back-to-back years to fund pay-as-you-go for O&M and capital expenses. Mr. Eleazer added that was not the way to go. Mr. Jones asked if that was just for the OJRSA's system and not the Member Cities; Mr. Eleazer replied that was correct.

Ms. Mettlen said it has been tried, but there was never unanimous approval for the OJRSA to take on debt, so Willdan had to assume something and created a model for pay-as-you-go. The model can have other data put into it.

Mr. Willett asked if some of the municipalities' debt is not to do with the collection system. He wanted to know what percentage was for wastewater improvements. Mr. Flynn replied that the debt for wastewater is relatively minute. Walhalla's current debt is only for the water system (Ms. Myers said it was for the new water plant). Seneca obtained financing in 2007 for sewer through

the water pollution fund at the SRF, and the rest is for the water system. Westminster has no sewer debt at all. Mr. Willett said you can run a sewer system with revenue bonds. Ms. Mettlen said the major hurdle is that the OJRSA cannot finance without unanimous approval.

Mr. Flynn said there needs to be a definitive position, or a two-part term sheet, where the collection system acquisition becomes the pivot point on which direction this takes. Consolidation makes this a completely different organization rather than the status quo of being a wastewater treatment operator. He said he needs direction on whether the acquisition is the test case here or should the analysis be segregated for a consolidated approach and a status quo approach. Mr. Jones said that everyone agreed that consolidation is a priority, if not a key, to success. Even if there is not a consolidation, there needs to be an independent treatment agency with regulatory oversight. Ms. Brock replied this committee needs to explore alternatives, because if consolidation is the only thing put in the basket, and the entities responsible for funding it aren't capable of funding it, there needs to be a Plan B. Mr. Jones replied that no one is capable of funding it now. Ms. Brock said there should be an alternative in case the plan on the table isn't feasible financially. Mr. Willett said that financially it's not a question of if but a question of when. Ms. Brock said maybe she worded that wrong and she meant steps. Mr. Willett agreed with this and what you have to do is what you have to do.

Mr. Willett said that running a wastewater system has regulatory responsibilities and, in his opinion, if you run the plant, you've got to run the collection system. Ultimately the costs don't change, it's just a question of who is paying the costs. In his opinion, the Joint Water System Act was meant to be a financing authority. The utility takes the debt so the members don't. You will never be paid off.

- 5. Update of Discussion with Partner Communities About Conveyance of Systems to New Joint Authority** – Ms. Mettlen said Mr. Flynn has one alternative laid out: Reconstitution under the current Joint Water System Authorities Act with the status quo that everybody operates their own collection systems and this being a trunk sewer and treatment entity. Option 2 is consolidating all the sewer systems under one (1) agency and reconstitute under the Joint Water System Authorities Act. The pivot point is the consolidation.

Mr. Jones asked what the committee should do in preparation for the next meeting. Ms. Mettlen replied is to decide if more is to be added to potentially change the act itself or to leave it as is. Mr. Willett agreed and added if he were a member right now, he thinks some effort needs to be made on how assets will be valued. Each entity should be made whole and equal to the other members.

Ms. Mettlen said she doesn't think everyone fully understands what a franchise agreement looks like, what it can do, and how it's beneficial. She thinks there needs some context around the different options regarding valuation and asset versus a franchise agreement. Ms. Brock said she is not familiar with that at all and asked if Mr. Flynn could have this prepared by the next meeting. Mr. Willett said the biggest difference is if someone is due \$10 million to be made whole, does OJRSA borrow the \$10 million and pay it, or do they enter an agreement to repay that debt over 20 years. Who is doing the funding? Do you go to a financial institution or do you let the entity pay them back.

Mr. Flynn added that the sale of sewer systems can be done by ordinance and not referendum. There are a couple ways to do this: 1) A snapshot can be taken on the book value of the system on paper or 2) They can hire a third-party consultant to do a system appraisal. The valuation can be subjective, but the greater good here is that the systems need to be operated on a consolidated basis to best serve Oconee County and receive sewer service in the highest quality at the best value and cost. Some entities have decided to turn their systems over for one (1) dollar and were granted a franchise fee back against the system to recover some portion of the value over time. Some

entities who have a lot of customers requested the value to be based on the cash flow of the system. The memo will identify the valuation (or the appraisal piece) of those systems on the acquisition as being a prerequisite that needs to happen before any consolidation efforts can occur, because that will be a fundamental question if that pivot is practical.

6. **Public Comments Following Discussion Items** – Mr. Adams stated this was a good discussion. He said it looks like we must pay for our sins of the past and thanked the committee for their help with it. Ms. Mettlen said this is not a unique problem to just Oconee County.
7. **Consider Agenda Items for Next Meeting** – Mr. Jones said that the role of the committee is to come up with a recommendation; not for figuring out the details. He would like to wrap up this committee's work in the next couple of meetings. It was decided, and all members agreed, that a recommendation will be drafted at the next meeting with a logical list of the next steps. If the board wants to create another small committee to work out the details, that is fine, but this committee's job will be done.

Ms. Mettlen asked if Mr. Flynn should massage the act or leave it alone. Mr. Jones never fully understood what the limitations are. If the appointees must be elected, and the system grows much faster than the municipalities provide services outside their areas, how do those people get represented over time. Mr. Flynn replied that they would be represented by the county representative and potentially the gubernatorial appointment. Do we need to do anything to allow that representation? Mr. Willett said nothing must be done now, because the current proposal has the three (3) municipalities and the County having representatives and the legislative delegation appoints a fifth member. The proposal gives the ability to elect the members using the County Council voting districts.

Mr. Willett added that this committee's goal was to listen to what was out here, and based on the committee's combined experience, make a reasonable recommendation for the desired outcomes. This was not to negotiate among the members and determine what is possible. We're close to the recommendation, but the system cannot run long-term without consolidation.

Mr. Eleazer asked if the recommendation is going to have parallel paths where if the entity consolidates, there is recommendation for how that goes forward and another if consolidation is not implemented. Mr. Jones said he struggled with this, but he feels that this committee is to make their preferred recommendation. If the board decides to do something different, then they can look at the alternatives. Ms. Mettlen said that alternative is already out there. Mr. Willett said this committee needs to identify what the preferred alternative is and recommend it. There are other alternatives out there, but this committee is recommending one of them – the preferred one.

Mr. Eleazer said his concern is if the consolidation does not happen, the underlying problems that the OJRSA faces currently will continue. What is the recommendation to address those? Mr. Willett says it's okay to list a non-preferred alternative; Ms. Mettlen said that is already laid out. Mr. Jones said the presentation of the recommendation should be formulated in such a way that the committee believes success is solely dependent upon this recommendation and why.

Mr. Eleazer asked Mr. Flynn what he feels about going back to Senator Alexander with another recommended change. Mr. Flynn said he couldn't speak to the Senator's mindset on it, but he believes he would understand that the OJRSA is taking directions from the Ad Hoc Committee. Mr. Willett added that the Senator would understand pivoting.

8. **Confirm Date for Next Meeting, which is Scheduled for Thursday, April 10, 2025 at 9:00 a.m.** – The meeting date and time were noted.

Mr. Jones asked what resources will be available to the Ad Hoc committee to articulate the recommendation. Ms. Mettlen said, with Mr. Flynn's help, she can draft something for the

committee. Maybe the committee can focus on making a skeleton of the recommendation at the next meeting.

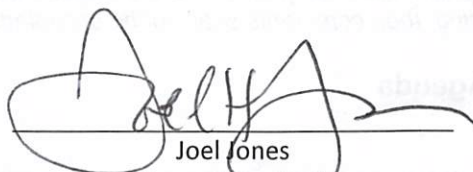
Mr. Flynn asked if he needed to wait to work on his revised term sheet. Mr. Jones and Ms. Mettlen said no. Mr. Flynn asked if some language should be drafted around the election statute. Mr. Jones said yes.

E. Upcoming Meetings

1. **Operations & Planning Committee** – Tuesday, March 25, 2025 at 8:15 a.m. *Special meeting date.*
2. **Finance & Administration Committee** – Tuesday, March 25, 2025 at 9:00 a.m.
3. **Board of Commissioners** – Monday, April 7, 2025 at 4:00 p.m.
4. **Sewer Feasibility Implementation Ad Hoc Committee** – Thursday, April 10, 2025 at 9:00 a.m.

F. Adjourn - The meeting adjourned at 11:04 a.m.

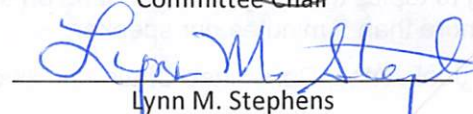
Approved By:


Joel Jones
Committee Chair

Date Approved:

4/10/25

Approved By:


Lynn M. Stephens
OJRSA Secretary/Treasurer

Notification of the meeting was distributed on February 7, 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.



Ad Hoc Sewer Feasibility Implementation Committee

OJRSA Operations & Administration Building

Lamar Bailes Board Room

March 13, 2025 at 9:00 AM

This advisory committee was established by the OJRSA Board of Commissioners at its November 4, 2024 meeting to consider recommendations and report to the OJRSA Board and Oconee County as identified in the [Regional Feasibility Planning Study](#) as adopted by the OJRSA on September 9, 2024. The committee can neither create policy nor make decisions on behalf of the OJRSA or other wastewater service providers within the area. See the study at www.ojrsa.org/info for more information.

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** – Joel Jones, Committee Chair
- B. Public Comment** – 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.
- C. Presentation and Discussion Items** – Led by Joel Jones, Committee Chair, unless otherwise noted [*May include vote and/or action on matters discussed*]
 - 1. Update on SC RIA timeline and process schedule
 - 2. Review summary of reconstitution memo and discuss next steps (Exhibit A)
 - 3. Update on potential legislative amendment to the South Carolina Joint Authority Water and Sewer Systems Act – Chris Eleazer, OJRSA
 - 4. Rate and cost of service study – Chris Eleazer, OJRSA
 - 5. Update of discussion with partner communities about conveyance of systems to new joint authority – Chip Bentley, ACOG
 - 6. Public comments following discussion items
 - 7. Consider agenda items for next meeting
 - 8. Confirm date for next meeting, which is scheduled for Thursday, April 10, 2025 at 9:00 a.m.
- D. Upcoming Meetings** *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*
 - 1. Operations & Planning Committee – March 25, 2025 at 8:15 AM
 - 2. Finance & Administration Committee – March 25, 2025 at 9:00 AM
 - 3. Board of Commissioners – April 7, 2025 at 4:00 PM
 - 4. Sewer Feasibility Implementation Ad Hoc Committee – April 10, 2025 at 9:00 AM
- E. Adjourn**



Meeting Sign-in Sheet

WWTP Board Room

ORGANIZATION

Bolton & Mack.

ARTS

Реша

SL 902

Westminster

WKO / Ardurra

Deone Co.

Joe Sun

Walhallen

Walhallen



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PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

To: Oconee Joint Regional Sewer Authority, South Carolina

From: Pope Flynn, LLC

Re: Summary of Reconstitution, including Acquisition of Sewer Collection Infrastructure

Date: February 25, 2025

Oconee Joint Regional Sewer Authority, South Carolina (the “**Authority**” or “**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**”).

Based on funding from the South Carolina Rural Infrastructure Authority, the Joint Authority engaged a team comprised of W.K. Dickson & Co., Inc., Willdan Financial Services, and Bolton & Menk, Inc. to prepare a regional feasibility planning study, which was formally adopted by the Oconee Joint Regional Sewer Authority Commission, as the governing body of the Authority, 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 to improve collection infrastructure.

Based on the terms of the Study and the Master Plan, Pope Flynn, LLC, prepared a memorandum dated November 26, 2024 to describe options for the reorganization of the Joint Authority. The material determination of such memo was that the Joint Authority be reconstituted with a complete revision of its governance documents. Additionally, and subsequent to the release

¹ For purposes of the reconstituted Joint Authority, such term would also include the County (as defined herein) once or if it is added as a Member.

of the memo, the ad hoc committee studying the Joint Authority recommended that the sewer collection systems owned and maintained by Seneca, Walhalla, Westminster, and any other contributing public satellite sewer system be conveyed to the Authority such that all sewer treatment and collection services in the County would be performed exclusively by the Joint Authority. This memorandum attempts to outline (at a high level) the steps for reconstitution of the Joint System, and conveyance of the Members' collection systems to the Joint Authority.

1. Governance Structure

- The Authority shall be reconstituted to include the County as a Member.
- The governing body of the Authority shall be a five-member commission (the "New Commission"), with representatives as follows:
 - One representative from the County;
 - One representative from Seneca;
 - One representative from Walhalla;
 - One representative from Westminster; and
 - One additional member, with the method of appointment to be determined.
- Draft legislation has been proposed to amend the Joint Authority Act to permit the fifth member to be appointed by the Governor upon the recommendation of the legislative delegation from Oconee County.

2. Operating Agreement

- A new operating agreement shall be executed with a minimum term of 40 years.
- The agreement shall define governance, financial obligations, operational responsibilities, and dispute resolution mechanisms.
- Operating agreement shall require the board member to be a customer, and shall include a restriction that no representative of a Member serving on the New Commission may be an officer or employee of the appointing member. Further, no ex officio appointments shall be permitted.

3. Voting Mechanism

- General matters shall be determined by per capita voting.
- Debt-related matters shall be subject to weighted voting based on an agreed-upon formula.

4. Expansion & Debt Parameters

- A framework shall be established for funding system growth, including capital improvements and infrastructure expansions.
- Preapproval mechanisms shall be established for financing certain projects.
- Member approval requirements shall be clearly defined for all other debt issuances.

5. Addition of New Members

- The Authority shall establish clear parameters and a defined mechanism for admitting new members.

6. Rate Structure

- An equitable rate structure shall be developed, ensuring fairness across all Members and customers.

7. **Regulatory**

- Joint Authority to develop stringent sanitary sewer permit requirements that clearly define system requirements for all Members (and any other dischargers).
- Authority to conduct regular inspections of sewer collection network (based on Department of Environmental Services standards) and establish clear rules and enforcement requirements.

8. **Acquisition of Municipal Collection Systems**

- Reconstitution shall provide that the Authority shall have the power to provide retail sewer services within its service area.
- The Authority shall acquire the respective sewer collection systems currently owned and operated by Seneca, Walhalla, Westminster and any other contributing public satellite sewer system.
 - Phased implementation may be considered if immediate acquisition is not practicable.
- Conveyance of systems to be conducted by ordinance of each respective Member. No referendum is required as a result of the Supreme Court's determination in *Sojourner v. St. George*, 383 S.C. 679 S.E.2d 182 (2009).
- Review of outstanding utility debt obligations of each Member is required, and consideration must be made as to limitations for sale of system components secured by revenues of sewer systems, respectively:
 - Walhalla (combined water and sewer)²
 - \$17,945,000 principal amount still outstanding on originally issued \$20,620,000 Water and Sewer System Revenue Bonds, Series 2018.
 - Various capital leases secured by utility system assets.
 - Seneca (combined water, sewer and electric)³
 - \$890,000 principal amount still outstanding on originally issued \$8,350,000 Combined Utility System Refunding Revenue Bonds, Series 2012.
 - \$460,015 principal amount still outstanding on originally issued \$3,762,930 Combined Utility System Refunding Revenue Bonds, Series 2020.
 - \$537,729 principal amount still outstanding on originally issued \$1,993,633 Combined Utility System Revenue Bond, Series 2007 (South Carolina Drinking Water Revolving Loan Fund).
 - \$6,943,035 principal amount still outstanding on originally issued \$11,528,750 Combined Utility System Revenue Bond, Series 2014 (South Carolina Drinking Water Revolving Loan Fund).
 - \$4,791,937 principal amount still outstanding on originally issued \$6,031,455 Combined Utility System Revenue Bond, Series 2007 (South Carolina Drinking Water Pollution Control Revolving Fund).
 - Potential capital leases secured by combined utility system assets.

² Source: 2023 Audited Financial Statements

³ Source: 2024 Annual Comprehensive Financial Report

- Westminster (combined water, sewer and electric)⁴
 - \$8,260,000 principal amount still outstanding on originally issued \$8,260,000 Combined Utility System Revenue Bond Anticipation Note, Series 2023⁵.
 - Originally issued \$369,947 Combined Utility System Revenue Bond, Series 2022 (ConserFund Loan).
 - Various capital leases secured by combined utility system assets.
- The terms and conditions of acquisition, including valuation, financial considerations, and transfer processes shall be reviewed and considered.

Next Steps:

- Finalization of governance details and appointment process for the fifth New Commission member.
- Make arrangements to file proposed amendments to the Joint Authority Act.
- Confirm approval/consent of Members for conveyance of sewer collection system.
- Development of financial models and legal framework for asset transfers and debt structuring.
- Create timeline for implementation of reconstitution.

⁴ Source: 2024 Audited Financial Statements

⁵ To be taken out by long-term financing with United States Department of Agriculture, Rural Development.



Piedmont Municipal Power Agency

BOARD PACK

for

PMPA Board Meeting

Thursday, April 17, 2025

10:00 AM (EDT)

Held at:

PMPA Office

121 Village Drive, Greer, SC 29651

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Agenda


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AGENDA

PMPA BOARD MEETING



Name:	Piedmont Municipal Power Agency
Date:	Thursday, April 17, 2025
Time:	10:00 AM to 2:00 PM (EDT)
Location:	PMPA Office, 121 Village Drive, Greer, SC 29651  https://pmpa.zoom.us/j/89642054355?pwd=p0BmCaZlugWZ4QehU2w3WOVljaOMZQ.1
Board Members:	Blake Stone, Tim Hall, Andy Sevic (Chair), Eric Goodwin, Mayor Brian Ramey, Kevin Bronson, Jimmy Bagley, David Vehaun, Mayor Foster Senn, Jason Taylor, Joe Nichols, Lance Davis, John Young, Keith Wood, Marc Regier, Mike Richard, Mayor Randy Randall, Steve Bratton, David Dorman, Joey Meadors
Attendees:	Angie Hoover, Brandon Audet, Cindy Frierson, Dedra Howell, Dennis Cameron, Gary Brunault, Joel Ledbetter, JulieAnne London, Kenny Bradley, Lynn Price, Mike Frazier, Rion Foley, Robby Townsend, Tom Gressette, Tracy Quinn, Will Blanton

1. Call to Order

1.1 Identify Virtual Attendees

1.2 Declaration of Quorum

1.3 Invocation

2. Administration of Oath of Office to new Board Member

2.1 Oath of Office - David Dorman, Gaffney BPW & Joey Meadors City of Clinton

3. Approval of Minutes

3.1 Confirm Minutes

Supporting Documents:

3.1.a Minutes : PMPA Board Meeting - 20 Mar 2025

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3.2 Vote to Approve Minutes of March 20, 2025 Board Meeting

4. Action Item

4.1 Acceptance of the 2024 Financial Audit

For Decision

Supporting Documents:

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5. Acceptance of Financial Report

5.1 March 2025

6. Reports

6.1 Finance

6.2 Engineering

Supporting Documents:

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6.2.b	2025_03_Energy Report.pdf	63

6.3 Catawba

Supporting Documents:

6.3.a	Catawba Report April 10, 2025.pdf	64
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6.4 Management

7. Action Item

7.1 Discussion of an Agreement for allocation of G&A expenses

Supporting Documents:

7.1.a	DRAFTv2 20250410 Catawba Agreement Amendment for GA Allocation Policy.pdf	65
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8. Participant Discussion

9. Executive Session

9.1 Vote to enter into Executive Session

9.2 Discuss recent filing at FERC

9.3 Discuss matters pertaining to ongoing litigation

9.4 Discuss matters pertaining to contractual negotiations

9.5 Vote to return to Regular Session

10. Actions to be taken based on discussion in Executive Session

10.1 Action based on discussion in Executive Session

For Decision

11. Other Business

11.1 Other Business

12. Adjourn

12.1 Adjourn

Next meeting: PMPA Board Meeting - May 22, 2025, 10:00 AM

MINUTES (in Review)

PMPA BOARD MEETING



Name:	Piedmont Municipal Power Agency
Date:	Thursday, March 20, 2025
Time:	10:00 AM to 12:52 PM (EDT)
Location:	PMPA Office, 121 Village Drive, Greer, SC 29651
Board Members:	Andy Sevic (Chair), Blake Stone, Mayor Randy Randall, Eric Goodwin, Donnie Hardin, Steve Bratton, Mike Richard, Marc Regier, John Young, Keith Wood, Mayor Foster Senn, Jason Taylor, Jimmy Bagley, David Vehaun, Joe Nichols, Lance Davis, Kevin Bronson
Attendees:	Joel Ledbetter, JulieAnne London, Mike Frazier, Dennis Cameron, Tracy Quinn, Lynn Price, Kenny Bradley, Gary Brunault, Rion Foley, Tom Gressette
Apologies:	Tim Hall, Ronnie Roth, Mayor Brian Ramey, Cindy Frierson, Angie Hoover, Brandon Audet, Will Blanton, Robby Townsend, Dedra Howell
Guests:	Tim Baker, Scott Motsinger, Brandon Finn, Lacy Grimm, Andrea Kelley
Notes:	Virtual Attendees: Foster Senn, Rion Foley, Tom Gressette, and Andrea Kelley

1. Call to Order

1.1 Identify Virtual Attendees

1.2 Declaration of Quorum

Chairman Sevic declared that a quorum is present and the Board can conduct business.

1.3 Invocation

Chairman Sevic gave the invocation.

1.4 Recognition of Donnie Hardin

Chairman Sevic recognized Mr. Donnie Hardin at his last meeting as a member of the PMPA Board of Directors and presented him with a plaque to recognize his service. Mr. Hardin has represented the Gaffney Board of Public works for the past 28 1/2 years.

2. Approval of Minutes

2.1 Confirm Minutes

PMPA Board Meeting Feb 20, 2025, the minutes were confirmed as presented.

2.2 Vote to Approve Minutes of February 20, 2025 Board Meeting and Workshop



Vote to Approve Minutes of February 20, 2025 Board Meeting and Workshop

Chairman Sevic stated that a correction was needed in the draft minutes of the workshop to state that Chairman Sevic called the meeting to order not Chairman Stone.

Motion was unanimously approved to accept the Board minutes as submitted and the minutes of the workshop as corrected.

10 Supported

0 Opposed

0 Abstained

Decision Date: Mar 20, 2025

Mover: John Young

Second: Blake Stone

Outcome: Approved

3. Action Item

3.1 Presentation and acceptance of the 2024 Financial Audit



Presentation of the 2024 Financial Audit (to be revised and resubmitted)

Mr. Brandon Finn with Cherry Bekaert presented the 2024 Audit Report.

Mr. Bronson made a motion to have the audit revised to include in Note 16 that eight Participants paid \$55 million to Greer CPW and the City of Rock Hill to settle on going litigation.

The audit that was presented today will have to be reopened and revised. The audit will be brought back to the Board for approval in April.

8 Supported

2 Opposed (Greer, Rock Hill)

0 Abstained

Decision Date: Mar 20, 2025

Mover: Kevin Bronson

Second: Joe Nichols

Outcome: Approved

4. Acceptance of Financial Report

4.1 February 2025



February 2025

Motion unanimously approved to accept the financial report as submitted.

10 Supported

0 Opposed

0 Abstained

Decision Date: Mar 20, 2025

Mover: Kevin Bronson

Second: Donnie Hardin

Outcome: Approved

5. Reports

5.1 Finance

Nothing to report.

5.2 Engineering

Mr. Frazier reviewed the standard engineering reports for February that were included in the Board Pack.

Mr. Frazier also updated the Board on SEEM.

Mr. Frazier commended Will Blanton on all his hard work in switching the PMPA's SCADA system from Survalent to OSI. The transition to OSI was made on March 4.

5.3 Catawba

Mr. Cameron reviewed the Catawba and McGuire report that was included in the Board Pack and any updates since that report.

5.4 Management

Mr. Ledbetter updated the Board on legislative issues.

Mr. Ledbetter advised the Board that information regarding the 2025 Power Conference will be sent to the Board the week of March 24.

Mr. Ledbetter also stated that information regarding the APPA National Conference was sent on March 3, and responses are due to PMPA by April 10.

6. Action Item

6.1 Consideration and approval of a policy for allocation of G&A expenses

John Young made a motion to approve the proposed G&A Allocation Policy with a second by Donnie Hardin. After discussion of the proposed policy and its question of conformity with the By-Laws, John Young asked permission to withdraw the motion. No Board member objected to Mr. Young's request to withdraw the motion and the Chair granted permission to withdraw. The G&A Allocation issue will be discussed in a future Board meeting.

No action was taken.

7. Participant Discussion

7.1 Discussion regarding Executive Session attendees

Mr. Bagley inquired about the guidelines to have the Participants attorneys attend Executive Session.

After discussions it was suggested that Mr. Ledbetter inform the Board by email of items to be discussed in Executive Session two weeks prior to the Board Meeting. The Board will be asked to reply to that email letting everyone know if they plan to have their attorney attend the upcoming meeting. This procedure will allow all Participants to have their attorneys present in Executive Session for the issues that require their presence.

8. Executive Session

8.1 Vote to enter into Executive Session



Vote to enter into Executive Session

9 Supported

1 Opposed (Westminster)

0 Abstained

Decision Date: Mar 20, 2025

Mover: Jimmy Bagley

Seconder: Joe Nichols

Outcome: Approved

8.2 Discuss matters pertaining to contractual negotiations

8.3 Vote to return to Regular Session



Vote to return to Regular Session

10 Supported

0 Opposed

0 Abstained

Decision Date: Mar 20, 2025

Mover: Jimmy Bagley

Seconder: Blake Stone

Outcome: Approved

9. Actions to be taken based on discussion in Executive Session

10. Other Business

10.1 Other Business

There was no other business.

11. Adjourn

11.1 Adjourn

Next meeting: PMPA Board Meeting - Apr 17, 2025, 10:00 AM

A motion was made by Kevin Bronson with a second by John Young to adjourn the meeting. Motion passed.

Signature: _____

Date: _____

PIEDMONT MUNICIPAL POWER AGENCY

Financial Statements and Supplementary Information

December 31, 2024 and 2023

(With Report of Independent Auditor Thereon)

PIEDMONT MUNICIPAL POWER AGENCY

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2 Schedule of Revenues and Expenses Per the Bond Resolution and Other Agreements	50

Report of independent Auditor

To the Board of Directors
of Piedmont Municipal Power Agency

Opinion

We have audited the accompanying financial statements of Piedmont Municipal Power Agency ("PMPA"), as of December 31, 2024 and 2023, and the related and the related notes to financial statements, which collectively comprise PMPA's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of PMPA as of December 31, 2024 and 2023, and the changes in its financial position and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are required to be independent of PMPA and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audits. We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about PMPA's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and, therefore, is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of PMPA's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about PMPA's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 9 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audits were conducted for the purpose of forming an opinion on the financial statements that collectively comprise PMPA's basic financial statements as a whole. The supplementary information, as listed in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Cherry Bekaert LLP

Greenville, South Carolina
March 11, 2025

PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

Overview of the Financial Statements

This section of Piedmont Municipal Power Agency's ("PMPA") annual financial statements presents our analysis of PMPA's financial performance during the fiscal years ended December 31, 2024 and 2023. Please read this discussion and analysis in conjunction with the financial statements that follow this section.

Financial Highlights

Year Ended December 31, 2024:

- PMPA's wholesale rates to Participants remain unchanged in 2024.
- On April 30, 2024, on behalf of eight Participants, PMPA issued the \$48.3 million 2024A Electric Revenue Bond associated with the settlement of the 2019 lawsuit naming PMPA a defendant by two Participants with respect to the allocation of costs amongst all Participants. The bond is excluded from PMPA's wholesale rates and net costs recoverable from future Participant billings, and will be paid by the eight Participants during the life of the bond. Refer to Note 16 for additional settlement information.
- In 2024, net cash generated from operating and investing activities was \$123.4 million and \$9.5 million, respectively, offsetting cash used in financing activities of \$132.2 million.

Year Ended December 31, 2023:

- PMPA's wholesale rates to Participants remain unchanged in 2023.
- In 2023, net cash generated from operating activities was \$133.3 million, offsetting cash used in investing and financing activities of \$5.6 million and \$128.8 million, respectively.

PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

Overview of the Financial Activities

The following is an overview of the financial activities of PMPA for the years ended December 31, 2024 and 2023.

PMPA's financial statements, which include the statements of net position, the statements of revenues, expenses and changes in net position, and the statements of cash flows, are presented to display information about the reporting entity as a whole. The statements are prepared using the economic resources measurement focus and the accrual basis of accounting.

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PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

Financial Information

The following summarizes the activities of PMPA for the years ended December 31, 2024, 2023, and 2022:

	2024	2023	2022
		(In thousands)	
Revenues:			
Sales of electricity to Participants	\$ 223,172	\$ 220,132	\$ 215,668
Sales of electricity to other utilities and other operating revenues	18,314	18,833	23,161
Total operating revenues	241,486	238,965	238,829
Interest income	9,413	7,230	2,890
Net change in fair market value of investments	1,717	5,202	(9,143)
Total Revenues	252,616	251,397	232,576
Expenses:			
Operation, maintenance, and nuclear fuel amortization	36,741	37,539	38,322
Purchased power, transmission, and power delivery	59,394	54,443	65,683
Administrative, general, and payments in lieu of property taxes	24,370	25,554	24,001
Net decrease in net costs recoverable from future Participant billings	48,777	46,721	48,055
Depreciation	9,022	8,779	10,634
Interest and bond amortization expense	29,533	30,448	31,894
Postemployment benefits	-	132	-
Other	13,302	23,214	13,882
Total Expenses	221,139	226,830	232,471
Increase in net position	31,477	24,567	105
Net position at beginning of year	141,042	116,475	116,370
Net position at end of year	\$ 172,519	\$ 141,042	\$ 116,475

PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

Results of Operations

Revenues

- Sales of electricity to Participants, PMPA's primary source of revenue, increased in 2024 by 1.4%, or approximately \$3.0 million. This increase was driven by an increase in energy sold to Participants. Sales of electricity to Participants increased in 2023 by 2.1%, or approximately \$4.5 million. In 2023, sales of electricity to Participants did not include any billing credits to Participants, resulting in a \$10.8 million increase in revenue from 2022. This increase was partially offset by a decrease in energy sold to Participants.
- Sales of electricity to other utilities and other operating revenues decreased by 2.8% in 2024 due to a decrease in surplus energy rates, partially offset by an increase in energy available to sell in the market. Sales of electricity to other utilities and other operating revenues decreased by 18.7% in 2023 due to a decrease in surplus energy rates, partially offset by an increase in energy available to sell in the market. PMPA's surplus energy was contractually sold to Santee Cooper and The Energy Authority as part of supplemental purchased power agreements and Duke Energy Carolinas, LLC.

Expenses

- Purchased power, transmission and power delivery expenses increased by 9.1%, or approximately \$5.0 million, in 2024 due to an increase in supplemental energy purchased, partially offset by a decrease in purchase prices during 2024. Purchased power, transmission and power delivery expenses decreased by 17.1%, or approximately \$11.2 million, in 2023 due to a decrease in purchase prices coupled with a decrease in supplemental energy purchased in the market during 2023.
- In 2023, when it became probable and estimable, PMPA recorded a \$10.0 million settlement liability associated with a 2019 lawsuit naming PMPA a defendant by Greer and Rock Hill with respect to the allocation of costs amongst all Participants. In January 2024, the lawsuit was settled with Greer and Rock Hill receiving a combined cash payment of \$55 million, of which \$10 million was paid by PMPA out of working capital funds and \$45 million was paid by the remaining eight Participants through the issuance of the 2024A Electric Revenue Bond. Refer to Note 16 for additional settlement information.

PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

Net Position

The following summarizes the net position of PMPA for the years ended December 31, 2024, 2023, and 2022:

	<u>2024</u>	<u>2023</u>	<u>2022</u>
		(In thousands)	
Assets:			
Current unrestricted assets	\$ 110,700	\$ 123,023	\$ 117,133
Current restricted assets	267,004	252,035	240,123
Noncurrent assets	703,807	683,784	715,605
Total Assets	<u>\$ 1,081,511</u>	<u>\$ 1,058,842</u>	<u>\$ 1,072,861</u>
Deferred outflows:	<u>\$ 45,824</u>	<u>\$ 19,299</u>	<u>\$ 30,461</u>
Liabilities:			
Current liabilities	\$ 264,339	\$ 258,012	\$ 247,779
Long-term liabilities	690,261	678,899	739,068
Total Liabilities	<u>\$ 954,600</u>	<u>\$ 936,911</u>	<u>\$ 986,847</u>
Deferred inflows:	<u>\$ 216</u>	<u>\$ 188</u>	<u>\$ -</u>
Net position:			
Net investment in capital assets	\$ (87,772)	\$ (168,303)	\$ (239,406)
Restricted for other	1,600	1,600	1,600
Unrestricted	258,691	307,745	354,281
Total Net Position	<u>\$ 172,519</u>	<u>\$ 141,042</u>	<u>\$ 116,475</u>

Current unrestricted assets fluctuate with the changes in marketable debt securities held in PMPA's revenue fund. Revenue fund fluctuations result from the timing of Participant cash receipts, payments made to third parties and deposits into restricted funds.

Current restricted assets primarily include assets restricted for decommissioning and debt service. Assets restricted for decommissioning increase each year due to PMPA's regular deposits into the decommissioning fund. Assets restricted for debt service fluctuate each year depending on PMPA's debt service obligation on January 1 of the following year. As such, PMPA's assets restricted for debt service increased on December 31, 2024 when compared to December 31, 2023 and decreased on December 31, 2023 when compared to December 31, 2022.

Noncurrent assets include capital assets of \$427.3 million and \$403.9 million at December 31, 2024 and 2023, respectively, net costs recoverable from future Participant billings and a Participant settlement receivable. Net costs recoverable from future Participant billings decreased by \$48.8 million and \$46.7 million in 2024 and 2023, respectively. This decrease was driven by \$66.6 million and \$52.1 million of principal deposits made during 2024 and 2023, respectively, partially offset by the deferrals of interest, depreciation, and amortization expenses. The Participant settlement receivable of \$45.4 million was

PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

established in April of 2024 resulting from the 2019 lawsuit settlement. Refer to Note 16 for additional settlement information.

Deferred outflows primarily consist of the asset retirement obligation, redemption losses and losses on advance refundings of debt. Deferred outflows increased \$26.5 million in 2024 and decreased \$11.2 million in 2023 primarily related to changes in assumptions related to the asset retirement obligation, refer to Note 11 for further information on the asset retirement obligation.

Long-term liabilities primarily include bonds payable, net and an asset retirement obligation. Long-term bonds payable, net decreased by \$26.0 million and \$61.2 million in 2024 and 2023, respectively, due to bond payments and the amortization of bond premiums, partially offset in 2024 by the \$48.3 million 2024A Electric Revenue Bond issuance. The asset retirement obligation, related to the decommissioning of Catawba, increased by \$37.2 million and \$1.5 million in 2024 and 2023, respectively, due to the continued accretion to the total decommissioning requirement as well as changes in assumptions. Changes in these assumptions resulted in a \$29.6 million increase in 2024 and a \$5.8 million decrease in 2023.

Current liabilities primarily reflect PMPA's debt service requirement on January 1 of the following year. As such, current liabilities increased by \$6.3 million and \$10.2 million in 2024 and 2023, respectively.

PMPA calculates net investment in capital assets as the difference between capital assets and bonds payable, including losses on advance refunding of debt. Capital assets includes accumulated depreciation and amortization, causing the net investment in capital assets to reflect a negative balance.

Capital Assets

Capital assets include structures and improvements, reactor plant equipment, turbo generator units, other equipment, and nuclear fuel. Such amounts are detailed as follows:

	2024	2023	2022
		(In thousands)	
Structures and improvements	\$ 176,702	\$ 176,047	\$ 174,077
Reactor plant equipment	299,383	297,657	297,376
Turbo generator units	89,136	83,259	76,988
Other equipment	118,141	116,280	116,233
Nuclear fuel	77,547	79,063	73,348
Other	28,237	25,114	29,845
Construction work-in-progress	39,056	34,083	23,688
Total	828,202	811,503	791,555
Less accumulated depreciation and amortization	(400,912)	(407,640)	(402,621)
Total, net	<u>\$ 427,290</u>	<u>\$ 403,863</u>	<u>\$ 388,934</u>

PIEDMONT MUNICIPAL POWER AGENCY

Management's Discussion and Analysis

December 31, 2024 and 2023

PMPA's investment in capital assets on December 31, 2024 totaled \$427.3 million (net of accumulated depreciation and amortization), a \$23.4 million increase from 2023. Significant capital transactions during 2024 included \$22.0 million in nuclear fuel purchases and \$23.3 million of capital additions, partially offset by depreciation and amortization expense of \$21.8 million.

PMPA's investment in capital assets on December 31, 2023 totaled \$403.9 million (net of accumulated depreciation and amortization), an \$14.9 million increase from 2022. Significant capital transactions during 2023 included \$15.4 million in nuclear fuel purchases and \$21.0 million of capital additions, partially offset by depreciation and amortization expense of \$21.5 million.

Bonds Payable

Net bonds payable, including current installments, were \$572.3 million and \$583.8 million at December 31, 2024 and 2023, respectively. With the exception of the 2024A Electric Revenue Bond, all principal payments are due on January 1 and are required to be deposited during the prior year. The 2024A Electric Revenue Bond principal payment is due on April 30, 2035. Principal payments of \$52.1 million and \$51.3 million were made on January 1, 2024 and 2023 respectively. PMPA's next principal payment of \$66.6 million is due on January 1, 2025. Refer to Note 9 for additional information regarding PMPA's bonds payable.

Economic Factors and Next Year's Rates

Because the retail customers of PMPA Participants are primarily residential and small commercial accounts, PMPA is much less affected by economic downturns than a utility with larger commercial and industrial retail customers. The 2025 budget does not include an increase in PMPA's wholesale rates to the Participants.

Request for Information

This financial report is provided as an overview of PMPA's finances. Questions concerning any of the information in this report or requests for additional information should be directed to the Office of the Finance Director, Piedmont Municipal Power Agency, 121 Village Drive, Greer, South Carolina 29651.

PIEDMONT MUNICIPAL POWER AGENCY

Statements of Net Position

December 31, 2024 and 2023

(Dollars in thousands)

	<u>Assets</u>	<u>2024</u>	<u>2023</u>
Current Unrestricted Assets:			
Cash		\$ 739	\$ 47
Marketable debt securities		71,179	84,516
Participant accounts receivable		17,640	17,488
Other accounts receivable		390	956
Materials and supplies		20,752	20,016
Total Current Unrestricted Assets		<u>110,700</u>	<u>123,023</u>
Current Restricted Assets (Note 7):			
Restricted investments for debt service		127,694	124,255
Restricted investments for decommissioning		137,710	126,180
Restricted investments for other		1,600	1,600
Total Current Restricted Assets		<u>267,004</u>	<u>252,035</u>
Total Current Assets		<u>377,704</u>	<u>375,058</u>
Noncurrent Assets:			
Capital assets, net (Note 5)		427,290	403,863
Net costs recoverable from future Participant billings (Note 8)		231,117	279,894
Participant settlement receivable (Note 16)		45,400	-
Other		-	27
Total Noncurrent Assets		<u>703,807</u>	<u>683,784</u>
Total Assets		<u>\$ 1,081,511</u>	<u>\$ 1,058,842</u>
Deferred Outflows:			
Asset retirement obligation (Note 11)		\$ 36,893	\$ 7,629
Redemption losses, net		4,225	4,928
Losses on advance refundings of debt, net		4,706	6,742
Total Deferred Outflows		<u>\$ 45,824</u>	<u>\$ 19,299</u>

See accompanying notes to financial statements.

PIEDMONT MUNICIPAL POWER AGENCY

Statements of Net Position (continued)

December 31, 2024 and 2023

(Dollars in thousands)

<u>Liabilities</u>	<u>2024</u>	<u>2023</u>
Current Liabilities:		
Accounts payable and other accrued liabilities	\$ 11,841	\$ 11,889
Accrued settlement liability (Note 16)	-	10,000
Total Current Liabilities	11,841	21,889
Current Liabilities Payable from Restricted Assets:		
Accrued interest payable	185,933	184,037
Current installments of bonds payable	66,565	52,086
Total Current Liabilities Payable from Restricted Assets	252,498	236,123
Total Current Liabilities	264,339	258,012
Long-Term Liabilities:		
Bonds payable, net (Notes 9 and 10)	505,758	531,750
Asset retirement obligation (Note 11)	182,667	145,510
Participant interest payable	112	-
Total other postemployment benefits (Note 13)	1,724	1,639
Total Long-Term Liabilities	690,261	678,899
Total Liabilities	\$ 954,600	\$ 936,911
Deferred Inflows:		
Postemployment benefits	\$ 216	\$ 188
<u>Net Position</u>		
Net investment in capital assets	\$ (87,772)	\$ (168,303)
Restricted for other	1,600	1,600
Unrestricted	258,691	307,745
Total Net Position	\$ 172,519	\$ 141,042

See accompanying notes to financial statements.

PIEDMONT MUNICIPAL POWER AGENCY
Statements of Revenues, Expenses and Changes in Net Position
Years Ended December 31, 2024 and 2023
(Dollars in thousands)

	<u>2024</u>	<u>2023</u>
Operating Revenues:		
Sales of electricity to Participants	\$ 223,172	\$ 220,132
Sales of electricity to other utilities	16,707	17,412
Other	1,607	1,421
Total Operating Revenues	<u>241,486</u>	<u>238,965</u>
Operating Expenses:		
Operation and maintenance	23,966	24,837
Nuclear fuel amortization	12,775	12,702
Purchased power	48,892	44,974
Transmission	9,921	8,861
Power delivery	581	608
Administrative and general	14,734	15,672
Depreciation	9,022	8,779
Asset retirement obligation accretion and amortization	7,893	7,984
Payments in lieu of property taxes	9,636	9,882
Total Operating Expenses	<u>137,420</u>	<u>134,299</u>
Net Operating Income	<u>104,066</u>	<u>104,666</u>
Other Nonoperating Revenues and (Expenses):		
Net decrease in net costs recoverable from future Participant billings	(48,777)	(46,721)
Interest income	9,413	7,230
Net change in fair market value of investments	1,717	5,202
Interest expense	(35,575)	(36,660)
Bond amortization	6,042	6,212
Postemployment benefits	-	(132)
Other	(5,409)	(15,230)
Total Other Nonoperating Revenues and Expenses, net	<u>(72,589)</u>	<u>(80,099)</u>
Increase in net position	31,477	24,567
Net position at beginning of year	<u>141,042</u>	<u>116,475</u>
Net position at end of year	<u>\$ 172,519</u>	<u>\$ 141,042</u>

See accompanying notes to financial statements.

PIEDMONT MUNICIPAL POWER AGENCY

Statements of Cash Flows

Years Ended December 31, 2024 and 2023

(Dollars in thousands)

	2024	2023
Cash flows from operating activities:		
Receipts from customers	\$ 241,900	\$ 238,762
Payments for operations and maintenance	(24,702)	(25,467)
Payments for purchased power, transmission, and power delivery	(69,030)	(64,325)
Payments for administrative and general	(24,782)	(15,660)
Net cash from operating activities	123,386	133,310
Cash flows from investing activities:		
Purchase of investment securities	(470,026)	(424,189)
Proceeds from sales and maturities of investments	468,815	409,805
Interest received on investments	10,709	8,743
Net cash from (used in) investing activities	9,498	(5,641)
Cash flows from capital and related financing activities:		
Payment of bond principal	(52,086)	(51,290)
Proceeds from bond issuance	48,330	-
Participant settlement payment (Note 16)	(45,400)	-
Interest received on settlement debt	1,614	-
Interest payment on bonds	(32,656)	(35,906)
Expenditures for utility plant in service	(23,257)	(21,009)
Expenditures for nuclear fuel	(21,967)	(15,401)
Payment to Duke Energy for other charges	(6,794)	(5,339)
Other	24	172
Net cash used in capital and related financing activities	(132,192)	(128,773)
Net change in cash	692	(1,104)
Cash, beginning of year	47	1,151
Cash, end of year	\$ 739	\$ 47
Noncash investing and financing activities:		
Loss on sale of investment	\$ (1,274)	\$ (1,796)
Amortization expense on discounts and premiums	\$ 7,757	\$ 9,117
Amortization of net redemption loss	\$ (2,739)	\$ (4,233)
Net change in fair market value of investments	\$ 1,717	\$ 5,202
Change in decommissioning liability due to change in assumptions	\$ (29,646)	\$ 5,795

See accompanying notes to financial statements.

PIEDMONT MUNICIPAL POWER AGENCY

Statements of Cash Flows (continued)

Years Ended December 31, 2024 and 2023

(Dollars in thousands)

	<u>2024</u>	<u>2023</u>
Reconciliation of net operating income to net cash from operating activities:		
Net operating income	\$ 104,066	\$ 104,666
Adjustments to reconcile net operating income to net cash from operating activities:		
Depreciation	9,022	8,779
Nuclear fuel amortization	12,775	12,702
Asset retirement obligation accretion and amortization	7,893	7,984
(Increase) decrease in:		
Participant accounts receivable	(152)	(675)
Other accounts receivable	566	472
Materials and supplies	(736)	(630)
(Decrease) increase in:		
Accounts payable and other accrued liabilities	(10,048)	12
Net cash from operating activities	<u>\$ 123,386</u>	<u>\$ 133,310</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(1) Description of the Entity, Industry Restructuring Developments, and Related Uncertainties

(a) *Description of the Entity*

Piedmont Municipal Power Agency (“PMPA”) was incorporated in 1979 under the South Carolina Joint Municipal Electric Power and Energy Act (the “Act”). The Act, adopted in April 1978, enabled the formation, by South Carolina municipalities and municipal commissions of public works, of a joint agency to plan, finance, develop, own, and operate electric generation and transmission facilities. Ten municipal utility systems (“Participants”) comprise PMPA’s membership. The Participants, located in northwestern South Carolina, are the cities of Abbeville, Clinton, Easley, Gaffney, Greer, Laurens, Newberry, Rock Hill, Union, and Westminster. PMPA is not a component unit of any other governmental entity.

PMPA has a 25% undivided ownership interest in Unit 2 of the Catawba Nuclear Station (“Catawba”). Pursuant to the Operating and Fuel Agreement between PMPA and Duke Energy Carolinas, LLC (“Duke”), Duke operates both Units 1 and 2 at Catawba. PMPA’s power output entitlements (approximately 285 MW) come from both Catawba Units. PMPA pays 12.5% of the costs and receives 12.5% of the power output associated with each of these 1,145 MW units. The current operating licenses for Catawba Unit 1 and Unit 2 expire on December 5, 2043.

Duke is seeking a 20-year license extension for both units allowing both units to operate through 2063. The United States Nuclear Regulatory Commission (“NRC”) directs the subsequent license renewal process. Although the renewal process cannot be formally completed with the NRC until the current license is closer to expiration, PMPA deems it probable the 20-year extension will be approved. This determination was based on, among other things, Catawba’s outstanding operating performance and the information available surrounding the subsequent license renewals approved by the NRC for current reactors that have completed the NRC renewal process.

Additionally, the terms of the McGuire Reliability Exchange Agreement (“MREA”) allow transfers of energy between PMPA’s entitlements from the Catawba Units and Duke’s two nuclear units at the McGuire Nuclear Station (“McGuire”). The result spreads PMPA’s entitlements across four similar nuclear units. The operating license for McGuire Unit 1 expires on June 12, 2041 and the operating license for McGuire Unit 2 expires on March 3, 2043.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(2) Summary of Significant Accounting Policies

(a) *Basis of Accounting*

PMPA's accounting records are maintained on an accrual basis in conformity with accounting principles generally accepted in the United States of America ("U.S. GAAP") and substantially in conformity with the Federal Energy Regulatory Commission's Uniform System of Accounts.

PMPA follows the accounting practices set forth in U.S. GAAP, which allows PMPA to capitalize or defer certain costs or revenues based on PMPA's ongoing assessment that it is probable that such items will be recovered through future revenues based on the rate-making authority of PMPA's Board of Directors. The criteria require consideration of anticipated changes in levels of demand or competition during the recovery period for any capitalized cost.

PMPA's General Bond Resolution requires that its rate structure be designed to produce revenues sufficient to pay operating, debt service, and other specified costs. PMPA's Board of Directors, which is comprised of representatives of the Participants, is responsible for reviewing and approving the rate structure. The application of a given rate structure to a given period's electricity sales may produce revenues not intended to pay that period's costs, and conversely, that period's costs may not be intended to be recovered in period revenues. The affected revenues and/or costs are, in such cases, deferred for future recognition. The ultimate recognition of deferred items is correlated with specific future events, primarily payment of debt principal.

PMPA maintains a single enterprise fund to record its activities, which consists of a self-balancing set of accounts. Enterprise funds are used to account for activities similar to those found in the private sector, where the determination of net income is necessary or useful for sound financial administration.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(2) Summary of Significant Accounting Policies – Continued

(b) *Losses on Advanced Refundings of Debt and Redemption Losses, net*

Losses on advanced refundings of debt and redemption losses, net at December 31, 2024 and 2023 of \$8,931 and \$11,670, respectively, which have been deferred in accordance with U.S. GAAP and are being amortized over the term of the debt issued on refunding using the effective interest method. The remaining costs on advanced refundings will be amortized over the next 9 years (2025 through 2033) based on the shorter of the original debt maturity dates or the maturity dates of the new debt.

(c) *Discounts on Bonds Payable*

The discounts on bonds payable at December 31, 2024 and 2023 of \$30 and \$81, respectively, (net of accumulated amortization of \$1,058 and \$1,007, respectively) are being amortized on the bonds outstanding method, which approximates the effective interest method.

(d) *Premiums on Bonds Payable*

The premiums on bonds payable at December 31, 2024 and 2023 of \$37,113 and \$44,921, respectively, (net of accumulated amortization of \$39,263 and \$31,455, respectively) are being amortized on a method that approximates the effective interest method.

(e) *Income Taxes*

PMPA is recognized as a public utility for federal income tax purposes. As such, the gross income of PMPA is excluded from federal income taxes under Internal Revenue Code (“IRC”) Section 115.

(f) *Marketable Debt Securities*

As authorized by the General Bond Resolution, investment securities at December 31, 2024 and 2023 consist only of direct obligations of the United States government and obligations of United States government agencies. These investments are uninsured and unregistered and are held by PMPA’s trustee in PMPA’s name.

Marketable debt securities are recorded at fair value based on market prices. Unrealized holding gains and losses on marketable debt securities are included in income. Interest income is recognized when earned.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(2) Summary of Significant Accounting Policies – Continued

(g) *Capital Assets, net*

Utility plant assets are stated at cost and are depreciated on a straight-line basis at rates calculated to depreciate the composite assets over their respective estimated useful lives. Depreciation begins when assets are placed into service. PMPA's annual provision for depreciation expressed as a percentage of the average balance of depreciable utility plant assets was 1.2% in both 2024 and 2023.

Utility plant assets are depreciated over the estimated useful life of Catawba, which is 39 years. Nuclear fuel is amortized over its estimated useful life, which is approximately 4.5 years.

(h) *Materials and Supplies*

Materials and supplies inventories are stated at the lower of cost or net realizable value using the average cost method.

(i) *Asset Retirement Obligation*

PMPA has recorded an asset retirement obligation related to the decommissioning of Catawba. Subsequent to the initial measurement of the asset retirement obligation, the obligation will be adjusted to reflect the passage of time and changes in estimated future cash flows underlying the obligation. Any such adjustments, will also be capitalized and amortized over the remaining life of the asset.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(2) Summary of Significant Accounting Policies – Continued

(j) *Net Position*

Equity is classified into net positions and is displayed in three components:

- *Net Investment in Capital Assets* – consists of capital assets, net of accumulated depreciation and amortization and reduced by the outstanding balances of any bonds, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.
- *Restricted for Other* – consists of net position with constraints placed on the use either by (1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments or (2) law through constitutional provision or enabling legislation.
- *Unrestricted* – all other net position that does not meet the definition of “restricted for other” or “net investment in capital assets.”

(k) *Revenue Recognition*

PMPA recognizes revenue on sales when the electricity is delivered to the Participants and other utilities. See Note 8 for additional information related to revenue and future costs to be recovered.

(l) *Operating and Nonoperating Revenues and Expenses*

PMPA distinguishes operating revenues and expenses from nonoperating items. Nonoperating items include revenues and expenses related to financing, the disposal of capital assets and investment income and expenses. All other revenues and expenses not meeting this definition are reported as operating revenues and expenses. The principal operating revenues of PMPA are charges to Participants and other utilities for sales and services. Operating expenses for PMPA include the costs of sales and services, general and administrative services and depreciation of capital assets.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(2) Summary of Significant Accounting Policies – Continued

(m) *Recent Pronouncements*

In June 2022, the GASB issued Statement No. 101, *Compensated Absences*. This Statement aligns the recognition and measurement guidance for compensated absences under a unified model and amends certain previously required disclosures. PMPA adopted this statement effective January 1, 2024. There was no material impact on PMPA's financial statements as a result of the adoption.

In December 2023, the GASB issued Statement No. 102, *Certain Risk Disclosures*. The objective of this Statement is to provide users of government financial statements with information about risks related to a government's vulnerabilities due to certain concentrations or constraints that is essential to their analyses for making decisions or assessing accountability. The requirements of this Statement are effective for fiscal years beginning after June 15, 2024. This Statement is not expected to have a material impact on PMPA.

In April 2024, the GASB issued Statement No. 103, *Financial Reporting Model Improvements*. The objective of this Statement is to improve key components of the financial reporting model to enhance its effectiveness in providing information that is essential for decision making and assessing a government's accountability. The requirements of this Statement are effective for fiscal years beginning after June 15, 2025. This Statement is not expected to have a material impact on PMPA.

In September 2024, the GASB issued Statement No. 104, *Disclosure of Certain Capital Assets*. The objective of this Statement is to provide users of government financial statements with essential information about certain types of capital assets. The requirements of this Statement are effective for fiscal years beginning after June 15, 2025. This Statement is not expected to have a material impact on PMPA.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(2) Summary of Significant Accounting Policies – Continued

(n) Reclassifications

In order to more accurately reflect the financial reporting presentation, certain reclassifications have been made to the 2023 financial statement presentation to correspond to the current year's format. The following table summarizes the changes to PMPA's financial statements as a result of the reclassifications:

	Capital assets, net	Asset retirement obligation	Net investment in capital assets	Unrestricted net position
As previously presented, December 31, 2023	\$ 411,492	\$ -	\$ (165,602)	\$ 305,044
Reclassification	(7,629)	7,629	(2,701)	2,701
As presented, December 31, 2023	<u>\$ 403,863</u>	<u>\$ 7,629</u>	<u>\$ (168,303)</u>	<u>\$ 307,745</u>

	Depreciation	Asset retirement obligation accretion and amortization
As previously presented, December 31, 2023	\$ 9,450	\$ 7,313
Reclassification	(671)	671
As presented, December 31, 2023	<u>\$ 8,779</u>	<u>\$ 7,984</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(3) Power Sales Agreements

(a) *Catawba Project Power Sales Agreements*

PMPA and each Participant are parties to Catawba Project Power Sales Agreements (“Power Sales Agreements”). These Power Sales Agreements obligate PMPA to provide each Participant a share of the undivided 25% interest in Unit 2 of Catawba power output. In turn, each Participant must pay its share of the Catawba costs. Participants make their payments on a “take-or-pay” basis whether or not Catawba is operable or operating. Such payments are not subject to reduction or offset and are not conditioned upon performance by PMPA or any given Participant. The Power Sales Agreements are in effect until the earlier of August 1, 2035 or the completion of payments on the bonds and satisfaction of obligations under the Project agreements.

Each Participant is entitled to the following percentages of PMPA’s Catawba output:

Abbeville	2.68
Clinton	7.84
Easley	13.24
Gaffney	10.05
Greer	9.34
Laurens	6.49
Newberry	10.47
Rock Hill	28.04
Union	10.01
Westminster	1.84
	<u>100.00</u>

(b) *Supplemental Power Sales Agreements*

PMPA and each Participant are also parties to Supplemental Power Sales Agreements (“Supplemental Agreements”) under which each Participant has agreed to pay, in exchange for All Requirements Bulk Power Supply, its share of All Requirements Bulk Power Supply costs. A Participant may terminate its Supplemental Agreement with ten years advance notice. On December 31, 2018 the Participants Greer, Rock Hill and Westminster turned in the ten-year written notice to terminate their Supplemental Agreements with PMPA. The effective date of termination will be December 31, 2028. In December 2019, the remaining seven Participants turned in the ten-year written notice to terminate their Supplemental Agreements with PMPA. The effective date of termination will be December 31, 2029.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(4) Project and Other Agreements

Project Agreements between PMPA and Duke consist of the Purchase, Construction, and Ownership Agreement (“Sales Agreement”), the Operating and Fuel Agreement (the “Operating Agreement”), the Joint Ownership Support Agreement, (the “JOSA”), and the MREA.

(a) Sales Agreement

The Sales Agreement generally provides for (i) the purchase of Catawba by PMPA; (ii) PMPA’s contract with Duke to act as engineer contractor for PMPA for completion of construction, initial fueling, and placing Catawba into commercial operation; (iii) PMPA’s payment to Duke for construction completed to the date of closing on Catawba and for construction thereafter; and (iv) PMPA’s payment to Duke of certain profits and fees.

(b) Operating Agreement

The Operating Agreement generally provides that PMPA employs Duke, as operator of Catawba, to be responsible for the (i) operation, maintenance, and fueling of Catawba; (ii) making of renewals, replacements, and capital additions to Catawba; and (iii) ultimate decommissioning of Catawba at the end of its useful life.

(c) JOSA

The JOSA generally provides for certain joint ownership rights and obligations, including the Catawba Reliability Exchange. This agreement became effective on January 1, 2006.

(d) MREA

The MREA generally provides for the continued exchange of energy from PMPA’s entitlements to the Catawba units for energy from Duke’s McGuire Nuclear Station units. This agreement became effective January 1, 2006, and can be terminated by either party by giving a three-year written notice.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(4) Project and Other Agreements – Continued

Other Agreements

(a) *Requirements Service Agreement*

On December 13, 2010, PMPA entered into a Power Sales Agreement with the South Carolina Public Service Authority (“Santee Cooper”). This agreement became effective on January 1, 2014. The contract requires that PMPA purchase power from Santee Cooper to meet all of its load demand beyond the amounts served by Catawba, the Participants’ share of electricity, excluding backstand services, from SEPA (“Southeastern Power Administration”) hydroelectric facilities, and load requirements met by individual generating resources owned by certain Participants. On January 28, 2020, PMPA provided the required ten-year notice of termination to Santee Cooper for the Requirements Service Agreement. This cancellation is a result of all Participants providing notice to cancel their Supplemental Agreements, as discussed in Note 3.

(b) *Transmission Services*

PMPA entered into a service agreement with Duke to begin taking transmission service under Duke’s Open Access Transmission Tariff (“OATT”) on January 1, 2006.

(c) *The Energy Authority Resource (“TEA”) Management Agreement*

PMPA entered into a Resource Management Agreement with TEA effective January 1, 2021, renewing annually. The Resource Management Agreement generally provides for PMPA to obtain backstand services for PMPA’s entitlement to capacity and energy from the Catawba and McGuire Nuclear Stations.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(5) Capital Assets

The following is a summary of capital asset activity for the years ended December 31, 2024 and 2023:

	December 31, 2024			
	Beginning Balance	Increase	Decrease	Ending Balance
Utility plant being depreciated:				
Structures and improvements	\$ 176,047	\$ 1,255	\$ (600)	\$ 176,702
Reactor plant equipment	297,657	2,229	(503)	299,383
Turbo generator units	83,259	7,509	(1,632)	89,136
Accessory electric equipment	67,317	985	(182)	68,120
Miscellaneous plant equipment	37,026	1,316	(3)	38,339
Station equipment	5,754	8	(263)	5,499
Transmission equipment	6,183	-	-	6,183
Other	24,578	17,001	(13,878)	27,701
Nuclear fuel	79,063	21,967	(23,483)	77,547
Total utility plant assets being depreciated	776,884	52,270	(40,544)	788,610
Accumulated depreciation and amortization:				
Utility plant asset depreciation	(367,603)	(9,022)	5,041	(371,584)
Nuclear fuel amortization	(40,037)	(12,775)	23,484	(29,328)
Total utility plant assets being depreciated, net	369,244	30,473	(12,019)	387,698
Utility plant assets not being depreciated:				
Land	536	-	-	536
Construction work-in-progress	34,083	23,257	(18,284)	39,056
Total utility plant assets not being depreciated	34,619	23,257	(18,284)	39,592
Total capital assets, net	<u>\$ 403,863</u>	<u>\$ 53,730</u>	<u>\$ (30,303)</u>	<u>\$ 427,290</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(5) Capital Assets – Continued

	December 31, 2023			
	Beginning Balance	Increase	Decrease	Ending Balance
Utility plant being depreciated:				
Structures and improvements	\$ 174,077	\$ 2,651	\$ (681)	\$ 176,047
Reactor plant equipment	297,376	1,305	(1,024)	297,657
Turbo generator units	76,988	8,219	(1,948)	83,259
Accessory electric equipment	66,526	1,028	(237)	67,317
Miscellaneous plant equipment	35,988	1,044	(6)	37,026
Station equipment	7,536	146	(1,928)	5,754
Transmission equipment	6,183	-	-	6,183
Other	29,309	9,631	(14,362)	24,578
Nuclear fuel	73,348	15,401	(9,686)	79,063
Total utility plant assets being depreciated	767,331	39,425	(29,872)	776,884
Accumulated depreciation and amortization:				
Utility plant asset depreciation	(365,600)	(8,779)	6,776	(367,603)
Nuclear fuel amortization	(37,021)	(12,702)	9,686	(40,037)
Total utility plant assets being depreciated, net	364,710	17,944	(13,410)	369,244
Utility plant assets not being depreciated:				
Land	536	-	-	536
Construction work-in-progress	23,688	21,009	(10,614)	34,083
Total utility plant assets not being depreciated	24,224	21,009	(10,614)	34,619
Total capital assets, net	\$ 388,934	\$ 38,953	\$ (24,024)	\$ 403,863

Nuclear fuel represents costs associated with acquiring and processing reload fuel assemblies as well as the cost of nuclear fuel in the reactor. Nuclear fuel is amortized based on burn rates using a unit of production basis. PMPA regularly removes fully amortized nuclear fuel costs when fuel batches are replaced during core refueling operations. Fully amortized fuel costs of \$23,483 and \$9,686 were removed during 2024 and 2023, respectively.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(6) Cash and Investments

On December 31, 2024, the carrying value of deposits included in cash was \$739. Insured and collateralized bank deposits were \$805 on December 31, 2024.

As of December 31, 2024, PMPA held the following investments (all are listed at fair value):

Investment Type	Time Segmented Distribution					Total
	Under 1 Year	1-2 Years	2-3 Years	3-4 Years	>4 Years	
Cash/Money Market	\$ 157,270	\$ -	\$ -	\$ -	\$ -	\$ 157,270
Government Treasury	4,891	57,328	45,287	36,562	35,766	179,834
Mortgage Backed Securities	-	-	-	-	216	216
Total fair value	<u>\$ 162,161</u>	<u>\$ 57,328</u>	<u>\$ 45,287</u>	<u>\$ 36,562</u>	<u>\$ 35,982</u>	<u>\$ 337,320</u>

On December 31, 2023, the carrying value of deposits included in cash was \$47. Insured and collateralized bank deposits were \$173 on December 31, 2023.

As of December 31, 2023, PMPA held the following investments (all are listed at fair value):

Investment Type	Time Segmented Distribution					Total
	Under 1 Year	1-2 Years	2-3 Years	3-4 Years	>4 Years	
Cash/Money Market	\$ 153,552	\$ -	\$ -	\$ -	\$ -	\$ 153,552
Government Agency	-	13,913	-	-	-	13,913
Government Treasury	15,701	40,721	40,454	38,001	33,071	167,948
Mortgage Backed Securities	-	-	-	-	252	252
Total fair value	<u>\$ 169,253</u>	<u>\$ 54,634</u>	<u>\$ 40,454</u>	<u>\$ 38,001</u>	<u>\$ 33,323</u>	<u>\$ 335,665</u>

Refer to Note 14 for additional fair value disclosures.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(6) Cash and Investments – Continued

A reconciliation of investments on December 31, 2024 and 2023 shown in the statements of net position is as follows:

	2024	2023
Investments	\$ 337,320	\$ 335,665
Accrued interest receivable	863	886
Total	<u>\$ 338,183</u>	<u>\$ 336,551</u>
Statements of Net Position:		
Marketable debt securities	\$ 71,179	\$ 84,516
Restricted investments for debt services	127,694	124,255
Restricted investments for decommissioning	137,710	126,180
Restricted investments for other	1,600	1,600
Total investments, including accrued interest receivable	<u>\$ 338,183</u>	<u>\$ 336,551</u>

The following represents the fair value of securities in an unrealized loss position and the associated unrealized loss as of December 31, 2024 and 2023:

	Less than 12 months		12 months or more		Total	
	Fair Value of Securities	Unrealized Loss	Fair Value of Securities	Unrealized Loss	Fair Value of Securities	Unrealized Loss
As of December 31, 2024	\$ 12,379	\$ (188)	\$ 55,063	\$ (2,177)	\$ 67,442	\$ (2,365)
As of December 31, 2023	\$ 10,544	\$ (57)	\$ 92,439	\$ (5,121)	\$ 102,983	\$ (5,178)

Credit Risk

PMPA's investment policy for managing credit risk is in accordance with the statutes of the State of South Carolina. The policy allows for the investment of money in the following investments:

- a) Direct obligations of, or obligations for, which the principal and interest are unconditionally guaranteed by the United States or its Agencies.
- b) Direct and general obligations, to the payment of which the full faith and credit of the issuer is pledged, of the State of South Carolina or any political subdivision thereof that at the time of investment are assigned a rating of at least "A."
- c) Certificates of deposit issued by any bank, trust company, or national banking association whose principal place of business is in the State of South Carolina or that is a member of the Federal Reserve System and authorized to do business in any state of the United States.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(6) Cash and Investments – Continued

- d) Bills of exchange or time drafts drawn on and accepted by a domestic or foreign bank, otherwise known as Bankers' Acceptances, which are eligible for purchase by the Federal Reserve, the short-term commercial paper of which is rated in the highest category.
- e) Investments in repurchase agreements and reverse repurchase agreements with any bank, savings and loan association, credit union, or trust company organized under the laws of any state of the United States or any national banking association or government bond dealer reporting to, trading with and recognized as a primary dealer by the Federal Reserve Bank of New York, which are collateralized by securities as set forth in (a) and (b).

PMPA's investments in U.S. Agencies and U.S. Government Sponsored Enterprises, including Federal Home Loan Bank System, Federal National Mortgage Association, and Federal Home Loan Mortgage Corporation, are rated AA+ by Standard and Poor's and Aaa by Moody's Investors Service. U.S. Treasury and Agency Mortgage-Backed Securities are unrated but are considered equivalent to an AAA rating.

Concentration of Credit Risk

The investment policy of PMPA permits a maximum portfolio percentage of 100% for U.S. Treasuries, Federal Agencies and U.S. Government-sponsored enterprises and permits a maximum portfolio percentage of 50% in any one federal agency or government-sponsored enterprise.

Custodial Credit Risk

PMPA's policy for managing custodial risk requires all securities owned by PMPA to be held in safekeeping by a third party custodian bank in PMPA's name under a custody agreement. For an investment, custodial credit risk is the risk that in the event of the failure of the counterparty, PMPA will not be able to recover the value of its investments or collateral that is in the possession of an outside party.

Interest Rate Risk

Interest rate risk is the risk that rising interest rates will adversely affect the fair value of PMPA's investments. As outlined in PMPA's investment policy, investment maturities shall be less than 20 years and maturities shall be staggered in a way that avoids undue concentration in a specific maturity sector and provides for stability of income and reasonable liquidity.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(7) Restricted Assets

The General Bond Resolution and Project agreements restrict the use of bond proceeds, PMPA revenues, and PMPA funds on hand. Certain restrictions define the order in which available funds may be used to pay costs; other restrictions require minimum balances or accumulation of balances for specific purposes. On December 31, 2024 and 2023, management believes PMPA was in compliance with all such restrictions and held the following restricted assets:

	2024		2023	
	Fair Value	Amortized Cost	Fair Value	Amortized Cost
Debt services - bond principal	\$ 66,732	\$ 66,732	\$ 64,562	\$ 64,562
Debt services - bond fixed rate interest	10,987	10,987	10,862	10,862
Debt service reserve	45,356	46,187	44,263	45,679
Reserve and contingency	4,619	4,619	4,568	4,568
Decommissioning	137,710	139,810	126,180	129,411
Special reserve	1,600	1,600	1,600	1,600
	<u>\$ 267,004</u>	<u>\$ 269,935</u>	<u>\$ 252,035</u>	<u>\$ 256,682</u>
Funds are comprised of:				
Marketable debt securities	\$ 266,141	\$ 269,072	\$ 251,149	\$ 255,796
Accrued interest receivable	863	863	886	886
	<u>\$ 267,004</u>	<u>\$ 269,935</u>	<u>\$ 252,035</u>	<u>\$ 256,682</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(8) Net Costs Recoverable from Future Participant Billings

As described in Notes 1 and 2, rates charged to Participants are structured to systematically provide for debt requirements and operating costs of PMPA. The expenses and revenues excluded from rates are capitalized and expensed in such periods as they are intended to be included in rates.

Net costs recoverable from future Participant billings on December 31, 2024 and 2023 are as follows:

	2024	2023	Change
	(Cumulative totals)		
Items to be recovered in future Participant billings:			
Interest expense	\$ 523,168	\$ 509,088	\$ 14,080
Depreciation expense	415,323	411,681	3,642
Amortization of redemption and defeasance losses	368,863	366,125	2,738
Debt issuance costs and amortization of bond discounts and premiums	47,100	54,858	(7,758)
Nuclear fuel expenses	873	873	-
Letter of credit fees	5,649	5,649	-
Other	2,390	2,390	-
	<u>1,363,366</u>	<u>1,350,664</u>	<u>12,702</u>
Items reducing future Participant billings:			
Investment income	(76,528)	(76,528)	-
Reserve and contingency deposits	(117,840)	(117,840)	-
	<u>(194,368)</u>	<u>(194,368)</u>	<u>-</u>
Revenues (expenses) recognized:			
Interest, depreciation, amortization expense included in Participant billings for debt principal payments	(966,095)	(899,530)	(66,565)
Capital appreciation bond interest deposits	(37,735)	(37,735)	-
Reserve and contingency revenue applied to expenses	65,949	60,863	5,086
	<u>(937,881)</u>	<u>(876,402)</u>	<u>(61,479)</u>
Net costs recoverable from future Participant billings	<u>\$ 231,117</u>	<u>\$ 279,894</u>	<u>\$ (48,777)</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(8) Net Costs Recoverable from Future Participant Billings – Continued

The following expenses will be recognized in future periods when rates charged to Participants produce revenues sufficient to retire the debt that funded those costs:

- Interest expense on PMPA's bonds and variable rate demand obligations along with an associated letter of credit, banking, and remarketing fees (except interest and fees related to capital appreciation bonds) paid from bond proceeds during a defined "Construction Period" (net of income earned on the temporary investment of those bond proceeds);
- Interest expense on capital appreciation bonds accrued but not paid until maturity;
- Debt issuance expenses, amortization of bond discounts and premiums, defeasance losses, redemption losses, and organization costs paid from or included in bond proceeds;
- Depreciation on utility plant constructed with bond proceeds and amortization of nuclear fuel acquired with bond proceeds; and
- Certain other project costs paid from bond proceeds.

Additionally, PMPA's General Bond Resolution requires Participant revenues to be established at levels sufficient to provide specified deposits into a Reserve and Contingency fund. Monies in that fund can be used to construct or acquire utility plant assets. The recognition of such revenues is considered unearned until the depreciation is recorded on the assets constructed or acquired with those monies.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(9) Bonds Payable

Bonds payable, net on December 31, 2024 and 2023 consist of the following:

	<u>2023</u>	<u>Additions</u>	<u>Reductions</u>	<u>2024</u>	<u>Due within one year</u>
1993 Refunding Series Electric Revenue Bonds, payable from 2024 to 2025 with interest at 5.38%	\$ 31,760	\$ -	\$ 450	\$ 31,310	\$ 31,310
2004A Capital Appreciation Electric Revenue Bonds, payable annually from 2024, 2026 to 2032 and 2034 with interest ranging from 5.54% to 5.80%	86,861	-	6,531	80,330	-
2009B Electric Revenue Bonds (Build America Bonds), payable 2031 to 2034 with interest at 7.036% (35% interest federally refunded yielding net interest at 4.57%)	26,490	-	-	26,490	-
2015A Series Electric Revenue Bonds, payable annually from 2024 to 2034 with interest ranging from 3.50% to 5.00%	45,295	-	5,425	39,870	5,695
2017A Series Electric Revenue Bonds, payable annually from 2024 to 2025 with interest at 5.00%	9,565	-	7,755	1,810	1,810
2017B Series Electric Revenue Bonds, payable annually from 2024 to 2025 with interest at 5.00%	22,625	-	19,135	3,490	3,490

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(9) Bonds Payable – Continued

	<u>2023</u>	<u>Additions</u>	<u>Reductions</u>	<u>2024</u>	<u>Due within one year</u>
2021A Refunding Series Electric Revenue Bonds, payable annually from 2024 to 2025 with interest at 4.00%	\$ 27,895	\$ -	\$ 10,870	\$ 17,025	\$ 17,025
2021B Refunding Series Electric Revenue Bonds, payable annually from 2027 to 2034 with interest ranging from 4.00% to 5.00%	97,420	-	-	97,420	-
2021C Refunding Series Electric Revenue Bonds, payable annually from 2027 to 2034 with interest at 5.00%	90,520	-	-	90,520	-
2021D Refunding Series Electric Revenue Bonds, payable annually from 2026 to 2034 with interest at 4.00%	91,410	-	-	91,410	-
2021E Refunding Series Electric Revenue Bonds, payable annually from 2024 to 2025 with interest at 5.00%	9,155	-	1,920	7,235	7,235
2024A Electric Revenue Bond payable 2035 with interest at 5.01%	-	48,330	-	48,330	-
Total bonds payable	538,996	48,330	52,086	535,240	66,565
Less unamortized discounts	(81)	-	(51)	(30)	-
Plus unamortized premiums	44,921	-	7,808	37,113	-
Bonds payable, net	<u>\$ 583,836</u>	<u>\$ 48,330</u>	<u>\$ 59,843</u>	<u>\$ 572,323</u>	<u>\$ 66,565</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(9) Bonds Payable – Continued

Bonds payable, net on December 31, 2023 and 2022 consist of the following:

	<u>2022</u>	<u>Additions</u>	<u>Reductions</u>	<u>2023</u>	<u>Due within one year</u>
1993 Refunding Series Electric Revenue Bonds, payable from 2023 to 2025 with interest at 5.38%	\$ 32,185	\$ -	\$ 425	\$ 31,760	\$ 450
2004A Capital Appreciation Electric Revenue Bonds, payable annually from 2023 to 2024, 2026 to 2032 and 2034 with interest ranging from 5.46% to 5.80%	95,091	-	8,230	86,861	6,531
2009B Electric Revenue Bonds (Build America Bonds), payable 2031 to 2034 with interest at 7.036% (35% interest federally refunded yielding net interest at 4.57%)	26,490	-	-	26,490	-
2012C Refunding Series Electric Revenue Bonds	4,485	-	4,485	-	-
2015A Series Electric Revenue Bonds, payable annually from 2023 to 2034 with interest ranging from 3.50% to 5.00%	50,460	-	5,165	45,295	5,425
2017A Series Electric Revenue Bonds, payable annually from 2024 to 2025 with interest at 5.00%	9,565	-	-	9,565	7,755
2017B Series Electric Revenue Bonds, payable annually from 2024 to 2025 with interest at 5.00%	22,625	-	-	22,625	19,135

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(9) Bonds Payable – Continued

	<u>2022</u>	<u>Additions</u>	<u>Reductions</u>	<u>2023</u>	<u>Due within one year</u>
2021A Refunding Series Electric Revenue Bonds, payable annually from 2023 to 2025 with interest at 4.00%	\$ 38,870	\$ -	\$ 10,975	\$ 27,895	\$ 10,870
2021B Refunding Series Electric Revenue Bonds, payable annually from 2027 to 2034 with interest ranging from 4.00% to 5.00%	97,420	-	-	97,420	-
2021C Refunding Series Electric Revenue Bonds, payable annually from 2027 to 2034 with interest at 5.00%	90,520	-	-	90,520	-
2021D Refunding Series Electric Revenue Bonds, payable annually from 2026 to 2034 with interest at 4.00%	91,410	-	-	91,410	-
2021E Refunding Series Electric Revenue Bonds, payable annually from 2023 to 2025 with interest at 5.00%	<u>31,165</u>	<u>-</u>	<u>22,010</u>	<u>9,155</u>	<u>1,920</u>
Total bonds payable	590,286	-	51,290	538,996	52,086
Less unamortized discounts	(134)	-	(53)	(81)	-
Plus unamortized premiums	<u>54,091</u>	<u>-</u>	<u>9,170</u>	<u>44,921</u>	<u>-</u>
Bonds payable, net	<u>\$ 644,243</u>	<u>\$ -</u>	<u>\$ 60,407</u>	<u>\$ 583,836</u>	<u>\$ 52,086</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(9) Bonds Payable – Continued

The bonds, with the exception of the 2024A Electric Revenue Bond, are special obligations of PMPA and are secured by future revenue and pledged monies and securities as provided by the Bond Resolution. Proceeds from these bonds provided financing for the initial construction and continued capital additions of Catawba. The bonds are payable solely from electrical net revenues and are payable through 2034. Refer to Note 16 for additional information on the issuance of the 2024A Electric Revenue Bond.

PMPA has advanced refunded certain bond issues as described in Note 10. PMPA is in compliance with its covenants under the Bond Resolution.

The following is a summary of bonds outstanding as of December 31, 2024. With the exception of the 2024A Electric Revenue Bond, all principal payments are due on January 1 and are required to be deposited during the year prior. The 2024A Electric Revenue Bond payment is due on April 30, 2035.

<u>Payment Due 1/1</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2025	\$ 66,565	\$ 10,947	\$ 77,512
2026	27,064	58,666	85,730
2027	37,397	48,697	86,094
2028	37,863	48,228	86,091
2029	38,507	47,590	86,097
2030-2034	279,514	153,213	432,727
2035	48,330	800	49,130
	<u>\$ 535,240</u>	<u>\$ 368,141</u>	<u>\$ 903,381</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(10) Refunding and Defeasance of Debt

In prior years, PMPA defeased in-substance certain Electric Revenue Bonds by placing the proceeds of new bonds in an irrevocable trust fund to provide for future debt service payments on the old debt. Accordingly, the trust account asset and the liability for the defeased bonds are not included in the accompanying financial statements. On December 31, 2024 and 2023, \$24,345 and \$24,695 of the bonds are considered defeased in-substance, respectively.

(11) Asset Retirement Obligation

As a co-owner of Catawba, PMPA has an obligation to decommission the station after its operating licenses expire. Management believes PMPA complies with the Nuclear Regulatory Commission requirements for funding future decommissioning costs. Since 1985, PMPA has been making regular deposits to segregated decommissioning accounts. Deposits pertaining to contaminated portions of the Project are held by a trustee. As of December 31, 2024 and 2023, the fair value of PMPA's assets that are legally restricted for settling the decommissioning obligation is \$137,710 and \$126,180, respectively.

Planned deposits into the decommissioning fund, together with interest earnings, are expected to be sufficient to pay PMPA's share of the projected cost of decommissioning the entire Catawba Station.

PMPA receives updated decommissioning studies every five years, with the most recent study completed in December 2023. The latest study included two scenarios (1) decommissioning occurs as soon as possible following the expiration of its current operating license in 2043 and (2) decommissioning occurs as soon as possible after the expiration of the operating license renewal in 2063. In 2023 dollars, the decommissioning costs are estimated to be \$1,846,942 and \$1,765,923 following the expiration of the operating license in 2043 and 2063, respectively. At December 31, 2024, PMPA determined the operating license renewal extending life to 2063 was both probable and estimable. As such, the PMPA updated its underlying asset retirement obligation to reflect the change in assumption. Refer to Note 1 for additional information on the operating license renewal.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(11) Asset Retirement Obligation – Continued

PMPA used the following assumptions in determining its asset retirement obligation:

	<u>2024</u>	<u>2023</u>
Period in which decommissioning liability was incurred	1985	1985
Agency's share of decommissioning costs per study (in 2023 dollars)	\$220,740	\$230,868
Estimation of inflation	2.75%	2.75%
Credit adjusted risk-free interest rate	3.25%	3.0%
Estimated remaining life of corresponding asset	39 years	20 years

The following is a roll forward of the asset retirement obligation for the years ended December 31, 2024 and 2023.

	<u>2024</u>	<u>2023</u>
Asset retirement obligation at January 1	\$ 145,510	\$ 143,992
Accretion	7,511	7,313
Change in asset retirement obligation due to updated assumptions	29,646	(5,795)
Asset retirement obligation at December 31	<u>\$ 182,667</u>	<u>\$ 145,510</u>

PMPA has a deferred outflow related to the asset retirement obligation of \$36,893 and \$7,629 as of December 31, 2024 and 2023, respectively.

(12) Employee Benefit Plans

PMPA maintains a defined contribution money purchase plan in compliance with Section 401(a) of the IRC. On behalf of all full-time employees, PMPA contributes 10% of the base salary to the money purchase plan. PMPA contributions totaled \$154 and \$179 in 2024 and 2023, respectively. Employee contributions may also be made to the Plan, providing combined employer and employee annual contributions do not exceed 25% of eligible employee compensation, or \$30, whichever is less.

PMPA also maintains a deferred compensation plan under Section 457 of the IRC. In the past, on behalf of selected employees, PMPA has contributed to the deferred compensation plan; however, no such contribution was made in 2024 or 2023. Employee contributions may also be made to the deferred compensation plan providing combined employer and employee annual contributions do not exceed certain limitations.

Assets of the money purchase and deferred compensation plans are held by Empower Retirement, administrator, and trustee for PMPA, for the exclusive benefit of the employees.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(13) Total Other Postemployment Benefits (“OPEB”)

PMPA’s, single-employer, Postemployment Benefit Plan (the “Plan”) provides other retiree medical benefits to qualified retirees. To qualify, a retiree must be 59 ½ years of age, have ten or more years of service and qualify for retiree health insurance through PMPA’s current health insurance provider. Medical benefits to qualified retirees are as follows: PMPA will maintain and pay up to 100% of premiums for group medical, dental and vision insurance for each eligible retiree and up to 60% of premiums for the retiree’s dependent spouse and children for the retiree’s lifetime. After qualifying for Medicare, the covered individual will be covered under a supplemental insurance plan secondary to Medicare.

Membership in the healthcare benefit plan consisted of the following on December 31:

	<u>2024</u>	<u>2023</u>
Retirees	5	5
Active Employees	12	11
Total	<u>17</u>	<u>16</u>

Funding Policy

The required contribution is based on pay-as-you-go financing requirements.

Actuarial Assumptions and Other Inputs

The following actuarial assumptions and other inputs were used in calculating the OPEB liability for the years ended December 31, 2024 and 2023:

<u>2024 and 2023</u>	
Valuation date	December 31, 2023
Actuarial cost method	Entry age normal
Discount rate	4.0% per annum
Salary increases	2.5% per annum
Mortality rates	1994 Group Annuity Mortality Static Table
Healthcare trend rates (Medical)	7% grading to 5.6% over 3 years and following the Getzen model thereafter to an ultimate rate of 4.04% by 2075
Healthcare trend rates (Vision)	5% per annum
Participation rates	100% of active participants are assumed to elect coverage in retirement 50% of active participants are assumed to cover a spouse in retirement

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

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(Dollars in thousands)

(13) Total Other Postemployment Benefits (“OPEB”) – Continued

The following is a schedule of changes in the OPEB liability for the years ended December 31, 2024 and 2023:

	2024	2023
OPEB liability at January 1	\$ 1,639	\$ 2,123
Service cost	50	118
Interest	66	50
Experience gains	-	(24)
Changes of assumptions	-	(599)
Benefit paid	(31)	(29)
OPEB liability at December 31	<u>\$ 1,724</u>	<u>\$ 1,639</u>

The following table represents the net OPEB liability calculated using the stated medical trend assumption, as well as what the net OPEB liability would be if it were calculated using a medical trend rate that is one percentage point lower or one percentage point higher than the assumed medical trend rate.

	Medical Trend Rate		
	1% Decrease (6.0% to 4.6% over 3 years following Getzen model thereafter)	Current (7.0% to 5.6% over 3 years following Getzen model thereafter)	1% Increase (8.0% to 6.6% over 3 years following Getzen model thereafter)
OPEB Liability	\$1,421	\$1,724	\$2,113

The following table represents the net OPEB liability calculated using the stated discount rate, as well as what the net OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current rate.

	Discount Rate		
	1% Decrease (3.0%)	Current (4.0%)	1% Increase (5.0%)
OPEB Liability	\$2,066	\$1,724	\$1,451

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

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(Dollars in thousands)

(13) Total Other Postemployment Benefits (“OPEB”) – Continued

OPEB Expense and Deferred Outflows of Resources Related to OPEB

Experience gains or losses as well as changes in actuarial assumptions are recognized over the average working lifetime of all participants, which is 7.4 years for the years ended December 31, 2024 and 2023. The following table summarizes OPEB expense for the years ended December 31, 2024 and 2023:

	2024	2023
Service cost	\$ 50	\$ 118
Interest	66	50
Experience gains	-	(3)
Changes of assumptions	-	(82)
Amortization of deferrals	28	112
Total OPEB expense	<u>\$ 144</u>	<u>\$ 195</u>

The deferred inflows of resources related to OPEB was \$216 and \$188 on December 31, 2024 and 2023, respectively. The deferred inflows of resources related to OPEB will be recognized in pension expense as follows:

Year ending December 31,	
2025	\$ 28
2026	(24)
2027	(54)
2028	(54)
2029	(81)
Thereafter	(31)
	<u>\$ (216)</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(14) Disclosures Regarding Fair Value of Financial Instruments

U.S. GAAP requires disclosure of fair value information about financial instruments, whether or not recognized in the statement of net position, for which it is practicable to estimate fair value. Fair value estimates are made as of a specific point in time based on the characteristics of the financial instruments and the relevant market information. Where available, quoted market prices are used. In other cases, fair values are based on estimates using present value or other valuation techniques. These techniques involve uncertainties and are significantly affected by the assumptions used and the judgments made regarding risk characteristics of various financial instruments, discount rates, prepayments, estimates of future cash flows, future expected loss experience and other factors. Changes in assumptions could significantly affect these estimates. Derived fair value estimates cannot be substantiated by comparison to independent markets and, in many cases, may or may not be realized in an immediate sale of the instrument.

Under U.S. GAAP, fair value estimates are based on existing financial instruments without attempting to estimate the value of anticipated future business and the value of the assets and liabilities that are not financial instruments. Accordingly, the aggregate fair value amounts presented do not represent the underlying value of PMPA.

The following describes the methods and assumptions used by PMPA in determining carrying value and estimated fair value of financial instruments:

(a) *Cash*

Carrying value equals estimated fair value.

(b) *Marketable Debt Securities*

Marketable debt securities are reported at fair value and categorized within the fair value hierarchy established under U.S. GAAP. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. Gains or losses that result from market fluctuation are reported in the current period. As of December 31, 2024 and 2023, PMPA's investments included money market investments of \$157,270 and \$153,552, respectively, which were valued at amortized cost approximate fair value, and marketable debt securities of \$180,050 and \$182,113, respectively, which were valued at fair value using significant other observable inputs (Level 2 inputs).

(c) *Participant Accounts Receivable and Other Accounts Receivable*

Carrying amount approximates fair value due to the short-term nature of these instruments.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(14) Disclosures Regarding Fair Value of Financial Instruments – Continued

(d) Long-Term Debt

Carrying value of long-term debt coupon securities includes par, less unaccreted discounts, plus unamortized premiums, plus accrued interest payable. Carrying value also includes capital appreciation term bonds valued at the original price plus accrued interest payable.

The estimated fair value of long-term debt securities is derived from quoted market prices and includes accrued interest.

The estimated fair values of PMPA's long-term debt with carrying amount on December 31, 2024 and 2023 are as follows:

	2024		2023	
	Carrying Amount	Estimated Fair Value	Carrying Amount	Estimated Fair Value
1993 Electric Revenue Refunding Bonds	\$ 32,152	\$ 32,152	\$ 32,567	\$ 33,363
2004A-2 Electric Revenue Refunding Bonds	255,317	273,524	260,078	288,621
2009B Build America Bonds	27,422	29,753	27,422	30,892
2015A Electric Revenue Refunding Bonds	41,806	40,828	47,825	47,163
2017A Electric Revenue Refunding Bonds	1,855	1,855	9,843	9,841
2017B Electric Revenue Refunding Bonds	3,577	3,577	23,286	23,261
2021A Electric Revenue Refunding Bonds	17,366	17,366	29,062	28,631
2021B Electric Revenue Refunding Bonds	113,946	104,191	116,555	108,120
2021C Electric Revenue Refunding Bonds	103,722	95,968	105,681	98,689
2021D Electric Revenue Refunding Bonds	104,136	94,516	105,844	97,929
2021E Electric Revenue Refunding Bonds	7,416	7,416	9,710	9,530
2024A Electric Revenue Bond	49,541	50,278	-	-
	<u>\$ 758,256</u>	<u>\$ 751,424</u>	<u>\$ 767,873</u>	<u>\$ 776,040</u>

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(15) Nuclear Insurance and Other Risk Management

As part of the Operating Agreement, Duke is responsible for the maintenance of insurance policies as it relates to Catawba. PMPA reimburses Duke for their ownership percentage of these costs.

Nuclear Liability Coverage. The Price-Anderson Act requires owners of nuclear reactors to provide for public nuclear liability protection per nuclear incident up to a maximum total financial protection liability. The maximum total financial protection liability, which is approximately \$16,200,000, is subject to change every five years for inflation and for the number of licensed reactors. Total nuclear liability coverage consists of a combination of private primary nuclear liability insurance coverage and a mandatory industry risk-sharing program to provide for excess nuclear liability coverage above the maximum reasonably available private primary coverage. The U.S. Congress could impose revenue-raising measures on the nuclear industry to pay claims.

Primary Liability Insurance. Duke has purchased the maximum reasonably available private primary nuclear liability insurance as required by law, which currently is \$450,000 per station.

Excess Liability Program. This program provides \$16,200,000 coverage per incident through the Price-Anderson Act's mandatory industrywide excess secondary financial protection program of risk pooling. This amount is the product of potential cumulative retrospective premium assessments of \$166,000 times the current 95 licensed commercial nuclear reactors in the U.S. Under this program, operating unit licensees could be assessed retrospective premiums to compensate for public nuclear liability damages in the event of a nuclear incident at any licensed facility in the U.S. Retrospective premiums may be assessed at a rate not to exceed \$24,700 per year per licensed reactor for each incident. The assessment may be subject to state premium taxes.

Nuclear Property and Accidental Outage Coverage. Duke is a member of Nuclear Electric Insurance Limited ("NEIL"), an industry mutual insurance company, which provides property damage, nuclear accident decontamination and premature decommissioning insurance for each station for losses resulting from damage to its nuclear plants, either due to accidents or acts of terrorism. Additionally, NEIL provides accidental outage coverage for losses in the event of a major accidental outage at an insured nuclear station.

Pursuant to regulations of the NRC, each company's property damage insurance policies provide that all proceeds from such insurance be applied, first, to place the plant in a safe and stable condition after a qualifying accident and second, to decontaminate the plant before any proceeds can be used for decommissioning, plant repair or restoration.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(15) Nuclear Insurance and Other Risk Management – Continued

Losses resulting from acts of terrorism are covered as common occurrences, such that if terrorist acts occur against one or more commercial nuclear power plants insured by NEIL within a 12-month period, they would be treated as one event and the owners of the plants where the act occurred would share one full limit of liability. The full limit of liability is currently \$3,200,000.

NEIL sublimits the total aggregate for all of their policies for non-nuclear terrorist events to approximately \$1,800,000.

Catawba has accident property damage, nuclear accident decontamination and premature decommissioning liability insurance from NEIL with limits of \$1,500,000. Catawba has a dedicated \$1,250,000 of additional nuclear accident insurance limit above its dedicated underlying limit. Catawba also has an additional \$750,000 of non-nuclear accident property damage limit. All coverages are subject to sublimits and significant deductibles.

NEIL's Accidental Outage policy provides some coverage, similar to business interruption, for losses in the event of a major accident property damage outage of a nuclear unit. Coverage is provided on a weekly limit basis after a significant waiting period deductible and at 100% of the applicable weekly limits for 52 weeks and 80% of the applicable weekly limits for up to the next 110 weeks. Coverage is provided until these applicable weekly periods are met, where the accidental outage policy limit will not exceed \$490,000 for Catawba. NEIL sublimits the accidental outage recovery up to the first 104 weeks of coverage not to exceed \$328,000 from non-nuclear accidental property damage. Coverage amounts decrease in the event more than one unit at a station is out of service due to a common accident. All coverages are subject to sublimits and significant deductibles.

Potential Retroactive Premium Assessments. In the event of NEIL losses, NEIL's board of directors may assess member companies' retroactive premiums of amounts up to 10 times their annual premiums for up to six years after a loss. NEIL has never exercised this assessment. The maximum aggregate annual retrospective premium obligations for Duke Energy Carolinas are \$147,000. Duke Energy Carolinas' maximum assessment amount includes 100% of potential obligations to NEIL for jointly owned reactors. Duke Energy Carolinas would seek reimbursement from the joint owners for their portion of these assessment amounts.

MPMA also carries building and personal property insurance for the administrative offices, health insurance for all active employees, and workers' compensation insurance in accordance with statutory requirements. The policy limit for the building and personal property insurance is \$7,053.

PIEDMONT MUNICIPAL POWER AGENCY

Notes to Financial Statements

December 31, 2024 and 2023

(Dollars in thousands)

(16) Commitments and Contingencies

PMPA is subject to lawsuits, claims, investigations, and proceedings, which arise in the ordinary course of business. If management believes that a loss arising from these matters is probable and can be reasonably estimated, a loss is recorded. As additional information becomes available, these matters are assessed and the estimates are revised, if necessary. Based on the currently available information, management believes the ultimate outcome of these matters, individually and in the aggregate, will not have a material, adverse effect on PMPA's business, financial condition, or results of operation.

In 2019, PMPA was named a defendant in a lawsuit by Greer and Rock Hill with respect to the allocation of costs amongst all Participants. In January 2024, the lawsuit was settled with Greer and Rock Hill receiving a combined cash payment of \$55 million, of which \$10 million was paid by PMPA out of working capital funds and \$45 million was paid by the remaining eight Participants. In April of 2024, PMPA issued the 2024A Electric Revenue Bond on behalf of the remaining eight Participants with principal due April 30, 2035 and interest payable twice a year. The eight Participants reimburse PMPA for the current interest costs each month as part of their monthly power invoices. The Statements of Net Position includes a long-term Participant settlement receivable representing the principal amount due to PMPA by the eight Participant's at the bond's maturity. The financing associated with the \$45 million cash payment is excluded from PMPA's wholesale rates and net costs recoverable from future Participant billings as it will be paid by the remaining eight Participants during the life of the bond.

In July 2023, PMPA was named a defendant in a lawsuit by a Participant regarding the terms of the Project Sales Agreements. The lawsuit seeks a declaratory judgment regarding final accounting procedures set forth within the Project Sales Agreements. In January 2025, a second Participant joined this lawsuit as an additional plaintiff. The impact of this lawsuit, if any, on the PMPA financial statements is currently unknown and no provision for this litigation has been made in the accompanying financial statements.

SUPPLEMENTARY INFORMATION

PIEDMONT MUNICIPAL POWER AGENCY

Schedule of Revenues and Expenses Actual and Budget

Per the Bond Resolution and Other Agreements

Year Ended December 31, 2024

(Dollars in thousands)

	Actual Revenues and Expenses	Budgeted Revenues and Expenses	Actual Over (Under) Budget
Revenues:			
Sales of electricity to Participants	\$ 223,172	\$ 224,479	\$ (1,307)
Sales of electricity to Duke	10,665	11,807	(1,142)
Sales of electricity to Others	6,042	6,200	(158)
Interest income	9,413	9,393	20
Other	1,607	1,424	183
Total Revenues	\$ 250,899	\$ 253,303	\$ (2,404)
Expenses:			
Catawba operating expenses:			
Operation and maintenance	\$ 23,966	\$ 25,443	\$ (1,477)
Nuclear fuel amortization	12,775	13,047	(272)
Purchased power-Duke	12,300	12,752	(452)
Payments in lieu of taxes	9,636	10,376	(740)
Purchased power:			
Supplemental Suppliers	18,123	20,281	(2,158)
Participants	15,505	16,394	(889)
Other	2,964	2,482	482
Transmission services	9,921	10,124	(203)
Power delivery	581	587	(6)
Administrative and general:			
Agency	5,782	6,156	(374)
Duke	8,952	9,737	(785)
Other	5,156	5,997	(841)
Special fund deposits(withdrawals):			
Bond fund:			
Deposits from revenues	87,038	85,420	1,618
Decommissioning fund:			
Deposits from revenue	7,159	7,159	-
Interest income(1)	3,240	3,113	127
Revenue fund:			
Working capital	6,914	(1,269)	8,183
Net change in fair market value	1	-	1
Fuel	(21,967)	(18,679)	(3,288)
Debt service reserve release	(2,371)	(2,371)	-
Debt issuance:			
Bond issue proceeds	48,330	47,271	1,059
Participant settlement receivable	(45,400)	(44,405)	(995)
Excess Funds	(2,930)	(2,866)	(64)
Plant additions:			
Generation	22,788	25,464	(2,676)
General	403	565	(162)
Transmission equipment	66	1,846	(1,780)
Fuel acquisitions	21,967	18,679	3,288
Total Expenses	\$ 250,899	\$ 253,303	\$ (2,404)

(1) Included in "Revenue: Interest Income."

PIEDMONT MUNICIPAL POWER AGENCY

Schedule of Revenues and Expenses

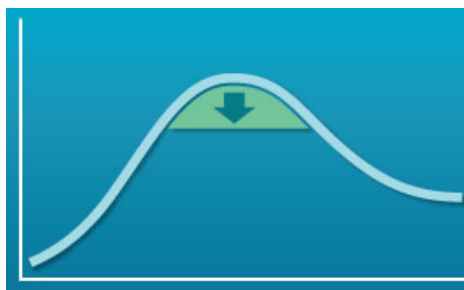
Per the Bond Resolution and Other Agreements

Year Ended December 31, 2024

(Dollars in thousands)

	FUNDS						
	Revenue	Operating	Bond		Reserve	Decommission	Supplemental
			Principal		Contingency		Power
	Working Capital	Fuel Account	Interest Retirement	Reserve			
Balances at beginning of year:							
Assets	\$ 117,839	\$ 5,186	\$ 75,424	\$ 44,263	\$ 4,568	\$ 126,180	\$ 1,600
Liabilities	(21,889)	-	-	-	-	-	-
Net	95,950	5,186	75,424	44,263	4,568	126,180	1,600
Project revenues:							
Participants-Electric	(1) 223,172						
-Facilities rent	(1) 339						
-Other	(1) 1,268						
Duke Power-Electric	(1) 10,665						
Other Surplus-Electric	(1) 6,042						
Interest income	(1) 6,173					3,240	
Project costs:							
Operations and maintenance	(2) (23,966)						
Nuclear fuel amortization	(3) (12,775)	12,775					
Purchased power-Duke	(2) (12,300)						
Asset retirement obligation	(3) (7,159)					7,159	
Administrative and general	(2) (13,520)						
Payments in lieu of taxes	(2) (9,538)						
Other	(2) (6,912)						
Debt service	(3) (83,050)		86,035	(2,155)	(215)		
Supplemental power costs:							
Purchased power:							
-Supplemental Suppliers	(2) (18,123)						
-Participants	(2) (15,505)						
-Other	(2) (2,964)						
Transmission services	(2) (9,921)						
Power delivery	(2) (581)						
Administrative and general	(2) (1,214)						
Payments in lieu of taxes	(2) (98)						
Other	(2) 1,647						
Debt service	(3) (1,621)		1,621				
Other fund changes:							
Net change in fair market value	1			585		1,131	
Debt issuance:							
Bond issue proceeds	(2) 48,330						
Participant settlement receivable	(2) (45,400)						
Excess funds	(2) (2,930)			2,663	266		
Payments:							
Debt service	(2) 112		(85,361)				
Capital additions	(2) (23,257)	(21,967)					
Balances at December 31, 2024	\$ 102,865	\$ (4,006)	\$ 77,719	\$ 45,356	\$ 4,619	\$ 137,710	\$ 1,600
Assets	114,706						
Liabilities	(11,841)						
	\$ 102,865						

- (1) Deposited in appropriate fund
(2) Paid to third parties
(3) Transfers between funds



PMPA Demand Response System Report

To: Board of Directors and Alternates
 From: Mike Frazier *MTF*
 Date: April 9, 2025

PMPA did not call for any Demand Response events during March.

PMPA Monthly Peak¹: 345.5 MW @ Hour Ending 8:00 a.m. on Mar 3rd

- DOES coincide with the Duke Energy Transmission Peak on Mar 3rd @ Hour Ending 8:00 a.m.
- Monthly Minimum GSP Airport Temperature – 26° F on Mar 3rd

PMPA Total Participant Load ³: 370.9 MW @ Hour Ending 8:00 a.m. on Mar 3rd

PMPA Ratchet Quantity: 507.9 MW – based on Jul. 15, 2024 @ HE 5:00 p.m.

All loads are reflected at the transmission level, which includes 2.12% losses as of June 1, 2024.

¹ PMPA Monthly Peak – Used by Santee Cooper to determine PMPA's capacity charge. This peak includes the load served by nine Participants (does not include Union) and generation (added back to the load) produced by the load-side generators. It also does not include Greer CPW's load served from the leased Laurens EMC delivery points.

² March temperatures this year were similar to March temperatures in 2024. Like last year, this March was a warmer month than normal. There were a few days that were below freezing. The coldest morning contributed to the highest demand on the PMPA system.

³ PMPA Total Participant Load – includes load served by all ten Participants including the Greer CPW's load served from leased Laurens EMC delivery points and generation produced by the load-side generators.

<u>Month</u>	<u>HDD</u>	<u>% of Normal</u>
Mar 2025	277	72
Normal	387	
Mar 2024	280	72

ENERGY REPORT^{*}

Piedmont Municipal Power Agency

MARCH, 2025

The Energy Authority (Surplus Energy Sold and Gross Revenue)

8,841	MWh	349,181	\$	39.50	\$ / MWh
11,926	MWh - YTD	469,230	\$ - YTD	39.35	\$ / MWh - YTD

Duke Energy (Surplus Energy Sold and Gross Revenue)

24,973	MWh	997,005	\$	39.92	\$ / MWh
44,730	MWh-YTD	1,593,363	\$-YTD	35.62	\$ / MWh - YTD

Santee Cooper (Surplus Energy Sold and Gross Revenue)

18,054	MWh	531,847	\$	29.46	\$ / MWh
34,450	MWh-YTD	1,025,740	\$-YTD	29.77	\$ / MWh - YTD

Total Surplus Sales Revenue

1,878,032	\$		
3,088,332	\$ - YTD	91,106	MWh-YTD

Generation Imbalance Charge

152,339	\$
160,816	\$ - YTD

Deviation Band 1 - +/- 1.5%

Deviation Band 2 - Between +/-1.5% & 7.5%

Deviation Band 3 - Greater than +/- 7.5%

\$17,457

\$72,004

\$62,878

Energy Imbalance Charge

1,143	\$
33,676	\$ - YTD

Deviation Band 1 - +/- 1.5%

Deviation Band 2 - Between +/-1.5% & 7.5%

Deviation Band 3 - Greater than +/- 7.5%

\$1,282

(\$139)

\$0

Supplemental Energy Purchased

Santee Cooper	TEA Backstand ^{&}	Total	
31	0	31	MWh
19,377	1,958	21,335	MWh - YTD
769	0	769	\$
1,250,052	66,623	1,316,675	\$ - YTD
24.63	---	24.63	\$ / MWh
64.51	34.03	61.71	\$ / MWh - YTD

* All MWh are measured at the bus bar (generation level)

& Includes energy and transmission costs

Catawba and McGuire Report – April 10, 2025

Since the last Board meeting, Catawba Unit 1, Catawba Unit 2, and McGuire Unit 2 have operated continuously without any concerns.

McGuire Unit 1 began a refueling outage on April 2. The refueling outage has a budgeted 25-day duration and is currently on schedule to return to service prior to April 27.

<u>March 2025</u>	<u>Capacity Factor</u>	<u>Generation (MWhs)</u>	<u>PMPA's Entitlement (MWhs)</u>
Catawba 1	102.75%	885,624	55,352
Catawba 2	101.02%	863,190	53,949
McGuire 1	95.76%	823,903	49,970
McGuire 2	100.93%	868,414	52,669

2025 Planned Refueling Outages

<u>Unit</u>	<u>Outage Start Date</u>	<u>Budgeted Duration</u>
McGuire 1	April 2, 2025	25 Days
Catawba 2	September 6, 2025	29 Days

Other News

On March 31st, the Nuclear Regulatory Commission approved a subsequent license renewal for Duke's Oconee Nuclear Station. The new license allows Duke to operate Oconee 1 until February 2053, Oconee 2 until October 2053, and Oconee 3 until July 2054. When Oconee's licenses expire, the Station will have operated for 80 years.

In addition, on April 1st, Duke submitted the Robinson Nuclear Station's subsequent license renewal application to the Nuclear Regulatory Commission. Robinson's current operating license currently expires on July 31, 2030. With a new license, Robinson will be able to operate until July 31, 2050.

AMENDMENT AGREEMENT
to
PIEDMONT MUNICIPAL POWER AGENCY
CATAWBA PROJECT POWER SALES AGREEMENT

This **AMENDMENT AGREEMENT** is dated as of this **XXth** day of **XXX**, 2025 and is entered into by Piedmont Municipal Power Agency, a public body and body corporate and politic of the State of South Carolina (“PMPA”) and the **[City/Commission of Public Works]** of **XXXXX** of the State of South Carolina (the “Participant,” and collectively with PMPA, a “Party”).

WHEREAS, the Parties hereto are parties to a Catawba Project Power Sales Agreement dated as of August 1, 1980 pursuant to which PMPA agreed to sell and the Participant agreed to purchase a share of electric power and energy to which PMPA is entitled as a result of (i) its twenty-five per cent (25%) undivided ownership interest in Unit 2 of the Catawba Nuclear Station and (ii) certain additional agreements between PMPA and Duke Energy Carolinas, LLC related to the Catawba Nuclear Station; and

WHEREAS, PMPA has executed substantially identical Catawba Project Power Sales Agreements with nine other municipalities of the State of South Carolina (collectively, with Participant, “the Participants”).

WHEREAS, the Catawba Project Power Sales Agreements will expire on their own terms on July 31, 2035;

WHEREAS, the Catawba Project Power Sales Agreements provide for the inclusion of an “allocable portion” of PMPA’s general and administrative expenses (“G&A Expenses”) in PMPA’s monthly invoices to Participants for the term of the Catawba Project Power Sales Agreements; and

WHEREAS, the Parties desire to amend the Catawba Project Power Sales Agreement to clarify the method by which G&A Expenses will be allocated to the Participant for the remainder of the term of the Catawba Project Power Sales Agreement; and

WHEREAS, on **XXXX XX**, 2025, the Board of Directors of PMPA adopted a resolution approving this Amendment Agreement and directed that it be submitted to the Participants for approval and execution; and

WHEREAS, the governing board of the Participant has consented to and authorized the execution and delivery of this Amendment Agreement.

NOW, THEREFORE, the Parties hereto mutually agree as follows:

Section 1. Definitions. Unless the context clearly indicates otherwise, all capitalized terms used in this Amendment Agreement, including the recitals above, that are defined in the Catawba Project Power Sales Agreement shall for all purposes of this Amendment Agreement have the same meanings given to them in the Catawba Project Power Sales Agreement.

Section 2. Amendment to Catawba Project Power Sales Agreement.

(a) Subsection (7) of the definition of “Monthly Catawba Project Power Costs” contained in Section 1 of the Catawba Project Power Sales Agreement is hereby amended by deleting the same in its entirety and, in lieu thereof, adding the following thereto:

any other costs incurred by PMPA during such month relating to the Bonds, the Catawba Project or the Project Agreements (including, but not limited to, operation, maintenance, and repair costs; working capital established pursuant to duly established PMPA policies or decisions, as may be amended or revised from time to time, and reserves deemed necessary for the Catawba Project by PMPA; and the properly allocable portion of administrative and general expenses, taxes, insurance, and overhead based on the Board-approved cost-of-service allocation methodology attached hereto as Exhibit B) not included in the costs hereinbefore specified, and the share of all costs allocable to the Catawba Project incurred or associated with the winding up of the business and affairs of PMPA; and

(b) The Catawba Project Power Sales Agreement is amended by attaching thereto as Exhibit B the attached Consensus Policy on Allocating PMPA G&A Expenses.

Section 3. Savings Clause. Except as herein amended, the existing provisions of the Catawba Project Power Sales Agreement shall remain in full force and effect.

Section 4. Effectiveness. This Amendment Agreement shall become effective as to the amendments of the Catawba Project Power Sales Agreement described above on January 1, 2029.

IN WITNESS HEREOF, the Parties have executed this Amendment Agreement by authority of their respective governing bodies duly given.

Executed this XXth day of XXXX, 2025.

Exhibit B

Allocation Methodology

Definitions

PMPA General and Administrative (“G&A”) Expenses as referenced in subsection 7 of “Monthly Catawba Project Power Costs” are defined as the expenses related to the operation of PMPA as an organization and includes expenses to support the ownership, construction, operation, and maintenance of PMPA’s share of the Catawba Nuclear Station, and the administration of individual Supplemental Power Sales Agreements between PMPA and its Participants, if any. G&A Expenses will not include any costs that are capable of direct assignment to one or more Participants.

Allocation Methodology

“Direct Assignment” – expenses incurred by PMPA that directly benefit one or more Participants shall be directly assigned to the Participant receiving such benefit and will not be included in the G&A Budget discussed below.

“Catawba” – 60% of the G&A Budget will be allocated to Catawba Costs.

“Supplemental” – 40% of the G&A Budget will be allocated to Supplemental Costs.

Prior to each fiscal year, PMPA will prepare a G&A Budget for the organization to present to the Board of Directors. PMPA will forecast “Direct Assignment Costs,” but such forecast will not be included in the G&A Budget. The G&A Budget will be allocated to “Catawba” and “Supplemental” based on the above allocation factors.

Billing

“Direct Assignment Costs” – Participants with expenditures directly assigned to them will be billed the actual expenditure on the monthly billing statement as they are incurred.

“Catawba Costs” – G&A expenditures allocated to Catawba will be billed to each Participant based on its Participant’s Catawba Share as defined in the then-existing Catawba Project Power Sales Agreement and will be billed on the monthly billing statement pursuant to the procedures described therein.

“Supplemental Costs” - Only Participants with a Supplemental Power Sales Agreement with PMPA will be billed the G&A expenditures allocated to “Supplemental”. Supplemental costs will be allocated to each Participant with a Supplemental Power Sales Agreement on a pro rata basis. These costs will be billed on the monthly billing statement.