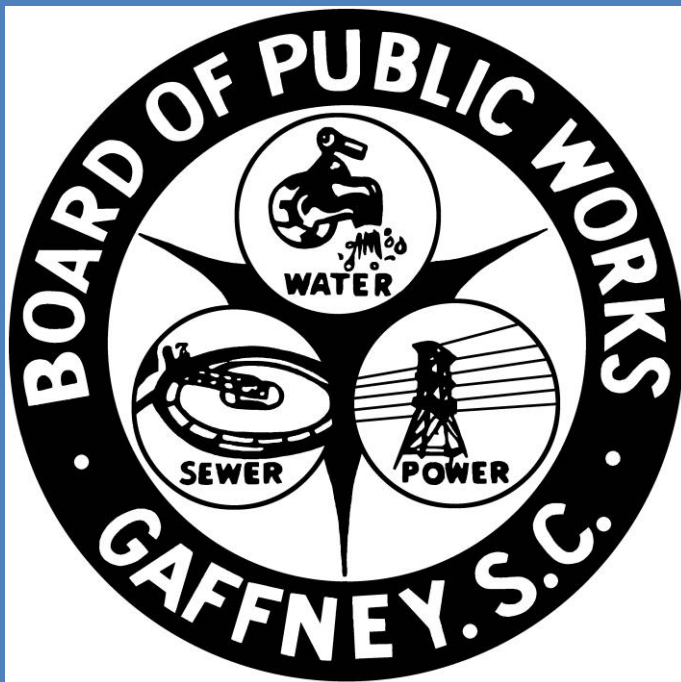


BOARD OF PUBLIC WORKS GAFFNEY, SC SEWER USE POLICY



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BOARD OF PUBLIC WORKS

SEWER USE AND PRETREATMENT REGULATION

SECTION 1 – INTRODUCTION, DEFINITIONS AND GENERAL PROVISIONS

Section 1.1 – Purpose and Policy

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and subsequent amendments, including the Water Quality Act of 1987 (P.L. 100-4) together with the South Carolina Pollution Control Act and other state and federal regulations have resulted in a program dedicated to cleaning and safeguarding the Nation's waters. To comply with these requirements, the Board of Public Works (BPW) has made and will continue to make substantial progress in controlling pollution through regulation of indirect discharges and the operation of its wastewater treatment facilities.

This Regulation sets forth uniform requirements for discharges to the POTW and enables the BPW to comply with all applicable state and federal laws and the Pretreatment Regulations (40 CFR 403). The objectives of this Regulation are:

- 1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- 2) To prevent the introduction of pollutants into to the POTW that will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- 3) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
- 4) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- 5) To provide for equitable distribution of the cost of the wastewater disposal system.
- 6) To enable the BPW to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the BPW is subject.

These Rules and Regulations shall apply to all users of the POTW. These Rules and Regulations authorize the issuance of wastewater discharge permits, general permits or similar discharge control mechanisms; provide for monitoring, compliance, and enforcement activities, established administrative review procedures; require user reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 1.2 – Administration

Except as otherwise provided herein, the Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Manager may be delegated to a duly authorized BPW employee.

Section 1.3 – Definitions

Unless the context specifically indicates otherwise, the terms and phrases used in this Regulation shall have the following meanings:

- A. Act shall mean the Federal Water Pollution Control Act and amendments.
- B. Authorized Representative of Industrial User shall mean:
 - (1) If the User is a corporation:

- a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the BPW.
- C. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- D. Biochemical Oxygen Demand or BOD The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).
- E. Billable Biochemical Oxygen Demand shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/l.
- F. Billable Chemical Oxygen Demand shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 750 mg/l.
- G. Billable Flow shall mean recorded water usage as determined by the appropriate water utility, plus measured water, times the BPW approved percentage factor for wastewater entering the wastewater disposal system. Alternatively, industrial users may have their billable flow determined by continuously measuring their discharge in a manner approved by the Manager.
- H. Billable Ammonia Nitrogen shall mean the discharge in pounds of Ammonia Nitrogen calculated using the billable flow and concentration of Ammonia Nitrogen in the wastewater in excess of 40 mg/l.
- I. Billable Total suspended Solids shall mean the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 mg/l.
- J. Billable Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Celsius.

- K. Board shall mean the Board of Public Works located in Gaffney, South Carolina, sometimes referred to as the BPW, or any authorized person acting on behalf of the Board.
- L. Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five feet outside the building wall.
- M. Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.
- N. Categorical Pretreatment Standard or Categorical Standard Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- O. Categorical Industrial User An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- P. Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste as described in Standard Methods.
- Q. Cooling Water shall mean the water used for air conditioning, refrigeration, or other cooling applications.
- R. Daily Maximum The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- S. Daily Maximum Limit The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- T. Direct Discharge shall mean the discharge of wastewater directly to the water of the State.
- U. Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of the EPA.
- V. Excessive Radiation Dose shall mean a dose of radiation in excess of the maximum permissible dose. Maximum Permissible Dose shall mean a dose of radiation to any part of the body, internal or external, that, in the light of current knowledge, is not expected to cause appreciable bodily injury to person at any time during his lifetime. Application of this section shall conform to all federal and state regulations concerning the use of radioactive materials.
- W. Existing Source Any source of discharge that is not a "New Source".
- X. Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- Y. 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.
- Z. Grab Sample A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- AA. Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

- BB. Indirect Discharge shall mean the introduction of pollutants into the POTW from any nondomestic source.
- CC. 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 the Act.
- DD. Infiltration shall mean the extraneous groundwater entering the wastewater disposal system through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.
- EE. Inflow shall mean the surface water entering the wastewater disposal system from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy area; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage.
- FF. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- GG. Interference shall mean the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State Criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- HH. Local Limit Specific discharge limits developed and enforced by the BPW upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).
- II. Manager shall mean the person designated by the Board to manage the activities and responsibilities of the BPW, or his duly authorized representative.
- JJ. Medical Waste Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- KK. Monthly Average The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- LL. Monthly Average Limit The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- MM. 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.
- NN. National Pollutant Discharge Elimination Permit shall mean a permit issued for discharge to the navigable waters of the United States.
- OO. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other surface water or groundwater.
- PP. New Source

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which is commenced after the publication of proposed National Categorical Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source, if such standard is thereafter promulgated in accordance with that Section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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.

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

RR. Pass Through A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the BPWs' NPDES permit, including an increase in the magnitude or duration of a violation.

SS. Oil and Grease shall include non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, greases, and related pollutants that can be extracted from a wastewater sample and determined by EPA method 1664 as may be amended or by other EPA method as may be applicable; oil and grease is also referred to as n-hexane extractable materials (HEM) because of the solvent used in the method's extraction process.

TT. 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 and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

UU. Owner shall mean the person that contracts with the Board for wastewater service.

VV. 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. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

WW. pH shall mean the term used to express the intensity of the acid or base condition of a solution as determined by Standard Methods.

XX. Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, commercial, and agricultural waste discharged into water.

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

ZZ. Premises shall mean a parcel of real estate or portion thereof including any improvements thereon which is determined by the Board to be a single user for purposes of receiving, using, and paying for service.

AAA. 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 to a less harmful state prior to or in lieu of discharging such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes of other means, except as prohibited by 40 CFR Section 403.6(d).

BBB. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a local limitation or National Categorical Pretreatment Standard imposed on an industrial user.

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

DDD. Private Sewer shall mean a sewer which is not owned by the Board.

EEE. Prohibited Discharge Standards or Prohibited Discharges Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

FFF. Public Sewer shall mean a sewer which is owned and controlled by the Board and is separate from and does not include sewers owned by other governmental units.

GGG. Publicly Owned Treatment Works shall mean treatment works as defined by Section 212 of the Act, which is owned by the Board. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

HHH. Qualified Laboratory shall mean laboratories currently certified by the State to perform laboratory analyses.

III. Sanitary Sewer shall mean a sewer which carries wastewater.

JJJ. Septic Tank Waste Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

KKK. Select Backfill shall mean backfill for pipe trenches which shall be free of brush, roots more than two inches in diameter, debris, cinders, or other corrosive material. Backfill material containing rocks, or rock excavation detritus, shall be placed only in the upper 18 inches of the trench.

LLL. Sewage Human excrement and gray water (household showers, dishwashing operations, etc.)

MMM. Shall is mandatory are requires compliance: May is permissive and compliance is subject to the discretion of the Manager.

NNN. Significant Industrial User Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the BPW on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement
- (3) The BPW may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the BPW's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in Section 4.14 B (see 40 CR 403.12(q)), together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the BPW may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with the procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

OOO. Significant Noncompliance Violation (SNC) shall mean a violation of discharge limitations that meets certain requirements, criteria, and penalties laid out in the SNC Section of this ordinance.

PPP. Slug Load or Slug Discharge Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to any accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

QQQ. Standard Industrial Classification shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

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

SSS. State shall mean the State of South Carolina.

TTT. Storm Water Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

UUU. Subdivision shall mean all divisions of a tract of parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sales, transfer, or development and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision.

VVV. Surcharges are additional charges to recover the cost to treat wastewater that are typically assessed when discharge concentrations are above defined values, typically above domestic wastewater.

WWW. Total Kjeldhal Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as determined by Standard Methods.

XXX. Total Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension with wastewater and is removable by laboratory filtration as described in Standard Methods.

YYY. Toxic 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 to constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those pollutants listed as toxic in regulations promulgated by the EPA under the provisions of 307(a) of the Act, or other acts.

ZZZ. 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.

AAAA. User or Industrial User A source of indirect discharge.

BBBB. User Charge System shall mean the system of charges levied on users for the operation and maintenance costs of the wastewater disposal system.

CCCC. Wastewater Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

EEEE. 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.

Section 1.4 – Abbreviations

The following abbreviations shall have the designated meanings:

BPW – Board of Public Works

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CIU – Categorical Industrial User
CFR – Code of Federal Regulations
COD – Chemical Oxygen Demand
CWA – Clean Water Act
SCDES – South Carolina Department of Environmental Services
EPA – Environmental Protection Agency
gpd – Gallons per Day
IU – Industrial User
mg/l – Milligrams per Liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIC – Standard Industrial Classification
SIU – Significant Industrial User
SWDA – Solid Waste Disposal Act
TKN – Total Kjeldhal Nitrogen
TSS – Total Suspended Solids
USC – United States Code

Section 1.5 – Basis of Charges

The determination of the character and concentration of industrial wastewater for purposes of providing a basis for surcharge, and any other charge levied by the BPW proportional to wastewater strength, shall be based on results of laboratory analyses performed by the BPW or a contractor engaged by the BPW and shall be binding upon the discharger. The BPW may, but is not required to, consider results of laboratory analysis performed by the user when determining or calculating surcharges or other charges levied by the BPW.

Section 1.6 – Determination of Wastewater Discharge Volume

The volume of flow used in determining the total discharge of wastewater from any user shall be based upon one hundred percent of metered water consumption as shown in the records maintained by the agency supplying water. In lieu of this, records of wastewater metering may be used by the BPW in those cases where a wastewater metering installation approved by the BPW and installed and maintained by the user is available. Refer to Section 4.11 and Section 5.4 for additional requirements and conditions regarding volume determinations for billing purposes.

Section 1.7 - Requirements of Other Authorities

No requirement contained in these Rules and Regulations shall be construed to relieve the user of any additional requirements that may be imposed by other authorities having legal jurisdiction.

SECTION 2 – PROHIBITION AND LIMITATIONS ON WASTEWATER DISCHARGES

Section 2.1 - General Discharge Prohibitions

No person or user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through, interference or violation of federal, state, local law or regulation, these Rules and Regulations, any permit order or directive. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

Section 2.2 - Specific Discharge Prohibitions

Except as hereinafter provided, no person or user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- 1) Any clothing, rags, textile remnants, waste cloth, or scraps;
- 2) Wastewater having a temperature greater than 160 F (71.1 C), or that will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case wastewater that causes the temperature of the wastewater treatment plant influent to exceed 104 F (40 C);
- 3) Pollutants that may, by themselves or by interaction with other pollutants, create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 F (60 C) using the test methods specified in SCDES regulation 61-79 section 261.21;
- 4) Wastewater having a pH less than 6.0 units or more than 12 units, or otherwise capable of causing corrosive structural damage or hazard to the POTW, equipment, or BPW personnel;
- 5) Wastewater containing toxic pollutants; also toxic metals, in sufficient quantity, acting either singly or by interaction with other pollutants, that may result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may constitute a hazard to humans or animals, create a nuisance, create a toxic effect in the receiving stream, cause acute worker health and safety problems or create any hazard in the sanitary sewer that may prevent entry for repair or maintenance;
- 6) Pollutants or oxygen-demanding wastewater (BOD, COD, etc.) at a flow rate or pollutant concentration that, either singly or by interaction with other pollutants, may cause interference or pass through;
- 7) Pollutants that may cause the POTW effluent or any other by-product of the BPW's treatment processes such as residues, sludge, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 8) Garbage that has not been properly shredded;
- 9) Ashes, cinders, mud, sand, straw, shavings, metals, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, cleaning solvents, fuel and lubricating oils, acetylene, sludge, polymers, holding tank waste, or any other solid or viscous pollutants or wastewater in amounts that may cause obstruction of the flow in the POTW resulting in interference;
- 10) Wastewater containing radioactive material that by itself, or in combination with the radioactive material discharged by other users, may cause contamination of the POTW and result in injury to the persons, livestock or aquatic life receiving an excessive radiation dosage. In no case may the concentration of any isotopes regulated by state or federal agencies exceed those limits contained in the user's permit from said agencies;
- 11) Pollutants in any quantity that result in a sheen, foam, or color on the receiving stream;
- 12) Hazardous wastes listed by either SCDES or EPA except as provided for in Section 9; (dilution of hazardous wastes is also prohibited for purposes of discharge to the POTW);
- 13) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that may cause interference or pass through; or
- 14) Chemical or biological agents, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause any oil, grease, or other similar material to temporarily change its characteristics and flow through the sanitary sewers or to achieve compliance with the BPW's limitations.
- 15) The BPW does NOT accept grease trap, commercial or industrial equipment wash-downs, sand trap or oil waste dumped directly from facility or from ANY septic hauler.

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. If the BPW determines to its satisfaction that any prohibited discharge has taken place, then the BPW shall employ whatever enforcement actions it deems necessary. Absolutely no waste shall be discharged to our system that may be detrimental to our plants and system or a danger to the environment.

Section 2.3 – Grease Control

BPW approved grease, oil and sand traps or interceptors are required and necessary for all existing and new food service establishments or operations, vehicular service facilities, and car washes for the proper handling and control of wastewater containing grease, oil or sand being discharged to public sanitary sewers in excessive amounts. Such traps or interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hospitals, dependent care facilities, hotels abattoirs, or other institutions.

Such traps or interceptors shall be readily accessible for cleaning and inspection. All traps must be secured and maintained by its Owner in a manner that will prevent the introduction of any prohibited waste or any other unauthorized access. Owners/users of grease traps shall be responsible for all expenses related to securing their grease traps.

The failure to service and maintain grease traps or interceptors is a violation of the BPW Sewer Use Policy and shall be subject to enforcement remedies detailed in Section 8. Whenever BPW inspection of such existing traps or interceptors results in a written notice for action on the part of the person responsible for the trap or interceptor such action shall be completed within the compliance period granted by the BPW.

When retained or trapped material (including but not limited to oil, grease, sand, grit, etc.) is removed from grease, oil and sand traps or interceptors, such material shall be removed by pumping or other physical means and shall be hauled away for disposal in accordance with applicable federal, state and local regulations. No such retained or trapped material in any form shall be allowed to pass from the trap or interceptor into the sanitary sewer. The entire contents of the grease trap must be removed, this includes all trapped fats, oils, and greases, wastewater therein and solids. No waste, and/or wastewater from the pumping are to be reintroduced into the grease trap/grease interceptor. The use of chemical or biological agents, physical methods, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause retained or trapped material to flow from the trap or interceptor into the sewer collection system are prohibited. No wastewater, with the exception of wastewater generated and related to food preparation shall be introduced to a grease trap. The owner shall provide the BPW, upon request with accurate information as to the ultimate disposal method and location of the material pumped or otherwise removed from the trap or interceptor.

Section 2.4 - BPW's Industrial Wastewater Discharge Limitations

In addition to the prohibitive and general limitations in these Rules and Regulations for the conventional pollutant parameters (i.e. BOD, suspended solids, pH, oil and grease), each user's non-conventional pollutant discharge limits shall be established on a case-by-case basis in accordance with the provisions in Section 3. These case-by-case limits shall be addressed in the wastewater discharge permit, general permit, or discharge authorization developed and issued by the BPW and shall supersede any concentration limits included in legal agreements executed between the BPW and any industrial user prior to January 1, 1986. In the event that an industry is regulated by a categorical pretreatment standard or any other applicable federal or state mandated limitation, the most stringent limit shall apply.

Section 2.5 - National Categorical Pretreatment Standards

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

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the BPW may impose equivalent concentration or mass limits in accordance with paragraph E and F below.
- B. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the BPW may, at the BPW's sole discretion, convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or concentration for purposes of calculating discharge limitations applicable to individual Industrial Users.

- C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same pretreatment standard, the BPW shall impose an alternate limit in accordance with SCDES regulation 61-9 section 403.6(f).
- D. A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs:
 - a. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's source water in accordance with this section. Any CIU wishing to obtain credit for source water pollutants shall make application to the BPW. Upon request of the CIU, the applicable pretreatment standard shall be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the source water) if the requirements of paragraph 2) of this Section are met.
 - b. Criteria.
 - 1. Either the applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis, or the CIU demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the pretreatment standards in the absence of pollutants in the source water.
 - 2. Credit for conventional pollutants such as BOD, TSS, or oil and grease may not be granted unless the CIU demonstrates that the constituents of the generic measure in the user's wastewater are substantially similar to the constituents of the generic measure in the source water or unless appropriate additional limits are placed on process water pollutants either at the discharge or elsewhere.
 - 3. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with pretreatment standards adjusted under this Section.
 - 4. Credit shall be granted only if the CIU demonstrates that the source water is drawn from the same body of water as that into which the POTW discharges. The BPW may waive this requirement if it finds that no environmental degradation will result.
- E. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, a CIU may request that the BPW convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is solely within the discretion of the BPW. The BPW may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in this Section.

To be eligible for equivalent mass limits, the CIU shall:

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

A CIU subject to equivalent mass limits shall:

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

When developing equivalent mass limits, the BPW shall:

- (a) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the CIU by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
 - (b) Upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions; and
 - (c) Retain the same equivalent mass limit in subsequent wastewater discharge permits if the actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment.
- F. The BPW 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 a CIU. The conversion is at the sole discretion of the BPW.
- G. Once included in its permit, the CIU shall comply with the equivalent limitations developed in this section in lieu of the promulgated categorical pretreatment standards from which the equivalent limitations were derived.
- H. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such pretreatment standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- I. Any CIU operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based pretreatment standard shall notify the BPW within two business days after the CIU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any CIU not notifying the BPW 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.

Section 2.6 - State Pretreatment Standards

Users shall comply with applicable SCDES pretreatment regulations, standards, and limitations.

Section 2.7 – Local Limitations on Wastewater Strength and Flow Rate

The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following listed below.

No person shall discharge wastewater in excess of the concentration set forth below unless an alternative limitation is issued with their wastewater discharge permit by the BPW.

Total Suspended Solids- 250 mg/l
 Biochemical Oxygen Demand-250 mg/l
 Ammonia Nitrogen 30 mg/l

COD- 750 mg/l
 Oil and Grease- 40 mg/l
 pH- 6.0- 12.0

No person may knowingly discharge any water associated with the following arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, total nitrogen, nickel, oil and grease, selenium, silver, total phenols or zinc. The manager has the authority to sample and test any questionable sources for these contaminants.

From the list above, an enforceable Local Limits Permit may be established where there is potential for these pollutants to be discharged to the POTW. When IUs discharge in excess of a Local Limit, they are subject to enforcement actions and/or Surcharges.

The Manager also can set limits on an IU Permit Issuant for the average and/or maximum rate of flow discharge, time of discharge, and/or requirements for flow regulation and equalization if it's a detriment to the operations of the system and the POTW.

Section 2.8 - Local Limits Options for Industrial Users

The Board of Public Works is authorized to establish local limits pursuant to SCDES regulation 61-9 section 403.5(d). The BPW may require IU's to develop BMP for certain discharge circumstances or in wastewater discharge permits, discharge authorizations, to implement local limits in SCDES-approved headworks analyses and other limitations specified in these Rules and Regulations. Local limits apply at the point where the wastewater is discharged to the POTW.

The BPW may develop Best Management Practices (BMPs), by ordinance or in IU wastewater discharge permits, to implement Local Limits and the requirements of Prohibited Discharge Standards.

The Manager may limit the discharge of other specific substances not listed above on a case-by-case basis, if necessary to meet the objectives of this Regulation.

The laboratory methods used in the examination of wastewater to meet any requirement of this Regulation shall be those set forth in 40 CFR Part 136. If there is more than one approved test method, SCDES maintains the right to determine the test method used. After this determination has been made, the user shall be given a 30-day notice prior to being required to perform analysis in accordance with the adopted test method. In the event that there is no approved method in 40 CFR 136 for a particular test parameter, testing shall be performed in accordance with Standard Methods.

Section 2.9 - Relationship to Prohibitions in Other Agreements with the BPW

No statement contained in Section 2 shall be construed as prohibiting any special agreement, arrangement or permit condition between the BPW and any user whereby an industrial wastewater of unusual strength or character may be approved by the BPW for discharge into the POTW either before or after approved pre-handling, pretreatment, or regulated discharge and subject to payment therefore to the BPW as may be provided by surcharges or other special charges over and above other normal sanitary sewer service charges.

The Board, or the Manager acting on its behalf, may authorize pilot demonstration projects on a case-by-case basis, and for a finite duration, to investigate the application of technologies, methods, practices, or other means, to enhance and promote resource conservation and pollution prevention.

Section 2.10 – Excessive Volume (Dilution) Prohibited

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by the BPW or an applicable pretreatment standard or requirement. The BPW may impose mass

limitations on users who are using dilution to meet pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Section 2.11 – Bypass

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

Bypass is prohibited, and the Manager may take enforcement action against an industrial user for a bypass, unless;

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

The Manager may approve an anticipated bypass, after considering its adverse effects if the Manager determines that it will meet the three conditions listed in this section.

Section 2.12 – Revision of Limitations

The Manager may impose limitations more stringent than the National Categorical Pretreatment Standards or limitations in Section 2.6 where it is necessary to protect the POTW and receiving streams. Should these limits be exceeded, the maximum mass emission rate of the dischargers in the drainage basin served by the POTW may be reduced. Users may be required to reduce their discharge to revised limits set by the Manager until the level in the influent no longer exceeds the acceptable concentrations. All pollutants limitations specified in Section 2.6 and wastewater discharge permits are subject to revision to conform to federal and state water quality standards and effluent limitations, and to protect treatment facilities and receiving streams. At a minimum, the limitations in Section 2.6 shall be reviewed annually. When adding or revising limitations, the Manager shall provide a 30-day period for all parties affected by the proposed limitation to comment on the revision. In addition, the Board shall schedule a public hearing to provide all concerned parties with a timely opportunity to express their opinions regarding the appropriateness of the proposed limitation. Following the hearing, the Manager may make a formal recommendation to the Board for action on a proposed modification to the limitations specified in Section 2.7.

SECTION 3 – DISCHARGE PERMITS AND PRETREATMENT OF WASTEWATER

Section 3.1 – Wastewater Discharge Permits

Although the provisions of this section apply primarily to industrial users, the Manager may require all users to apply for and obtain a permit to discharge wastewater. Persons required by the Manager to obtain a wastewater discharge permit shall submit an application, accompanied by an application fee in the amount prescribed by the

Board, with information as stipulated by the Manager. The Manager may develop a standard application form and fee for various users (e.g. restaurants, laundries, and service stations).

1. Application Requirements

Any person desiring to discharge industrial wastewater shall complete an official application and file it with the Board. Approval shall be evidenced by written notice from the Manager. The person shall provide all data required by the current official application, copies of which shall be obtained from the Manager. The Manager shall evaluate the data and may require additional information. After evaluation and acceptance of data provided, the Manager may grant permission to discharge to the POTW. Authorized representatives of significant industrial users shall sign the permit application. Significant industrial users which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength, or characteristic shall submit a new application prior to making the change or alteration.

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

- (1) Name, address, and location (if different from the address);
- (2) Applicable SIC number(s);
- (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in this Regulation;
- (4) Time and duration of discharge;
- (5) Average daily and thirty minute peak wastewater discharge rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all drains, sewers, sewer connections, and appurtenances by the size, location, and (if available) elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) Where known, the nature and concentration of any pollutants in the wastewater which are limited by any BPW or state limitations, or National Categorical Pretreatment Standards, a statement regarding whether or not the person is complying or will comply with applicable limitations or National Categorical Pretreatment Standards on a consistent basis and, if not, whether additional pretreatment or operational modifications are required to comply with applicable limitations or National Categorical Pretreatment Standards;
- (9) If additional pretreatment or operational modifications will be required to comply with limitations or National Categorical Pretreatment Standards, the shortest schedule by which the person will comply;
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
- (13) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager shall review the application, conduct an on-site inspection, 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 Manager shall draft the permit in accordance with the Regulation and state regulations. A fact sheet providing a brief synopsis of the application shall be prepared by the Manager for submission to industrial applicants, the SCDES, and to the public upon request. The contents of such fact sheets shall include a sketch or detailed description of the process and pretreatment facilities including the location of all points of discharge to the POTW and all compliance monitoring points. The fact sheet shall also include the rate or frequency of the proposed discharge, average daily flow, average daily discharge in pounds of any limited pollutant and any pollutant identified in the application as known or suspected present, and the basis for the pretreatment limitations including the documentation of any

calculations in applying National Categorical Pretreatment Standards, and all other information required by the State.

2. Hearings

Any person whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to an adjudicatory hearing before a hearing examiner designated by the Manager upon making written demand, identifying the specific issues to be contended, to the Manager within fifteen days following receipt of the permit. Unless such demand is made, the decision on the application shall be final and binding.

Any decision of a hearing examiner made as a result of an adjudicatory hearing may be appealed to the Manager upon filing a written demand within fifteen days of receipt of notice of the decision. Appeal hearings shall be conducted in accordance with applicable provisions of the Board's regulations. Any person against whom a final order or decision of the Board is entered pursuant to the appeal hearing may appeal the order or decision within thirty days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, to the Board and the Circuit Court Justice. Upon such appeal the Board shall send a certified transcript of all testimony and exhibits, the order or decision, and the notice of appeal to the Circuit Court.

3. Permit Modifications

Within nine months of promulgation of a National Categorical Pretreatment Standard, the permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a permit, the user shall apply for a permit within 180 days after the promulgation of the National Categorical Pretreatment Standard. In addition, the user with an existing permit shall submit to the Manager within 180 days after the promulgation of applicable National Categorical Standard information regarding the nature for providing additional pretreatment, if necessary. The Manager has the authority to modify any permit as necessary to meet the objectives and requirements of this and applicable regulations.

Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:

- (a) modifications of the monitoring program contained in the permit;
- (b) changes in the ownership of the discharge when no other change in the permit is indicated;
- (c) a single modification of any compliance schedule milestone not in excess of four months; or
- (d) modification of compliance schedules in permits for new sources where the new source will not discharge until process or pretreatment facilities are operational.

2. Permit Conditions

The Manager shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Regulation, state, and federal regulations. Such conditions shall include but are not limited to the following:

- (a) a statement of duration (in no case more than five years);
- (b) a statement of non-transferability;
- (c) applicable effluent limits based on National Categorical Pretreatment Standards or local limits; Effluent Limits based on all IU permits will be classified by Concentration Values only. Mass Units may be substituted on IU permit based on managers' discretion. If Mass Units are approved, the manager will document how the equivalent is to be derived and make this information publically available.
- (d) applicable monitoring and reporting requirements;
- (e) notification requirements for slug discharges as defined by 40 CFR Part 403.5 (b); and,

- (f) a statement of applicable civil and criminal penalties for violation of National Categorical Pretreatment Standards and local limitations.

3. Permit Duration

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

4. Permit Transfer

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

Section 3.2 – Required Contents of Discharge Permits

An IU wastewater discharge permits must contain:

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

Section 3.3 - Additional Permit Contents

An IU wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Section 3.4 - Industry Required to Provide SIC/NAICS Support Data

Each industrial user served by the BPW or requesting sanitary sewer service shall be required to provide the District with data relating to existing or proposed manufacturing operations sufficient to support determination of an appropriate SIC/NAICS listing. In those cases in which the BPW cannot definitely determine the applicable subcategories, the BPW shall request that a certification be provided in writing by the Enforcement Division of EPA or SCDES, where authorized, to establish the SIC/NAICS for the industrial user.

Section 3.5 – Pretreatment Facilities

Users shall provide pretreatment as required to comply with this Regulation or discharge permit, and shall achieve compliance with all National Categorical Pretreatment Standards within the specified time limitations. Any

facilities required to have a pretreatment system for their wastewater shall be constructed, operated, and maintained at the expense of the Owner. A permit to construct pretreatment facilities shall be obtained from SCDES. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager. 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 Manager under the provisions of this Regulation. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Manager and SCDES prior to the initiation of the changes.

Section 3.6 – Additional Pretreatment Measures

- A. Whenever deemed necessary, the Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Manager and shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 3.7 – Accidental Slug Discharge

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

Within five days following an accidental discharge, the user shall submit to the Manager a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the user at any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater disposal system, fish kills, or any other damage to person or property; not shall such notification relieve the user of any section or other applicable law.

Section 3.8 – Accidental Discharge/Slug Discharge Control Plans

The BPW shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The BPW may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges, which includes BMP's. Alternatively, the BPW may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the BPW of any accidental or Slug Discharge, as required by the IU Discharge Permit; and
4. Procedures and BMP's to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 3.9 – Upset Provision

Any user which experiences an upset in operations which places the user in a temporary state of noncompliance shall inform the Manager thereof immediately following first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the user within five days. The report shall specify:

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

A documented and verified operating upset, demonstrated as required by 40 CFR 403.16 shall constitute an affirmative defense to any enforcement action brought by the Manager against the user for any noncompliance with this Regulation, or an order or permit issued hereunder, which arises out of violations alleged to have occurred during the period of the upset.

Section 3.10 – Hauled Wastewater

The contents of a tank truck operated by a licensed hauler of holding tank waste may be discharged to the POTW only at a location approved by the Manager. The discharge of such wastes shall be subject to the procedures and limitations established by the Manager, and to fees established in accordance with this Regulation. Such wastewater shall have prior written approval of the Manager before being discharged. The discharge of these wastes shall be subject to the procedures, limitations, and fees set by the Manager in his letter of acceptance, and a copy of this letter shall be attached to the tank truck content disposal form. No toxic substances or petroleum based grease and oils shall be accepted. The licensed hauler shall provide the information requested on the tank truck content disposal form as developed by the Manager. Only Domestic (Household) wastes originating within the Board's boundaries or Cherokee County may be accepted. Haulers must be permitted through the BPW. Coupons are required for each 2000 gals dumped. The coupons must have all pertinent information as to origin, time, signatures, etc.

SECTION 5 – REPORTING REQUIREMENTS

Section 4.1 - Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the BPW a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the BPW a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical

Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

- (1) Identifying Information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 2.2C (40 CFR 403.6(e)).
- (7) Measurement of pollutants.
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the Superintendent], of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the BPW or the applicable Standards to determine compliance with the Standard.
 - e. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - f. 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 waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - g. Sampling and analysis shall be performed in accordance with Section 4.10;
 - h. The BPW 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;

- i. 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.
- (8) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (9) 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 4.2 of this ordinance.
- (10) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

Section 4.2 - Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B) (4) of this ordinance:

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

Section 4.3 - Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the manager a report containing the information described in Section 4.5A (6) and (7) and 6.1(B) (2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 [Note: See 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

Section 4.4 – Industrial User (Categorical and Non-Categorical) Self-Monitoring and Baseline Reporting Requirements

- 1. Samples and measurements shall be taken as required in your IU Effluent Limitations and monitoring requirement section of your Discharge Permit and shall be representative of the volume and nature of "normal" daily operations.

2. The Permittee must obtain Board of Public Works approval of the sampling point location prior to initiation of self-monitoring.
3. Self-Monitoring shall be summarized Quarterly (Reporting Period) and reported on a Significant Industrial Wastewater Discharge Monitoring form provided by the Board of Public Works no later than the 30th day of the month following the end of the quarter. Reports for January through March are due by the 30th of April. Reports for April through June are due by the 30th of July. Reports for July through September are due by the 30th of October. Reports for October through December are due by the 30th of January.
4. Laboratory reports shall be postmarked no later than the 15th day of the month following the completed reported period.
5. Monthly averages, for reporting purposes, shall be calculated as follows:
 - a. For monthly reporting, the monthly average shall be the arithmetic mean of all samples collected during the report month.
 - b. For quarterly reporting periods or other periods greater than one month, there shall be separate reports for each month. The monthly average shall be the arithmetic mean of all samples collected during that month. The daily maximum shall be the highest value during that month.
6. The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.
7. Average daily flow limit expressed in this permit is the 24 hour average flow. It is determined as the arithmetic mean of total daily flow recorded during the reporting period.
8. Composite samples: One of the following four types of composite samples as defined is specified within this permit:
 - a) An influent or effluent portion collected continuously over a specified period of time at a rate proportional to the flow.
 - b) A combination of not less than 8 influent or effluent grab samples collected at regular (equal) intervals over a specified period of time, properly preserved, and composited by increasing the volume of each aliquot in proportion to flow. If continuous flow measurement is not used to composite in proportion to flow, the following method will be used: Take an instantaneous flow measurement each time a grab sample is collected. At the end of the sampling period, sum the instantaneous flow measurements to obtain a total flow to determine the partial amount (percentage) of each grab sample to be combined to obtain the composite sample.
 - c) A combination of not less than 8 influent or effluent grab samples of equal volume but variable time intervals that are inversely proportional to the volume of the flow. That is, the time interval between aliquots is reduced as the volume of flow increases.
 - d) A combination of not less than 8 influent or effluent grab samples of constant (equal) volume collected at regular (equal) time intervals over a specified period of time, while being properly preserved.
 - e) Continuous flow or the sum of instantaneous flow measures and averaged for the specified compositing time period shall be used with composite sample results to calculate quantity.
 - f) 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.

9. Grab Sample: An individual discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis. Instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity.
10. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to 40 CFR Part 136, as amended. All tests must be performed by a S.C. Department of Environmental Services (SCDES) certified laboratory.
11. For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record, at a minimum, the following information:
 - a. The exact place, date, and time of sampling;
 - b. The dates the analyses were performed;
 - c. The persons who performed the analyses (including lab name and identification number; and
 - d. The analytical techniques or methods used.
12. If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the Industrial Wastewater Discharge Monitoring Form. Such increased frequency shall also be reported.
13. If any self-monitoring indicates a violation of any condition of this permit, the Permittee shall notify the Board of Public Works within 24 hours of becoming aware of the violation. The Permittee shall immediately re-sample and submit the results of the analysis to the POTW within 30 days; further sampling, permit parameter change and sampling frequency change may be necessary based on managers' discretion.

Section 4.5 - Reports of Changed Conditions

Each User must notify the Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least forty-eight (48) hours before the change.

- A. The Manager 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 4.5 of this ordinance.
- B. The Manager may issue an individual wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

Section 4.6 - Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss,

damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 4.7 - Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the BPW may be required.

Section 4.8 - Notice of Violation/Repeat Sampling and Reporting

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

Section 4.9 - Notification of the Discharge of Hazardous Waste

The discharge of Hazardous Waste to the POTW is **prohibited**. However, if the User is aware of the discharge of such it must notify the BPW within twenty-four (24) hours of becoming aware of the discharge.

Section 4.10 - Analytical Requirements

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

Section 4.11 - Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, **unless time-proportional composite sampling or grab sampling is authorized by the BPW**. Where time-proportional composite sampling or grab sampling is authorized by the BPW, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA

methodologies may be authorized by the BPW, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Reporting Section of this ordinance, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Manager may authorize a lower minimum.

Section 4.12 - Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 4.13 – Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the BPW, or where the User has been specifically notified of a longer retention period by the BPW.

Section 4.14 – Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—

The following certification statement is required to be signed and submitted by Users submitting permit applications; Users submitting baseline monitoring reports under Section 4.1 B (5) [Note: See 40 CFR 403.12 (I)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 4.3 [Note: See 40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 4.4 A–D [Note: See 40 CFR 403.12(e) and (h)], and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 4.4B(4)[Note: See 40 CFR 403.12(e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the manager pursuant to 1.4 GG(3) [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in 1.3 B [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by the manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3); [Note: See 40 CFR 403.3(v)(2)]
- b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information;

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [Note: See 40 CFR 403.12(e) (2) (v)].

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 4.4.A.

Section 4.15 – Industrial User Records

Users shall maintain and retain for five (5) years all plant records as specified by the Manager and afford the Board access thereto. These records include but are not limited to wastewater self-monitoring records, records related to compliance with National Categorical Pretreatment Standards, and other State and EPA records.

SECTION 5 - COMPLIANCE MONITORING

Section 5.1 - Right of Entry: Inspection and Sampling

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

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the BPW shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. Unreasonable delays in allowing the BPW access to the User's premises shall be a violation of this ordinance.

Section 5.2 – Sampling Monitoring Point

The BPW may require any user to construct and maintain a sampling monitoring point at a location approved by the BPW so that a representative sample may be collected of the user's wastewater discharge. Said –monitoring point shall be located so as to be readily accessible to BPW personnel and shall be constructed in compliance with BPW specifications for a sampling monitoring point. The sampling monitoring point will normally be located on the user's premises, but the BPW may allow the monitoring point to be constructed or an existing monitoring

point to be modified in the public right-of-way in certain cases when an on-site location would be impractical. In all cases, the sampling location shall be designed, installed, and maintained to provide a safe and secure area for BPW personnel to conduct sampling and monitoring activities. 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 BPW and shall not be replaced. The costs of clearing such access shall be bore by the User.

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.

Section 5.3 – Sampling Frequency

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done at such intervals as the Manager may designate. These intervals are stated in each Industrial User's Discharge Permit. However, it is the intention of the Board to conduct compliance sampling or to cause such sampling to be conducted for all significant industrial users at least twice in every one year period.

Section 5.4 – Periodic Inspection of Industrial Users

The BPW may conduct inspections of industrial users as often as deemed necessary and advisable by the BPW. The BPW shall inspect users required to obtain a wastewater discharge permit or discharge authorization at a minimum frequency of once per year. The BPW shall schedule the frequency of sampling and analyses of industrial wastewater by the BPW as deemed necessary to carry out compliance monitoring, inspections, enforcement actions, or other requirements of the Industrial Pretreatment Program and local, state, and federal regulations.

SECTION 6 - CONFIDENTIAL INFORMATION

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

SECTION 7—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 and 403.3 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the manager 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 the public or to the environment, or has resulted in the Manager's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the manager determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 8—ADMINISTRATIVE ENFORCEMENT REMEDIES

Section 8.1 Notification of Violation

When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 8.2 Consent Orders

The Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8.4 and 8.5 of this ordinance and shall be judicially enforceable.

Section 8.3 Show Cause Hearing

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

enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

Section 8.4 Compliance Orders

When the Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Section 8.5 Cease and Desist Orders

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

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

Section 8.6 Administrative Fines

Any user who is found to have failed to comply with an administrative provision of this Regulation, or the orders, rules, regulations, and permits issued hereunder, resulting in a violation will be fined one thousand to two thousand dollars (\$1000 - \$2,000) for each offense plus actual damages and fines incurred by the Board. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Such assessments shall be added to the user's next scheduled service charges and the Board shall have such remedies for the collection of such assessments as it has for collection of other service charges. All Enforcement actions are based on the BPW Enforcement Response Plan and Enforcement Response Graph.

Section 8.7 Emergency Suspensions

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

Section 8.8 Termination of Discharge

Any user, who violates the conditions of this Regulation, or applicable State and Federal regulations, is subject to having his permission to discharge revoked. The Manager may revoke a permit for the following reasons:

- a. failure to factually report the wastewater constituents and characteristics of his discharge;
- b. failure to report significant changes in operations, or wastewater constituents and characteristics;
- c. refusal of reasonable access to the user's premises for the purpose of inspection and monitoring;
- d. violation of conditions of a permit;
- e. tampering with or deliberately altering monitoring equipment;
- f. changes in the POTW NPDES permit, receiving stream water quality standards, POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact the Board's ability to accept industrial wastewater;
- g. for causes necessitating an emergency suspension;
- h. discharge of wastewater prohibited by this Regulation;
- i. significant violations; or
- j. non-payment of sewer charges.

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 Board.

Section 8.9 Judicial Remedies

If any person discharges wastewater into the wastewater disposal system contrary to the provisions of this Regulation or any order or permit issued, hereunder, or otherwise violates provisions of this Regulation or any order or permit issued hereunder, the Manager, through the Board's Attorney, may commence an action for appropriate legal or equitable relief in the Circuit Court.

1. Injunctive Relief

Whenever a person is in violation of the provisions of this Regulation or any order or permit issued hereunder, the Manager through the Board's Attorney, may petition the Circuit Court for the issuance of a preliminary or permanent injunction, or both as may be appropriate, which restrains or compels the activities in question. In the event the Board chooses to correct the violation itself, the cost of such correction may be added to the next scheduled service charge payable by the person causing the violation. The Board shall have such remedies for the collection of such costs as it has for the collection of other user charges.

2. Civil Penalties

Any person who violates this Regulation or any order or permit issued hereunder, resulting in Significant Non-Compliance shall be liable to the Board for a civil penalty of one thousand to two thousand dollars (\$1,000.00 - \$2,000.00), plus actual damages incurred by the Board, per violation per day so long as the violation continues. In addition to the above described penalty and damages, the Board may recover attorney's fees, court costs and other expenses of the enforcement litigation. The Manager may petition the Circuit Court to impose, assess and recover such sums. In determining such amount, the Circuit Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained by the user and any other factor which justice requires.

3. Criminal Violations

Any person who willfully or negligently violates any provision of this Regulation, or any orders, rules, regulations or permits issued hereunder resulting in Criminal action shall be, upon conviction, guilty of a misdemeanor, punishable by a fine or imprisonment as allowed by applicable State statutes. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the wastewater disposal system. Any person

violating this provision shall be subject to immediate arrest, and upon conviction, guilty of a misdemeanor, punishable by an appropriate fine or imprisonment, or both. In addition, such a person shall be liable to reimburse the Board for any damages resulting from such violations.

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan, or other document submitted or required to be maintained pursuant to this Regulation, or permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Regulation, shall, upon conviction, be punished by a fine as allowed by applicable state statute.

Section 8.10 – Additional Enforcement Remedies

1. Performance Bonds

The Manager may refuse to reissue a permit to any user which has failed to comply with the provisions of this Regulation or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the Board, in a sum not to exceed a value determined by the Manager to be necessary to achieve consistent compliance.

2. Discontinuance of Sewer Service

The Manager shall have the right to discontinue sewer service to the property of a user 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 his right to be heard until the user shall have been given notice of his right to be heard in person or by counsel on the question of discontinuation before the Board or any person designated by the Board after not less than five days written notice specifying the basis of the discontinuation. Any user whose permit has been terminated or who has failed to pay the user charge or any other charge imposed by the Board shall be subject to termination of service by discontinuance of water service or by disconnection of the property from sanitary sewer. The Board shall have the right to 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 building sewer from the property, or sealing, or plugging such line, or any sanitary sewer, upon the notice as provided under the Board's regulations.

3. Damages

If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person responsible for such discharge shall be billed and shall pay for the expenses incurred by the Board in cleaning out, repairing, or rebuilding the sewer as well as damages incurred by the Board arising from claims of private property owners which are caused by such obstruction or damage

SECTION 9 – SEVERABILITY

If any provision or clause of these Rules and Regulations, or application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations that can be given effect without the invalid provision or application, and to this end, the provisions of these Rules and Regulations are declared to be severable.

Adopted This 6th of August, 2024

Roger Harris, Chairman
Board of Public Works

