

## Chapter 44 - UTILITIES

### ARTICLE I. - IN GENERAL

Secs. 44-1—44-10. - Reserved.

### ARTICLE II. - SEWERS

#### DIVISION 1. - GENERALLY

Sec. 44-11. - Purpose and policy.

Sec. 44-12. - Administration.

Sec. 44-13. - Abbreviations.

Sec. 44-14. - Definitions.

Secs. 44-15—44-25. - Reserved.

#### DIVISION 2. - USE OF PUBLIC SEWERS

Sec. 44-26. - Regulation of sewer discharge in county's jurisdiction.

Sec. 44-27. - Building sewer requirements.

Sec. 44-28. - Privies, cesspools and septic tanks.

Sec. 44-29. - Applications and permits.

Sec. 44-30. - Sewer tap permits.

Sec. 44-31. - Responsibility for costs.

Sec. 44-32. - Sewer system extensions.

Sec. 44-33. - Sewer material.

Sec. 44-34. - Certain connections prohibited.

Sec. 44-35. - Multiple connections through one building sewer.

Sec. 44-36. - Use of old building sewers.

Sec. 44-37. - Compliance with other regulations or ordinances.

Sec. 44-38. - Connection of building sewer to public sewer.

Sec. 44-39. - Supervision of building sewer construction.

Sec. 44-40. - Special pretreatment devices.

Sec. 44-41. - General guidance.

Sec. 44-42. - Connection constitutes consent.

Secs. 44-43—44-53. - Reserved.

#### DIVISION 3. - PRIVATE WASTEWATER DISPOSAL

Sec. 44-54. - Responsibility for construction and operation.

Sec. 44-55. - Tank truck transporter/hailed waste.

Sec. 44-56. - Requirements of other authorities.

Secs. 44-57—44-65. - Reserved.

#### DIVISION 4. - PROHIBITIONS AND LIMITS ON WASTEWATER DISCHARGES

Sec. 44-66. - Prohibited discharges.

Sec. 44-67. - Federal and state standards.

Sec. 44-68. - National categorical pretreatment standards or local limitations.

Sec. 44-69. - Limitations on wastewater strength, flow rate, and revised limitations.

Sec. 44-70. - Control of prohibited discharges.

Sec. 44-71. - Grease, oil and sand interceptors.

Sec. 44-72. - Inspections.

Sec. 44-73. - Search warrants.

Sec. 44-74. - Discharge to storm sewers.

Sec. 44-75. - Local limits.

Sec. 44-76. - Dilution.

Sec. 44-77. - Pretreatment of wastewater.

Sec. 44-78. - Accidental discharge/slug discharge control plans.

Secs. 44-79—44-90. - Reserved.

#### DIVISION 5. - INDUSTRIAL DISCHARGE PERMITS REPORTING REQUIREMENTS

Sec. 44-91. - Required.

Sec. 44-92. - Application; fees.

Sec. 44-93. - Individual wastewater discharge permit contents.

Sec. 44-94. - Issuance of permit to discharge.

Sec. 44-95. - Change in nature or quantity of discharge.

Sec. 44-96. - Pretreatment regulations.

Sec. 44-97. - Reporting of accidental discharges.

Sec. 44-98. - Notification of the discharge of hazardous waste.

Secs. 44-99—44-110. - Reserved.

#### DIVISION 6. - SAMPLING AND MONITORING

Sec. 44-111. - Self-monitoring requirements.

Sec. 44-112. - Sample collection.

Sec. 44-113. - Conditions.

Sec. 44-114. - Availability of records.

Sec. 44-115. - Violation of discharge limit.

Sec. 44-116. - Individual wastewater discharge permitting—Existing connections.

Sec. 44-117. - Individual wastewater discharge permitting—New connections.

Sec. 44-118. - Regulation of waste received from other jurisdictions.

Sec. 44-119. - Baseline monitoring reports.

Sec. 44-120. - Compliance schedule progress reports.

Sec. 44-121. - Reports on compliance with categorical pretreatment standard deadline.

Sec. 44-122. - Periodic compliance reports.

Sec. 44-123. - Reports from unpermitted users.

Sec. 44-124. - Date of receipt of reports.

Sec. 44-125. - Certification statements.

Secs. 44-126—44-135. - Reserved.

#### DIVISION 7. - SEWER SERVICE CHARGES

Sec. 44-136. - Monthly charges for sewer service.

Sec. 44-137. - Change in rates.

Sec. 44-138. - Free service.

Sec. 44-139. - Sewer surcharges.

Sec. 44-140. - Billing cycles.

Sec. 44-141. - Sewer capacity fees.

Sec. 44-142. - Cost of installation.

Sec. 44-143. - Prepayment fee.

Sec. 44-144. - Responsibility for sewer bills.

Sec. 44-145. - Discontinuance of service for nonpayment; late payment penalties.

Sec. 44-146. - Reconnection.

Sec. 44-147. - Minimum user fee for permitted dischargers.

Sec. 44-148. - Notice, hearing regarding sewer service charges.

Sec. 44-149. - Creation of lien.

Sec. 44-150. - Alternative methods of collection.

Sec. 44-151. - Delinquent account appeals and dispute resolution.

Secs. 44-152—44-162. - Reserved.

#### DIVISION 8. - ENFORCEMENT MANAGEMENT STRATEGY

Sec. 44-163. - Damage to, tampering with facilities.

Sec. 44-164. - Falsifying information.

Sec. 44-165. - Administrative enforcement actions.

Sec. 44-166. - Judicial remedies.

Sec. 44-167. - Injunctive relief.

Sec. 44-168. - Criminal violations.

Sec. 44-169. - Performance bonds.

Sec. 44-170. - Tenant responsibility.

Sec. 44-171. - Suspension of permits.

Sec. 44-172. - Revocation of permit.

Sec. 44-173. - Severance of sewer connection.

Sec. 44-174. - Legal action.

Sec. 44-175. - Criminal penalties.

Sec. 44-176. - Civil penalties.

Sec. 44-177. - Remedies nonexclusive.

Sec. 44-178. - Collection of civil penalties.

Sec. 44-179. - Show cause hearings.

Sec. 44-180. - Public notification of industrial violations.

Sec. 44-181. - Upset.

Sec. 44-182. - Prohibited discharge standards.

Sec. 44-183. - Bypass.

Secs. 44-184—44-195. - Reserved.

#### DIVISION 9. - FATS, OIL AND GREASE (FOG)

Sec. 44-196. - Purpose and applicability.

Sec. 44-197. - Findings.

Sec. 44-198. - Legal authority.

Sec. 44-199. - Definitions/acronyms.

Sec. 44-200. - General requirements.

Sec. 44-201. - Fees and permits.

Sec. 44-202. - Approved grease waste haulers/plumbers.

Sec. 44-203. - Existing gravity grease interceptor design/installation and requirements.

Sec. 44-204. - Existing grease trap (hydro-mechanical grease interceptor) requirements.

Sec. 44-205. - Grease control device requirements for any new food service establishment construction.

Sec. 44-206. - Grease control device sizing.

Sec. 44-207. - New gravity grease interceptor design and installation.

Sec. 44-208. - Gravity grease interceptor cleaning and maintenance requirements.

Sec. 44-209. - Grease trap (hydro-mechanical grease interceptor) sizing, installation, and maintenance.

Sec. 44-210. - Best management practices and accidental discharge prevention.

Sec. 44-211. - Use of additives prohibited.

Sec. 44-212. - Private sewer line cleaning of FOG requirement.

Sec. 44-213. - In-ground grease interceptor abandonment.

Sec. 44-214. - Right of entry, inspection, and monitoring.

Sec. 44-215. - Violations and enforcement action.

Sec. 44-216. - Variances to the FOG program.

Secs. 44-217—44-236. - Reserved.

ARTICLE I. - IN GENERAL

Secs. 44-1—44-10. - Reserved.

ARTICLE II. - SEWERS

DIVISION 1. - GENERALLY

Sec. 44-11. - Purpose and policy.

- (a) This article sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the county wastewater department and enables the department to comply with applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.), as amended, and the general pretreatment regulations (40 CFR part 403), together with the South Carolina Pollution Control Act and other state and federal regulations.
- (b) The objectives of this article are to:
  - (1) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the operation of the system or contaminate the resulting sludge.
  - (2) Prevent the introduction of pollutants into the sanitary sewer system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system.
  - (3) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the county sewer system, and to prescribe rules and regulations and a schedule of rates and charges for the services and facilities of the sewer system.
  - (4) To protect both the county sewer personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
  - (5) To promote reuse and recycling of residential and industrial wastewater and sludge from the county sewer.
  - (6) To enable the county to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the county is subject.
  - (7) To promote economic growth, including residential and industrial development.
- (c) This article provides for the regulation of direct and indirect contributors to the sanitary sewer systems through the issuance of individual wastewater discharge permits and enforcement of general requirements for users, and authorizes monitoring, compliance, and enforcement

activities; establishes administrative review procedures, requires users report, and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this article.

(d) This article shall apply to the county wastewater department and to persons inside and outside the county who are users of the county's sewerage system.

(Code 2000, § 66-36; Ord. No. 350, § 1.1, 7-7-1992; Ord. No. 2018-058, exh. A(66-36), 12-18-2018)

Sec. 44-12. - Administration.

Except as otherwise provided herein, the county wastewater department manager shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the manager may be delegated by the manager to a duly authorized county employee or a consulting firm hired by the county to perform these duties.

(Ord. No. 2018-058, exh. A(66-37), 12-18-2018)

Sec. 44-13. - Abbreviations.

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD	Biochemical oxygen demand
BMP	Best management practice
BMR	Baseline monitoring report
CFR	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand
CWA	Clean Water Act
SCDHEC	South Carolina Department of Health and Environmental Control
EPA	U.S. Environmental Protection Agency
gpd	gallons per day

IU	Industrial user
mg/L	milligrams per liter
NAICS	North American Industrial Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-significant categorical industrial user
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
S.C. Code Reg. 61-9	SCDHEC Water Pollution Control Permits: 61-9
SIC	Standard Industrial Classification
SIU	Significant industrial user
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act
TKN	Total Kjeldahl Nitrogen
TSS	Total suspended solids
USC	United States Code

(Ord. No. 2018-058, exh. A(66-38), 12-18-2018)

Sec. 44-14. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, (33 USC 1251 et seq.), and the requirements of the South Carolina Pollution Control Act (S.C. Code 1976, § 48-1-10 et seq.).

*Approval authority* means the Department of Health and Environmental Control (DHEC). The pretreatment programs for South Carolina must be approved by DHEC.

*Authorized or duly authorized representative of the user* means:

- (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 government 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 subsections (1) and (3) of this definition may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the county.

*Best management practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in sections 44-66 and 44-68 (40 CFR 403.5(a)(1) and (b) and S.C. Code Reg. 61-9403.5(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.

*Billable biochemical oxygen demand* means the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 milligrams per liter or as otherwise might be changed and shown in Attachment "A" to the ordinance from which this article is derived.

*Billable chemical oxygen demand* means the discharge in pounds of COD calculated using the billable flow and concentration of COD in the wastewater in excess of three times the BOD concentration or as otherwise might be changed and showed in Attachment "A" to the ordinance from which this article is derived. The term "billable flow" shall mean recorded water usage as determined by the appropriate water utility, plus measured water from wells and other sources, times the county's approved percentage factor for wastewater entering the wastewater disposal system. Alternatively, users may have their billable flow determined by continuously measuring their discharge in a manner approved by the county and shown on Attachment "A" to the ordinance from which this article is derived.

*Billable total Kjeldahl nitrogen* means the discharge in pounds of TKN calculated using the billable flow and concentration of TKN in the wastewater in excess of 40 milligrams per liter, or as otherwise might be changed and shown on Attachment "A" to the ordinance from which this article is derived.

*Billable total suspended solids* means the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 milligrams per liter, or as otherwise might be changed and shown on Attachment "A" to the ordinance from which this article is derived.

*Billable total phosphorus* means the discharge in pounds of total phosphorus calculated using the billable flow and concentration of total phosphorus in the wastewater in excess of 7.0 milligrams per liter, or as otherwise might be changed and shown on Attachment "A" to the ordinance from which this article is derived.

*Biochemical oxygen demand* means the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius. The COD test does not measure the oxygen required to convert ammonia to nitrites and nitrates and thus is assumed to be equal to the ultimate first-stage biochemical oxygen demand.

*Building sewer* means the edifice sewer that is part of the horizontal piping of a drainage system which extends from the end of the building sanitary drain and which receives the discharge of the building sanitary drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

*Categorical pretreatment standards or categorical standards* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) that apply to specific category of users and that appear in 40 parts 405—471 and S.C. Code Reg. 61-9

Appendix C.

*Categorical industrial user* means an industrial user subject to a categorical pretreatment standard or categorical standard.

*Chemical oxygen demand (COD)* means the total amount of oxygen required to oxidize the organic and sometimes inorganic matter in water or wastewater as prescribe in 40 CFR 136 or equivalent methods approved by the EPA. It is usually expressed in milligrams per liter. The COD test does not measure the oxygen required to convert ammonia to nitrites and nitrates and thus is assumed to be equal to the ultimate first-stage biochemical oxygen demand.

*Collector sewer* means any portion of a sewer system that connects to a county line.

*Collector sewer system* means that system of gravity lines, force mains and pump stations within the lateral lines (collection line) that carries a wastewater stream to a connection at a county trunk line.

*Color* means the water value obtained by the ADMI colorimetric method as approved in 40 CFR 136 or equivalent methods approved by the EPA.

*Commercial user* means any establishment such as restaurants, hotels, stores, filling stations, recreational facilities, schools or others which do not classify as a residential or industrial user.

*Composite sample* means a combination of not less than eight 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. Continuous flow of the sum of instantaneous flows measured and averaged for the specified compositing time period shall be used with composite sample results to calculate quantity.

*Control authority* means the county wastewater department.

*Control manhole* or *monitoring manhole* means a manhole giving access to a building sewer at some point before the building sewer connects with the county's sewer system.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollution added is heat.

*County wastewater department* is hereinafter referred to as the county.

*Daily average* means the arithmetic average of all effluent samples for a pollutant collected during a calendar month.

*Daily average limit* means the average allowable discharge limit of a pollutant during a calendar month. Where a daily average limit is expressed in units of mass, the daily average discharge is determined from the total mass of all daily discharges measured during a calendar month divided by the number of measurement taken that month. Where a daily average limit is expressed in terms of a concentration, the daily average discharge is the arithmetic average of is expressed in terms of a concentration, the daily average discharge is the arithmetic average of the pollutant concentrations from all measurements taken that month.

*Daily maximum limit* means 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.

*DHEC* means the state department of health and environmental control.

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

*Domestic waste* means that liquid from bathrooms, shower rooms, toilet rooms, sinks, kitchens, laundry facilities located in residences, apartments, hotels, motels, restaurants, cafeterias, office buildings, schools and commercial establishments. It also includes similar wastes from industries when separated from industrial process waste.

*Environmental Protection Agency or EPA* means the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

*Existing source* means any source of discharge that is not a "new source," and the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

*Garbage* means animal and vegetable wastes and residue from the preparation, cooking and dispensing of food and from the handling, processing, storage and sale of food products and produce.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

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

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

*Indirect discharge* means the discharge of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act to the POTW.

*Industrial user* means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act.

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

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

*Industrial wastewater* means the liquid wastes resulting from industrial manufacturing processes or any waste not classified as domestic waste.

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

*Interference* means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sewer system, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the county's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

- (1) Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act. Additionally, it includes stringent state criteria, including those contained in any state sludge management plan prepared pursuant to title IV of SWDAJ applicable to the method of disposal or use employed by the POTW.
- (2) Marine Protection, Research, and Sanctuaries Act means stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of the SWDAJ applicable to the method of disposal or use employed by a POTW.

*Local limit* means more stringent discharge limits imposed by SCDHEC or the county that are developed and enforced by the county upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and S.C. Code Reg. 61-9403.5(a)(1) and (b).

*Low volume discharger* means any industrial user of the POTW who:

- (1) Is not subject to national categorical pretreatment standards;
- (2) Discharges an average of less than 25,000 gallons per day of process wastewater to the POTW;
- (3) Discharges less than five percent of any design or treatment capacity of the POTW;
- (4)

Is not found by the county, SCDHEC, or EPA to have a reasonable potential for adversely affecting, either singly or in combination with other discharges, on the wastewater disposal system, the quality of sludge, the system's effluent quality, the receiving stream, or air emissions generated by the system under current flow and wastewater characteristics;

- (5) Has a reasonable potential to become a significant industrial user with an increase in process wastewater flow, changes in the wastewater characteristics, or changes in local, state, or federal regulations.

*Manager* means the person designated by the county to supervise the operation of the wastewater department, and who is charged with certain duties and responsibilities by this article. The term "manager" also means a duly authorized representative of the manager.

*Medical waste* means the 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.

*Monthly average limit* means 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.

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

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

*National pollution discharge elimination system or NPDES permit* means a permit issued to a POTW pursuant to section 402 of the Federal Water Pollution Act (33 USC 1342).

*New source* means:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - 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 subsection (1)b or c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this section has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous on-site construction program:
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

*Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Non significant categorical industrial user* means an industrial user as determined by the manager that discharges no more than 100 gallons per day of total categorical wastewater to the POTW as defined in 40 CFR parts 9, 122, and 403 and S.C. Code Reg. 61-9.403.

*North American Industrial Classification System (NAICS)* means a classification pursuant to the current edition of the North American Industrial Classification System Manual.

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

*Pass through* means a discharge which exits the POTW into waters of the 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 county's NPDES permit, including an increase in the magnitude or duration of a violation.

*Person* means any individual, partnership, co-partnership, corporation, firm, company, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities. The singular shall include the plural where the context so indicates or requires.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in moles (gram molecules) per liter of solution and indicates the acidity or alkalinity of substance. The stabilized pH of a waste will be considered to be a pH which is within the specified pH limits after a sample of the waste has been subjected to aeration. The pH scale is usually represented as ranging from 0 to 14.0 with pH 7.0 representing absolute neutrality. A pH below 7.0 is acid, above alkaline.

*Point of connection* means that point determined by the county to be the site where a user, if authorized, may connect to a county trunk line.

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sanitary sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d) and S.C. Code Reg. 61-9.403.6(e).

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

*Pretreatment standards or standards* means prohibited discharge standards, categorical pretreatment standards, and local limits.

*Private sewer* means a sewer which is not owned by the county or a governmental entity.

*Private utility (PU)* means any utility owned or operated by a privately-owned entity.

*Public sewer* means a sewer which is owned and controlled by the county or other governmental entity and is separate from and does not include sewers owned by private utilities.

*Public utility* means any utility owned by a governmental entity.

*Prohibited discharge standards or prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 44-66.

*Publicly owned treatment works or POTW* means a treatment works, as defined by section 212 of the Act (33 USC 1292), which is owned by the county. The term "POTW" includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

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

*Satellite sewer system* means a sewer system that is owned or operated by a person that discharges to the county system. Satellite sewer systems depend on the county for wastewater treatment and discharge and include systems approved under S.C. Code Reg. 61-9.505.8.

*Septic tank waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).

*Sanitary sewer system* means and includes all or any part of the lateral sewers, collecting sewers, intercepting sewers, wastewater pumping stations, wastewater treatment facilities and outfall sewers owned or administered by the county.

*Significant industrial user* means:

- (1) All industrial users of the county's sanitary sewer system subject to categorical pretreatment standards under S.C. Code Reg. 61-9.403.6, 40 CFR 403.6, and 40 CFR chapter I, subchapter N; and
- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary noncontact cooling, and boiler blowdown wastewater); contributes a process waste stream, which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the county, DHEC, or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

*Significant noncompliance* shall be applicable to all significant industrial users or any other industrial user that violates subsection (3), (4) or (8) of this definition and shall mean:

- (1)

Chronic violations in which 66 percent or more of all the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in this article;

- (2) Technical review criteria (TRC) violations in which 33 percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined in this article by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease; and TRC = 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3, S.C. Code Reg. 61.9.403.3 (daily maximum, long-term average, instantaneous limit, or narrative standard) or this article that the county determines has caused alone or in combination with other discharges interference or pass through (including endangering the health of the treatment system, personnel, or the general public);
- (4) 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;
- (5) Failure to meet within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to accurately report noncompliance;
- (7) Failure to provide, within 45 days after the due date, 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; or
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the county determines will adversely affect the operation or implementation of the local pretreatment program, including, but not limited to, unlawful damage to sewer facilities pursuant to section 44-163.

*Slug load* or *slug discharge* means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 44-66. A slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

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

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

*Storm drain or storm sewer* means a sewer which carries stormwaters and surface waters other than domestic sewage and industrial wastes.

*Stormwater* means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

*Sub-district* means:

- (1) A sewer sub-district or municipality with a geographical area within the boundaries of the county, having a separate governing board with responsibilities for ownership and maintenance of sanitary sewers, but which is subject to regulation by the county as to sewer use; and
- (2) Any governmental unit that is a party to an intergovernmental contract under which the county is to provide wastewater treatment or facilities.

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

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

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

*Total phosphorus* means the sum of the dissolved and suspended organic and inorganic phosphorus content of wastewater as prescribed in 40 CFR 136, or equivalent methods approved by EPA.

*Total suspended solids* means the total suspended matter which floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtration.

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

*Trunk line* means a line owned, operated, and maintained by the county that transports the wastewater stream to a treatment plant.

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

*User* includes without limitation any consumer of residential, commercial or industrial services such as individual or associated homeowners, developers, public or private utilities, satellite systems, sub-districts, municipalities, or any permittee who directly or indirectly discharges, causes or permits the discharge of wastewater to the county.

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

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

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

*Sanitary wastewater* means the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

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

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

*Wastewater treatment plant* or *treatment plant* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Code 2000, § 66-37; Ord. No. 350, § 1.2, 7-7-1992; Ord. No. 2018-058, exh. A(66-39), 12-18-2018)

**Editor's note**— The Attachment "A" referred to in this section is not included herein, but is on file in the office of the county clerk.

Secs. 44-15—44-25. - Reserved.

## DIVISION 2. - USE OF PUBLIC SEWERS

Sec. 44-26. - Regulation of sewer discharge in county's jurisdiction.

- (a) All sewage disposal within the jurisdiction of the county shall be regulated by the county, and disposal shall be by public sewers and sewerage system except where connection is impractical for technical reasons as follows:

<i>Size of Development</i>	<i>Distance to Existing Line</i>
Single-family residence	300 LF
Duplex apartment complex (2—6 units)	800 LF
Up to 30 lot subdivision	1500 LF
30—60 lot subdivision	3000 LF
60—90 lot subdivision	4500 LF
Greater than 90 lot subdivision	1 mile

- (b) Exceptions shall be considered only for the following reasons:

- (1) Unusual and/or extreme terrain and soil conditions.
- (2) Right-of-way considerations.
- (3) Subdivisions in which all lots are four acres or larger.

- (c) Force main lines will not be interpreted to be public sewer and readily available to the public. Access to these lines will be limited and permitted only by the wastewater department or the county council.

(Code 2000, § 66-38; Ord. No. 350, § 1.3, 7-7-1992; Ord. No. 96-001, 2-20-1996; Ord. No. 2018-058, exh. A(66-40), 12-18-2018)

Sec. 44-27. - Building sewer requirements.

- (a) No roof, downspout, exterior foundation drain, or other sources of stormwater, surface water or unpolluted groundwater shall be connected directly or indirectly to the county's sewer system.
- (b) The size, slope, alignment, materials and methods of construction for installing building sewers shall conform to all county specifications and good engineering practices.
- (c) It shall be the responsibility of the property owner to keep and maintain in good repair the building sewer to its point of connection with a public or private sewer system which is connected directly or indirectly to the county sewer system. When notified by the department that repairs to the building sewer are necessary, the owner shall make such repairs within 60 days after receiving notice that such repairs are necessary.

- (d)

Sewer system users shall be responsible for any stoppage or damage caused by abuse of the sewer system through the sewer connection of the user and shall be held accountable for all expenses incurred by the department or other property owners as a result of the abuse.

- (e) The owner or his contractor shall notify the wastewater department within 48 hours, when the building sewer and connection to the public sewer is ready for inspection. The connection shall be made under the supervision of the wastewater department and will not be permitted for use until the inspector has signed the permit.
- (f) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the department.

(Code 2000, § 66-39; Ord. No. 350, § 1.4, 7-7-1992; Ord. No. 2018-058, exh. A(66-41), 12-18-2018)

Sec. 44-28. - Privies, cesspools and septic tanks.

- (a) It shall be unlawful, within those portions of the county sewer service area where sewer service is available, as reflected in section 44-26, for any person to maintain any existing privy, or to build, construct or otherwise erect a privy, cesspool and septic tank for use in connection with a house building, or other structure used for human habitation.
- (b) The discharge of septic tank effluent or cesspool overflow to any open drain, ditch, stream or well penetrating waterbearing formations is prohibited.

(Code 2000, § 66-40; Ord. No. 350, § 1.5, 7-7-1992; Ord. No. 2018-058, exh. A(66-42), 12-18-2018)

Sec. 44-29. - Applications and permits.

- (a) All persons desiring to connect to the county's sanitary sewer system must first make application for a sewer tap to the wastewater department. Such application shall be signed by the owner of the property or his duly authorized representative and shall contain all information requested by the wastewater department. All permit fees shall be paid to the wastewater department at the time the application is filed.
- (b) No unauthorized person shall uncover, make connection with, use, alter or disturb any public sewer appurtenance without first obtaining a written permit from the wastewater department.
- (c) It shall be unlawful for any person to contribute or cause to be contributed any wastewater to the sanitary sewer system without having first obtained a sewer tap permit or to continue to contribute or cause to be contributed any wastewater after notification that the sewer tap permit has been suspended or revoked.

(Code 2000, § 66-41; Ord. No. 350, § 1.6, 7-7-1992; Ord. No. 2018-058, exh. A(66-43), 12-18-2018)

Sec. 44-30. - Sewer tap permits.

There shall be two classes of sewer tap permits:

- (1) Residential (single-family dwellings).
- (2) Commercial/domestic sewage only/industrial.

(Code 2000, § 66-42; Ord. No. 350, § 1.7, 7-7-1992; Ord. No. 2018-058, exh. A(66-44), 12-18-2018)

Sec. 44-31. - Responsibility for costs.

All cost and expenses (direct and indirect), incident to design, construction, installation, inspection, and connection of sewers shall be borne by the owner except as noted in section 44-32(d). These plans shall be submitted to the county wastewater treatment department.

(Ord. No. 2018-058, exh. A(66-45(1)), 12-18-2018)

Sec. 44-32. - Sewer system extensions.

- (a) Any person proposing to build local systems or system extensions to connect directly or indirectly into the county's sanitary sewer system shall have plans and specifications prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by all local county and state authorities having jurisdiction.
- (b) The following administrative procedures shall be followed:
  - (1) Submit preliminary construction plans to the county planning department in sufficient applicable detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the county's collection system and total development plans. For large developments of greater than two years the county reserves the right to require a phasing-in of the development and may only permit one phase at a time. The county will determine the criteria for a phasing plan.
  - (2) Receive a preliminary flow letter from the wastewater department stating that flow is available at this time for development. Such letter is only good for that point in time and a final flow acceptance letter from the county is required before submission of plans to the South Carolina Department of Health and Environmental Control (SCDHEC) for a construction permit.
  - (3) Prepare construction drawings and documents for the state's and wastewater department's approval. Upon final approval, a sewer acceptance letter identifying the lots, the amount of committed capacity, and any termination date for the commitment will be issued to the developer. This final sewer acceptance letter must be submitted to SCDHEC to obtain a construction permit.

- (4) Secure all other necessary agency approvals of construction drawings and contract documents.
  - (5) Upon receipt of required approvals, proceed with construction notifying the wastewater department of construction schedules.
  - (6) Provide the wastewater department with permission for on-site inspection during construction.
  - (7) Furnish to the wastewater department a certificate of completion, instrument of conveyance, warranty together with such other legal documents as may be required for annexation, reimbursement and similar special provisions.
- (c) Construction of the proposed system or system extension shall be accomplished by a contractor licensed under the laws of the state who shall have paid all business licenses required by the county.
  - (d) Public bids must be received and tabulated for any portion of the proposed system or system extension which qualifies for reimbursement from the county. These tabulated bids must be submitted to and approved by the wastewater department before award of construction contracts. A pre-construction meeting shall be set up with the county engineer and/or inspector to confirm proper specifications with the contractor.
  - (e) Upon completion of construction, the engineer employed by the person doing the sewer system extension shall inspect and furnish to the wastewater department, at no cost to the wastewater department, his certificate of completion indicating that the subject system has been constructed in accordance with the approved plans and specifications and shall provide four copies of as-constructed drawings which shall show the location of all taps made during construction.
  - (f) The person or his authorized agent shall submit a warranty or equal which is a legal instrument in which the person warrants the materials, equipment, and construction of the system for 12 months from date of acceptance. The person shall further warrant to the wastewater department that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the wastewater department harmless in each instance.
  - (g) When all other requirements of this document have been met and approved, the person shall prepare and submit to the wastewater department an instrument of conveyance, conveying the constructed system to the wastewater department, at no cost to the wastewater department, and the system or extension shall thereafter be owned, operated and maintained by the wastewater department as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.
  - (h)

Construction on an approval for a sewer system extension must begin within 12 months from the time of preliminary acceptance from the sewer department. The sewer department manager may grant two six-month extensions upon finding of exigent circumstances warranting approval of a discretionary extension. If construction has not begun within the time period plus any granted extension, the preliminary acceptance is revoked and any fees paid will be forfeited.

(Code 2000, § 66-43; Ord. No. 350, § 1.8, 7-7-1992; Ord. No. 2018-058, exh. A(66-45(2)), 12-18-2018; Ord. No. 2021-017, § 1, 4-20-2021)

Sec. 44-33. - Sewer material.

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

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

(Ord. No. 2018-058, exh. A(66-46), 12-18-2018)

Sec. 44-34. - Certain connections prohibited.

- (a) *Connection not allowed to sewer.* No person shall make any connection of appurtenances that convey unpolluted waters including roof downspouts, exterior foundation drains, area drains, or other sources of inflow, infiltration, or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
- (b) *Connection not allowed to storm sewers.* No person shall make any connection or discharge of sanitary wastewater into a storm sewer under the jurisdiction of the county.

(Ord. No. 2018-058, exh. A(66-47), 12-18-2018)

Sec. 44-35. - Multiple connections through one building sewer.

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

(Ord. No. 2018-058, exh. A(66-48), 12-18-2018)

Sec. 44-36. - Use of old building sewers.

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

(Ord. No. 2018-058, exh. A(66-49), 12-18-2018)

Sec. 44-37. - Compliance with other regulations or ordinances.

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

(Ord. No. 2018-058, exh. A(66-50), 12-18-2018)

Sec. 44-38. - Connection of building sewer to public sewer.

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

(1) *Direct connections.*

- a. Direct connections to a county trunk line by a residential, commercial or industrial user will be allowed in the county's discretion upon the request and consent of the subdistrict or municipality within whose territory the proposed connection will fall. Direct connections will be allowed only under the condition that the respective subdistrict or municipality requesting service agrees that the directly connecting user will be a user or

customer of the municipality or subdistrict on an equal footing with any user or customer within the municipality or subdistrict who is connected to a municipal or subdistrict collector system intervening between the service lateral and the county trunk line. The connection shall be subject to the engineering approval of the county and the installation of the connection per the approved plans shall be inspected and verified by the applicable municipality or subdistrict in the same manner as a connection to their own collector system.

- b. The municipality or subdistrict shall be allowed access to county manholes to which direct connections are made for purposes of inspecting or maintaining the direct connections. For those connections, which were made to a trunk line rather than a manhole, the municipality or subdistrict can access a county manhole and trunk line for the same purposes after providing notice to the county of the necessary work.
- c. For requests for a direct connection outside the service area of a municipality or sub-district, the sub-district or municipality in whose drainage basin the proposed connection will likely fall must first approve the connection pursuant to South Carolina Act No. 688 of 1969.

(2) *Existing.* Existing direct connections to county trunk lines shall be continued subject to the conditions stated above unless within one year from the enactment of the ordinance from which this article is derived, the municipality or sub-district within which they are found requests that the connections be removed.

(Ord. No. 2018-058, exh. A(66-51), 12-18-2018)

#### Sec. 44-39. - Supervision of building sewer construction.

The applicant for the building sewer permit shall notify the county or the applicable sub-district within 48 hours of completion, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the county or the applicable sub-district. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the county. Construction shall comply with the provisions of the Occupational Health and Safety Act of 1970 (P.L. 91-596).

(Ord. No. 2018-058, exh. A(66-52), 12-18-2018)

#### Sec. 44-40. - Special pretreatment devices.

Grease interceptors, grease traps, oil separators and grit interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients; except that such devices shall not be required for private living quarters or dwelling units. All devices shall be of a type and capacity approved by the manager,

and shall be located as to be readily and easily accessible for cleaning and inspection with adequate and approved security mechanisms installed to prevent unauthorized access or use. Where installed, all grease interceptors, grease traps, oil separators and grit interceptors shall be maintained and secured by the owner at his expense in continuously efficient operation at all times. In maintenance of these devices, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the state, sub-district, county, or the manager. Any removal and hauling of collected materials shall be performed according to applicable state, federal, and local regulations. Additional requirements and regulatory guidance for the installation, operation and maintenance of grease interceptors and grease traps is contained in division 9 of this article.

(Ord. No. 2018-058, exh. A(66-53), 12-18-2018)

Sec. 44-41. - General guidance.

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

(Ord. No. 2018-058, exh. A(66-54), 12-18-2018)

Sec. 44-42. - Connection constitutes consent.

Connection to the county's system shall constitute consent and agreement by the user to be bound by and to abide with all of the county's rules and ordinances.

(Ord. No. 2018-058, exh. A(66-55), 12-18-2018)

Secs. 44-43—44-53. - Reserved.

DIVISION 3. - PRIVATE WASTEWATER DISPOSAL

Sec. 44-54. - Responsibility for construction and operation.

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

compliance with any applicable SCDHEC requirements. The county, subject to county policies, may assume responsibility for the operation and maintenance costs of treatment systems and lift stations upon such terms and conditions, as it deems appropriate.

(Ord. No. 2018-058, exh. A(66-61), 12-18-2018)

Sec. 44-55. - Tank truck transporter/hailed waste.

- (a) The county accepts no hauled waste of any type, due to possible interference with plant operations, environmental and/or operational factors.
- (b) Hauled waste transporters are responsible for adhering to the rules and regulations set forth by the facility to which they discharge the hauled waste.
- (c) Any generator or hauler from the county shall be responsible to comply with all ReWa Sewer Use Regulations as they relate to septage, fats, oils, and grease to include, but not be limited to, Attachments A, B and F of ReWa's Sewer Use Regulation and as it may be amended.

(Ord. No. 2018-058, exh. A(66-62), 12-18-2018)

Sec. 44-56. - Requirements of other authorities.

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

(Ord. No. 2018-058, exh. A(66-63), 12-18-2018)

Secs. 44-57—44-65. - Reserved.

#### DIVISION 4. - PROHIBITIONS AND LIMITS ON WASTEWATER DISCHARGES

Sec. 44-66. - Prohibited discharges.

- (a) *General prohibitions.* No person shall discharge into the county's sanitary sewer system any waste of such volume or strength, which by itself or by interaction with other waste may: injure or interfere with the county's wastewater treatment processes or facilities; constitute a hazard to persons or animals; or create a hazard in the receiving waters of the wastewater treatment plant. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements when the manager determines that a user is discharging such wastewater, the

manager shall advise the user of the potential impact of the discharge and develop effluent limitations for such discharge to protect the county sewer system. A user shall not discharge the substances in subsection (b) of this section to the POTW.

- (b) *Specific prohibitions.* Specifically, no person shall discharge or cause to allow to be discharged into the sanitary sewer system any waste which contains any of the following:
- (1) Any clothing, rags, textile remnants or wastes, cloth, scraps or fibers.
  - (2) Any gasoline, benzene, naphtha, acetone, fuel oil, or other liquids, solids, or gases which by reason of their nature or quality may cause fire or explosion or be in any way injurious to persons, or the sanitary sewer system.
  - (3) Any paints, oils, lacquers, thinners or solvents including any waste containing a toxic or deleterious substance which can impair the sewage treatment process or constitute a hazard to employees working in the sanitary sewer system.
  - (4) Any waste containing chlorides, sulfides or chlorine in such quantities as to be deleterious to or hazardous to the sanitary sewer system, the employees working in the system or, which create a public nuisance, or contribute to NPDES permit violations by the wastewater treatment plant.
  - (5) Any noxious or malodorous gas or other substance which, when introduced into the environment which exists in the sanitary sewerage system, might cause a malodorous gas and thereby create a public nuisance.
  - (6) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sanitary sewer system such as, but not limited to, grease, garbage with particles greater than one-fourth inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, meat, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubrication oil, mud, glass grinding waste, or polishing waste.
  - (7) Any water or wastes which in the opinion of the wastewater department contain contaminants of such character or in such quantity as will not be amenable to the waste treatment processes, or will constitute a hazard to persons or animals, or which will create a hazard in the watercourse receiving the effluent from the waste treatment plant.
  - (8) Any water or waste containing more than 100 milligrams per liter by weight of total fats, oils or grease.
  - (9) Any waters or wastes having a stabilized pH lower than 5.0 or higher than 8.5, or having properties capable of either causing damage or creating a hazard to structures, equipment and personnel of the sanitary sewer system. Higher limits for pH may be allowed on individual

wastewater discharge permits, not to exceed 10.0.

- (10) Any waste, liquid or vapor having a temperature higher than 130 degrees Fahrenheit (54 degrees Celsius) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature of the waste treatment facility influent to be greater than 104 degrees Fahrenheit (40 degrees Celsius).
- (11) Any waste containing substances that may precipitate, solidify, or become viscous at temperatures between 50 degrees Fahrenheit (ten degrees Celsius) and 100 degrees Fahrenheit (38 degrees Celsius).
- (12) Any quantities of rainwater, stormwater, groundwater, surface water, fountain water or any other unpolluted water.
- (13) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations for any wastewater constituent.
- (14) Any substance which will contribute to or cause the wastewater department to violate its NPDES or state disposal system permit or the receiving water quality standards.
- (15) Any radioactive isotopes in concentration greater than that permitted by the latest regulations published in the Federal Register. (See United States Atomic Energy Commission, Rules and Regulations, Title 10-Atomic Energy, Part 20.)
- (16) Any wastewaters having a BOD concentration in excess of 250 milligrams per liter, except as allowed by the user's industrial discharge permit.
- (17) Any wastewaters having a suspended solids concentration in excess of 400 milligrams per liter, except as allowed by the user's industrial discharge permit.
- (18) Any hauled wastewater, septage, contents from holding tank wastes except at discharge points designated by the wastewater department.
- (19) Any wastewater containing substances in excess of the maximum allowable daily concentrations shown on the industrial wastewater discharge permit of the user.
- (20) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (21) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (22) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (23) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

- (24) Any contents from grease traps.
  - (25) Any water, waste or discharge which is in violation of the county's pretreatment regulations or this article, or which is in violation of the pretreatment regulations or requirements of any sewer treatment facility to which such water, waste or discharge is routed or discharged by the county sewer system.
  - (26) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the county's NPDES permit.
  - (27) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
  - (28) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.
  - (29) Wastewater causing alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
  - (30) Medical wastes, except as specifically authorized by the manager in an individual wastewater discharge permit.
  - (31) Waste classified as RCRA hazardous waste shall not be allowed without the manager's written approval. PCBs are included within this definition.
  - (32) Wastewater which includes excessive infiltration and inflow which shall be defined as a flow which exceeds the applicable Babbitt equation for the pipe in question during a ten-year rain event. For purposes of this article, excessive wet weather flows for any three consecutive rain events above one inch shall be considered non-compliant. In the case of a conflict between this provision and any separate agreement between the county and the user regarding the inflow and infiltration (I&I), the terms of the agreement shall be controlling.
- (c) *Prohibited substances not to be processed.* 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.

(Code 2000, § 66-66; Ord. No. 350, § 2.1, 7-7-1992; Ord. No. 382, § 1, 9-7-1993; Ord. No. 2018-058, exh. A(66-66), 12-18-2018)

Sec. 44-67. - Federal and state standards.

Users must comply with the categorical pretreatment standards found at 40 CFR parts 405—471 and S.C. Code Reg. 61-9 403.12.

(Code 2000, § 66-67; Ord. No. 350, § 2.2, 7-7-1992; Ord. No. 2018-058, exh. A(66-67), 12-18-2018)

Sec. 44-68. - National categorical pretreatment standards or local limitations.

- (a) Upon the promulgation of national categorical pretreatment standards for an industrial subcategory, each national categorical pretreatment standard, if more stringent than the corresponding limitation imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12 and S.C. Code Reg. 61-9.403.12. Compliance with categorical pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Specific pollutant limitation and compliance schedules shall be developed by the manager and made a part of the user's discharge permit or a general permit. Compliance with national categorical pretreatment standards or local limitations for new sources shall be required within 90 days of initiation of a discharge. The county has access to several wastewater treatment plants and specific pollutant limitations will vary by plant. Owners of these facilities will be responsible for the development of appropriate pretreatment standards. These specific limits and definitions of duration and maximums shall be on file at the county wastewater utility's office and available upon request.
- (b) Where applicable, the manager may allow for a categorical user to request a variance from an applicable categorical standard or local limitation. The request may be allowed when factors relating to a categorical user are fundamentally different from the factors considered during the development of a categorical pretreatment standard applicable to the categorical user. A revised standard may be allowed as follows:
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the manager may impose equivalent concentration or mass limits in accordance with subsections (b)(4) and (5) of this section.
  - (2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
  - (3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the manager shall impose an alternate limit in accordance with 40 CFR 403.6(e) and S.C. Code Reg. 61-9.403.6(f).
  - (4) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the county convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the manager. The county may establish equivalent mass limits only if the industrial user meets all the conditions set forth as follows:

- a. To be eligible for equivalent mass limits, the industrial user must:
  1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  2. 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;
  3. Provide sufficient information to establish the facility's total actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  4. 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
  5. Have consistently complied with all applicable categorical pretreatment standards during the period, at least three years, prior to the industrial user's request for equivalent mass limits.
- b. An industrial user subject to equivalent mass limits must:
  1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  3. Continue to record the facility's production rates and notify the manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection (b)(4)c of this section. Upon notification of a revised production rate, the manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (b)(4)a.1 of this section so long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the manager:
  - 1.

Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  3. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit was not based on the use of dilution as a substitute for treatment pursuant to section 44-76. The industrial user must also be in compliance with section 44-66 regarding the prohibition of bypass.
- (5) The manager may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits (S.C. Code Reg. 61-9.403.6(d)(5)) for purposes of calculating limitations applicable to individual industrial users. When converting such limits to concentration limits, the concentrations in the applicable subparts of 40 CFR parts 414, 419, and 455 shall be applied. Also, documentation shall be provided that dilution is not being substituted for treatment as prohibited under section 44-76. The conversion is at the discretion of the manager.
- (6) Once included in its permit, the industrial user must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (7) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (8) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the manager within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the manager 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.
- (9) The manager, at his discretion, may reduce or waive categorical pretreatment standards if an industrial user subject to the categorical pretreatment standards is determined to be a non-significant categorical user. The manager 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 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 manager's finding, has consistently complied with all applicable categorical and pretreatment standards and requirements;
- b. The industrial user annually submits the required certification statement and any necessary supporting information; and
- c. The industrial user never discharges any untreated, concentrated wastewater.

(Ord. No. 2018-058, exh. A(66-68), 12-18-2018)

Sec. 44-69. - Limitations on wastewater strength, flow rate, and revised limitations.

- (a) No person shall discharge wastewater in excess of the concentration or mass limit set forth in national categorical pretreatment standards or local limitations or their wastewater discharge permit or a general permit. The manager shall establish permit limitations on a case-by-case basis in accordance with SCDHEC and EPA regulations. Where appropriate and allowed by applicable regulations, the manager may impose mass limitations on a discharge.
- (b) The manager may develop best management practices (BMPs), or include BMPs in individual wastewater discharge permits or a general permit, to implement local limitations and the requirements of sections 44-66, 44-67, 44-68 and 44-70.
- (c) The manager may impose revised limitations more stringent than the national categorical pretreatment standards in wastewater discharge permits or a general permit where it is necessary to comply with the objectives of this article.
- (d) Users must comply with state standards codified at S.C. Code Reg. 61-69.

(Ord. No. 2018-058, exh. A(66-69), 12-18-2018)

Sec. 44-70. - Control of prohibited discharges.

If wastewaters containing any substances described in section 44-66 are discharged or proposed to be discharged into the sanitary sewer system, the wastewater department shall take appropriate action to eliminate the discharge of such wastewater, including, but not limited to:

- (1) Requiring the discharger to make such in-plant modifications as will eliminate the discharge of such substances to a degree acceptable to the wastewater department.
- (2) Requiring pretreatment (including storage facilities, and/or flow equalization) as necessary to reduce or eliminate the objectionable characteristics of the wastewater; or any industrial user which must install pretreatment facilities must first obtain a permit to construct from

SCDHEC.

(3) Requiring the user making, causing or allowing the discharges to pay any added cost of handling and treating excess loads imposed on the sanitary sewer system.

(4) Such other remedial action as may be necessary to achieve the purposes of this article.

(Code 2000, § 66-68; Ord. No. 350, § 2.3, 7-7-1992; Ord. No. 2018-058, exh. A(66-70), 12-18-2018)

Sec. 44-71. - Grease, oil and sand interceptors.

A user may be required to provide grease, oil or sand interceptors when, in the opinion of the wastewater department, they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units but may be required for all public eating places, restaurants and all other commercial and industrial establishments from which grease, oil, fat or sand can be discharged. Such interceptors shall be readily accessible for inspection by the wastewater department and shall be maintained by the owner at his expense and in a continuously clean and efficient condition.

(Code 2000, § 66-69; Ord. No. 350, § 2.4, 7-7-1992; Ord. No. 2018-058, exh. A(66-71), 12-18-2018)

Sec. 44-72. - Inspections.

(a) The wastewater department shall have the right to inspect the facilities of any user to ascertain whether the requirements of this article are being complied with. Persons or occupants on premises where wastewater is created or discharged shall allow the wastewater department or its authorized agents and employees ready access at all reasonable times to all parts of the premises for the purposes of inspections, sampling, records examination, copying of records, or the performance of any of their duties. The wastewater department shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the wastewater department shall be permitted access without delay for the purpose of performing their responsibilities. When determined by the manager to be feasible, the owner of any property served by a building sewer carrying industrial wastewater, shall build a control structure in the building sewer or just prior to the entrance of the building sewer into the public sewer suitable for sampling and measuring his wastewater.

(b) The county may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

- (c) 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 wastewater department and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing county wastewater department employees, or its authorized agents, access to the user's premises shall be a violation of this article.

(Code 2000, § 66-70; Ord. No. 350, § 2.5, 7-7-1992; Ord. No. 2018-058, exh. A(66-72), 12-18-2018)

Sec. 44-73. - Search warrants.

If the county has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the county designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the manager may seek issuance of a search warrant from the county magistrate's court.

(Ord. No. 2018-058, exh. A(66-73), 12-18-2018)

Sec. 44-74. - Discharge to storm sewers.

The discharge of sanitary wastewater into the storm sewer system is without exception prohibited. However, the discharge of uncontaminated cooling water to the storm sewer system after approval from the wastewater department is allowed.

(Code 2000, § 66-61; Ord. No. 350, § 2.6, 7-7-1992; Ord. No. 2018-058, exh. A(66-74), 12-18-2018)

Sec. 44-75. - Local limits.

- (a) The county is authorized to establish local limits pursuant to 40 CFR 403.5(c) and S.C. Code Reg. 61-9 403.5(c).
- (b) The county reserves the right to establish pollutant limits to protect against pass through and interference. No person shall discharge wastewater containing in excess of these daily maximum limits.
- (c) The limits referred to in this section apply at the point where the wastewater is discharged to a POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The county may impose mass limitations in addition to the concentration-based limitations above.
- (d) The county reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to a POTW consistent with the purpose of this article.

- (e) The manager may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the prohibited discharge standards.

(Ord. No. 2018-058, exh. A(66-75), 12-18-2018)

Sec. 44-76. - Dilution.

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 an applicable pretreatment standard or requirement. The county may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. This provision may be waived for national categorical pretreatment standards or local limitations only if the standard or requirements specifically allow dilution and the manager determines the discharge would otherwise comply with the provisions of this article.

(Ord. No. 2018-058, exh. A(66-76), 12-18-2018)

Sec. 44-77. - Pretreatment of wastewater.

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 44-66 within the time limitations specified by EPA, the state, or the county, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the county for review, and shall be acceptable to the manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the county under the provisions of this article.

- (1) Whenever deemed necessary, the county 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect a POTW and determine the user's compliance with the requirements of this article.
- (2) The county may require any person discharging into a 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.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the county, 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 county, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.

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

(Ord. No. 2018-058, exh. A(66-77), 12-18-2018)

Sec. 44-78. - Accidental discharge/slug discharge control plans.

- (a) The manager may require an industrial user to develop and implement an accidental discharge/slug control plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the owner. When required, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the manager for review, and shall be approved before construction of the facility. No person who commences discharge to the POTW after the effective date of the ordinance from which this article is derived shall be permitted to discharge until accidental 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 article. In the case of an accidental discharge or a slug load, 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.

- (1) Within five days following an accidental discharge or slug load, 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 of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater disposal system, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this regulation or other applicable law.
- (2) The accidental discharge/slug control plan, when required, shall be submitted to the manager containing at a minimum the following:
  - a. Description of discharge practices, including non-routine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the POTW of any accidental or slug discharge or change at its facility affecting potential for a slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges; and
  - d.

Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

- (b) The manager will evaluate within one year of a user being designated a significant industrial user, whether the user needs a plan, and thereafter at least once every three years.

(Ord. No. 2018-058, exh. A(66-78), 12-18-2018)

Secs. 44-79—44-90. - Reserved.

#### DIVISION 5. - INDUSTRIAL DISCHARGE PERMITS REPORTING REQUIREMENTS

Sec. 44-91. - Required.

- (a) Any significant industrial user proposing to connect to or contribute wastewater to the sanitary sewer system shall obtain an industrial wastewater discharge permit from the county wastewater department. All existing significant industrial users connected to or contributing to the county sanitary sewer system shall apply for and obtain an industrial wastewater permit within 180 days after the effective date of the ordinance from which this article is derived. Any significant industrial users located within the county but connected to or contributing wastewater to the City of Anderson or Renewable Water Resources (ReWa) sanitary sewer system shall obtain an industrial wastewater discharge permit from the City of Anderson or ReWa and comply with all applicable City of Anderson or ReWa pretreatment regulations and requirements.
- (b) Permits shall be issued for a specified time period, not to exceed five years. An individual wastewater discharge permit may be issued for a period of less than five years, at the discretion of the county. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of an existing permit.
- (c) The terms and conditions of the permit may be modified by the wastewater department during the term of the permit for the following reasons:
  - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
  - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
  - (3)

A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- (4) Information indicating that the permitted discharge poses a threat to the county POTW, county personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 and R61-9 403.13;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with subsection (d) of this section.

Within nine months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit of user's subject to such standards shall be revised to require compliance with such standard. In addition, the user with an existing industrial wastewater discharge permit shall submit to the wastewater department within 90 days after the promulgation of any applicable federal categorical pretreatment standard the information required for a revised permit. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of any change. Any changed or new conditions in the permit shall include a reasonable time schedule for compliance.

- (d) Wastewater discharge permits are issued to a specific user for a specific operation. An industrial wastewater discharge permit may be assigned or transferred to a new operator only if the permittee gives at least 30 days' notice to the county and the county approves the individual wastewater discharge permit transfer. The wastewater department shall be notified in advance of any change in the location of the user. The notice to the wastewater department must include a written certification by the new owner or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (2) Identifies the specific date on which the transfer is to occur; and
  - (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(e)

Any significant industrial users located within the county but connected to or contributing wastewater to the Renewable Water Resources (ReWa) sanitary sewer system shall obtain an industrial wastewater discharge permit from ReWa or the county, depending upon the requirements of ReWa, and comply with all applicable ReWa pretreatment regulations and requirements, at a minimum, regardless of whether the permit is issued by ReWa or by the county. Any significant industrial users located within the county but connected to or contributing wastewater to any other sanitary sewer system operated by any entity other than the county shall obtain an industrial wastewater discharge permit from such other entity or the county, depending upon the requirements of such other entity, and shall comply with all applicable pretreatment regulations and requirements of such other entity, at a minimum, regardless of whether the permit is obtained from such other entity or the county.

- (f) The county may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this article.

(Code 2000, § 66-91; Ord. No. 350, § 3.1, 7-7-1992; Ord. No. 382, § 2, 9-7-1993; Ord. No. 2018-058, exh. A(66-91), 12-18-2018)

Sec. 44-92. - Application; fees.

- (a) Users required to obtain an industrial wastewater discharge permit shall make application on forms provided by the wastewater department and shall furnish all required information. The application shall be signed by the authorized agent of the user responsible for the overall operation of the facilities from which the wastewater originates and contain the certification statement in section 44-125(a). An application fee shall be paid at the time the application is submitted.
- (b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the county prior to or together with any reports to be signed by an authorized representative.
- (c) The county may require users to submit all or some of the following information as part of a permit application:
- (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 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 wastestream formula set out in section 44-67 (40 CFR 403.6(e) and S.C. Code Reg. 61-9 403.6(f)).
- (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 county, 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 44-115. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the county or the applicable standards to determine compliance with the standard.
  - e. Sampling must be performed in accordance with procedures set out in section 44-112.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on section 44-122 (40 CFR 403.12(e)(2) and S.C. Code Reg. 61-9 403.12(e)(2)).

(9) Any other information as may be deemed necessary by the manager to evaluate the permit application.

- (d) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- (e) The county will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete permit application, the county will issue its approval or disapproval of an individual wastewater discharge permit. The county may deny any application for an individual wastewater discharge permit.

(Code 2000, § 66-92; Ord. No. 350, § 3.2, 7-7-1992; Ord. No. 2018-058, exh. A(66-92), 12-18-2018)

#### Sec. 44-93. - Individual wastewater discharge permit contents.

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the county 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.

(1) Individual wastewater discharge permits must contain:

- a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- b. A statement that the wastewater discharge permit is nontransferable without prior notification to the county in accordance with section 44-91(d), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- c. Effluent limits, including best management practices, based on applicable pretreatment standards;
- d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with section 44-122;
- f. 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;
- g. Requirements to control slug discharge, if determined by the county to be necessary;

- h. Any grant of the monitoring waiver by the manager (section 44-122) must be included as a condition in the user's permit (or other control mechanism).
- (2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and
  - h. Other conditions as deemed appropriate by the county to ensure compliance with this article, and state and federal laws, rules, and regulations.

(Ord. No. 2018-058, exh. A(66-93), 12-18-2018)

Sec. 44-94. - Issuance of permit to discharge.

- (a) Permit to discharge will be issued to those users identified in section 44-29 and whose application for permit to discharge has been approved by the county.
- (b) Those specific users required to install pretreatment facilities, control structures, etc., shall fully comply with requirements set forth in this division prior to initiating discharge to the public sewer.
- (c) Permits to discharge will be submitted to the user in draft and unexecuted form for review and comment. Such draft permits will also be submitted to SCDHEC for review/approval. All permits must be approved by SCDHEC.

- (d) Prior to the issuance of a permit to discharge to any user, all fees due the county must be paid in full.

(Ord. No. 2018-058, exh. A(66-94), 12-18-2018)

Sec. 44-95. - Change in nature or quantity of discharge.

- (a) When requested by the county, a user must submit information on the nature and characteristics of its wastewater within 60 days of the request, unless it is otherwise specified in the individual wastewater discharge permit. the county is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (b) Any user having been granted permission by the wastewater department to discharge industrial wastes into the sanitary sewer system and who shall change, or cause to be changed, the nature, quality, or quantity of such waste shall, before making such change, notify the county at least 30 days prior, receive the approval of the wastewater department for such changes, and shall also furnish a complete analysis of one or more composite samples of the waste as determined by an independent laboratory.
- (1) The county may also require the user to submit such additional information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 44-92.
- (2) The county may issue an individual wastewater discharge permit under section 44-91(b) or modify an existing wastewater discharge permit under section 44-91(c) in response to changed conditions or anticipated changed conditions.

(Code 2000, § 66-93; Ord. No. 350, § 3.3, 7-7-1992; Ord. No. 2018-058, exh. A(66-95), 12-18-2018)

Sec. 44-96. - Pretreatment regulations.

- (a) *Generally.* The wastewater department may deny or condition the discharge of any new or increased amounts of pollutants by an industrial discharger by requiring pretreatment. All facilities required to pretreat wastewater to acceptable levels shall be provided, operated and maintained at the user's expense. The wastewater department, acting through its waste treatment plant operator or engineers, may develop a compliance schedule for the construction of a pretreatment system and shall have the right to enforce the compliance schedule by revocation or cancellation of the industrial wastewater discharge permit.
- (b) *Hearings.* Any person whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to request an adjudicatory hearing under the procedures provided in division 8 of this article and the Anderson County Enforcement Response Guide, except insofar as that procedure relates to appeals from the decision of the hearing examiner. After a determination is made by the hearing examiner in any case other than an enforcement

proceeding, any party may apply to the county for a review of the determination of the hearing examiner prior to a final decision in the matter by the county. However, application must be submitted in writing within 15 days of receipt of the determination stating specifically the grounds of objection to such determination. the county may, on its own motion, take up the review of the determination of the hearing examiner at a regularly scheduled county meeting. On the bases of the complete record of proceedings and testimony and evidence presented before the hearing examiner, his or her determination shall be affirmed, modified, or set aside by the county in a final decision on the matter.

(Code 2000, § 66-94; Ord. No. 350, § 3.4, 7-7-1992; Ord. No. 2018-058, exh. A(66-96), 12-18-2018)

Sec. 44-97. - Reporting of accidental discharges.

- (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, or discharge of prohibited pollutants to the sanitary sewer system, the party responsible for such discharge shall immediately telephone and notify the wastewater department so that corrective action may be taken to protect the sewer system. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. In addition, a written report addressed to the wastewater department detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed with the wastewater department by the responsible party within five days of the occurrence of the accidental discharge.
- (b) 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 article.
- (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 subsection (a) of this section. 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 county immediately of any changes at its facility affecting the potential for a slug discharge.

(Code 2000, § 66-95; Ord. No. 350, § 3.5, 7-7-1992; Ord. No. 2018-058, exh. A(66-97), 12-18-2018)

Sec. 44-98. - Notification of the discharge of hazardous waste.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 44-95. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 44-119, 44-121 and 44-122.
- (b) Dischargers are exempt from the requirements of subsection (a) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the county, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. 2018-058, exh. A(66-98), 12-18-2018)

Secs. 44-99—44-110. - Reserved.

## DIVISION 6. - SAMPLING AND MONITORING

### Sec. 44-111. - Self-monitoring requirements.

- (a) All significant industrial users shall be required to provide and operate at their expense monitoring facilities to allow inspection, sampling and flow measurements of the building sewer of the user. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities shall be located at a site acceptable to the wastewater department. All tests and analyses of the characteristics of water and wastes to which reference is made in this article shall be made in accordance with 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard and reported to the wastewater department on self-monitoring forms provided by the wastewater department. Such tests and analysis shall be determined at the control manhole.
- (b) If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the 40 CFR 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 county or other parties approved by EPA.

(Code 2000, § 66-96; Ord. No. 350, § 3.6, 7-7-1992; Ord. No. 2018-058, exh. A(66-111), 12-18-2018)

### Sec. 44-112. - 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.

- (1) Except as indicated in subsections (2) and (3) of this section, 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 manager. Where time-proportional composite sampling or grab sampling is authorized by the county, 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 county, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 44-119 and 44-121 (40 CFR 403.12(b) and (d) and S.C. Code Reg. 61-9 403.12(b)), a minimum of four 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 county may authorize a lower minimum. For the reports required by section 44-122 (40 CFR 403.12(e) and (h) and S.C. Code Reg. 61-9 403.12(e) and (h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(Ord. No. 2018-058, exh. A(66-112), 12-18-2018)

#### Sec. 44-113. - Conditions.

The wastewater department may establish conditions on permits issued to significant industrial users, including, but not limited to:

- (1) Limits on the average and maximum wastewater constituents and characteristics in both concentration and mass units.
- (2) Limits on average and maximum rate and time of discharge as well as requirements for flow regulations and equalization.
- (3) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (4) Conditions as deemed necessary for compliance with federally promulgated pretreatment standards.
- (5) Such other conditions as deemed appropriate by the wastewater department to ensure compliance with this division.

(Code 2000, § 66-97; Ord. No. 350, § 3.7, 7-7-1992; Ord. No. 2018-058, exh. A(66-113), 12-18-2018)

#### Sec. 44-114. - Availability of records.

- (a) Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, 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 44-75. Records shall include the date, exact place, method, and time of sampling, and the name of the person 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 years. This period shall be automatically extended for the duration of any litigation concerning the user or the county, or where the user has been specifically notified of a longer retention period by the county.

- (b) Any records or information obtained under the provisions of this division shall be available to the public. Any information asserted as being classified or confidential will be treated in accordance with 40 CFR 2 (public information). Upon a showing satisfactory to the wastewater department that reports or other information, or parts thereof would, if made public, divulge methods or processes entitled to protection as trade secrets, the wastewater department shall consider such information confidential and exempt from disclosure to the public, but shall be made available immediately upon request of governmental agencies for use related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.32, shall not be recognized as confidential information and shall be available to the public without restriction. In no event shall self-monitoring data submitted to show compliance with established limits be considered confidential information.

(Code 2000, § 66-98; Ord. No. 350, § 3.8, 7-7-1992; Ord. No. 2018-058, exh. A(66-114), 12-18-2018)

Sec. 44-115. - Violation of discharge limit.

- (a) Any user violating its industrial discharge limit must notify the wastewater department within 24 hours of becoming aware of the violation, resample and submit the results of all analyses within 30 days. Resampling by the industrial user is not required if the county performs sampling at the user's facility at least once a month, or if the county performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the county receives the results of this sampling, or if the county has performed the sampling and analysis in lieu of the industrial user.
- (b) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in division 8 of this article. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(Code 2000, § 66-99; Ord. No. 350, § 3.9, 7-7-1992; Ord. No. 2018-058, exh. A(66-115), 12-18-2018)

Sec. 44-116. - Individual wastewater discharge permitting—Existing connections.

Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this article is derived and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the county for an individual wastewater discharge permit in accordance with section 44-92, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of the ordinance from which this article is derived except in accordance with an individual wastewater discharge permit issued by the county.

(Ord. No. 2018-058, exh. A(66-116), 12-18-2018)

Sec. 44-117. - Individual wastewater discharge permitting—New connections.

Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with section 44-92, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(Ord. No. 2018-058, exh. A(66-117), 12-18-2018)

Sec. 44-118. - Regulation of waste received from other jurisdictions.

- (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the county shall enter into an intermunicipal agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by subsection (a) of this section, the county shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the county may deem necessary.
- (c) An intermunicipal agreement, as required by subsection (a) of this section, shall contain the following conditions:
  - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in section 44-75. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the county's ordinance or local limits;

- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the county; and which of these activities will be conducted jointly by the contributing municipality and the county;
- (4) A requirement for the contributing municipality to provide the county with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the county access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the county; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. No. 2018-058, exh. A(66-118), 12-18-2018)

Sec. 44-119. - Baseline monitoring reports.

- (a) Within either 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) and S.C. Code Reg. 61-9 403.6(b)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the county a report which contains the information listed in subsection (b) of this section. At least 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 county a report which contains the information listed in subsection (b) of this section. 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) All information required in section 44-92.
  - (2) Measurement of pollutants.
    - a. The user shall provide the information required in section 44-92.
    - b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection (2).

- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) and S.C. Code Reg. 61-9 403.6(f) 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) and S.C. Code Reg. 61-9 403.6(f) this adjusted limit along with supporting data shall be submitted to the control authority.
  - d. Sampling and analysis shall be performed in accordance with section 44-111.
  - e. The county may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) Compliance certification. A statement, reviewed by the user's authorized representative as defined in section 44-14 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.
  - (4) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 44-121.
  - (5) Signature and report certification. All baseline monitoring reports must be certified in accordance with section 44-125(a) and signed by an authorized representative as defined in section 44-14.

(Ord. No. 2018-058, exh. A(66-119), 12-18-2018)

Sec. 44-120. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 44-119(b)(4):

- (1)

The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (2) No increment referred to in subsection (1) of this section shall exceed nine months;
- (3) The user shall submit a progress report to the county no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event, shall more than nine months elapse between such progress reports to the county.

(Ord. No. 2018-058, exh. A(66-120), 12-18-2018)

Sec. 44-121. - Reports on compliance with categorical pretreatment standard deadline.

Within 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 county a report containing the information described in sections 44-92(c)(6) and (7) and 44-119. For users subject to equivalent mass or concentration limits established in accordance with the procedures in sections 44-67 and 44-68, 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 44-125(a). All sampling will be done in conformance with section 44-112.

(Ord. No. 2018-058, exh. A(66-121), 12-18-2018)

Sec. 44-122. - Periodic compliance reports.

- (a) All significant industrial users must, at a frequency determined by the county submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the county or the pretreatment standard necessary to determine the compliance status of the user.

(b)

The county may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (see 40 CFR 403.12(e)(2) and S.C. Code Reg. 61-9 403.12(e)(2)). This authorization is subject to the following conditions:

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See section 44-92.
- (3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (4) The request for a monitoring waiver must be signed in accordance with section 44-122, and include the certification statement in section 44-125(a) (40 CFR 403.6(a)(2)(ii) and S.C. Code Reg. 61-9 403.6(b)(2)(ii)).
- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA-approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (6) Any grant of the monitoring waiver by the county must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the county for three years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the user's permit by the county, the industrial user must certify on each report with the statement in section 44-125, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of section 44-122, or other more frequent monitoring requirements imposed by the county, and notify the county wastewater department.
- (9)

This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

- (c) All periodic compliance reports must be signed and certified in accordance with section 44-125(a).
- (d) 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.
- (e) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the county, using the procedures prescribed in section 44-112, the results of this monitoring shall be included in the report.

(Ord. No. 2018-058, exh. A(66-122), 12-18-2018)

Sec. 44-123. - Reports from unpermitted users.

All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the county as the county may require.

(Ord. No. 2018-058, exh. A(66-123), 12-18-2018)

Sec. 44-124. - 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.

(Ord. No. 2018-058, exh. A(66-124), 12-18-2018)

Sec. 44-125. - 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 in accordance with section 44-92; users submitting baseline monitoring reports under section 44-119; users submitting reports on compliance with the categorical pretreatment standard deadlines under section 44-121; users submitting periodic compliance reports required by section 44-122, and users submitting an initial request to forego sampling of a pollutant on the basis of section 44-122. The following certification statement must be signed by an authorized representative:

"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) *Certification of pollutants not present.* Users that have an approved monitoring waiver based on section 44-122 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR 403 and S.C. Code Reg. 61-9 403 [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 44-122."

(Ord. No. 2018-058, exh. A(66-125), 12-18-2018)

Secs. 44-126—44-135. - Reserved.

#### DIVISION 7. - SEWER SERVICE CHARGES

Sec. 44-136. - Monthly charges for sewer service.

- (a) The county shall establish and make available a base rate for sewer service, subject to modification by council. There shall be a base rate as well as usage cost multiplied by the amount of metered water received by a customer from the source supplying the water, to yield a monthly sewer service charge.
- (b) If a customer uses a substantial amount of water for purposes that do not require discharge into the sanitary sewer system, the customer may install, at his or her own expense, an approved water meter or discharge flow meter, to more accurately determine usage. Alternatively, the county may base a rate on usage statistics published by the state department of health and environmental control.
- (c) A customer who obtains water from an unmetered well must install, at his or her own expense, an approved discharge flow meter at a location accessible to wastewater department. Alternatively, the county may base a rate on usage statistics published by the state department of health and environmental control.

(d) In addition to the monthly service charge as described in subsection (a) of this section, the county may impose a uniform service fee for all users.

(e) Industrial users with effluent flow meters may be billed for usage based on the effluent flow meter rather than the water meter. To be approved for this billing method, the effluent meter must be calibrated every six months and the calibration report submitted to the county for verification.

(Code 2000, § 66-126; Ord. No. 350, § 4.1, 7-7-1992; Ord. No. 367, § 1, 1-19-1993; Ord. No. 378, § 1, 6-15-1993; Ord. No. 382, § 3, 9-7-1993; Ord. No. 00-064, § 1, 12-5-2000; Ord. No. 2013-037, § 1(exh. A), 10-1-2013; Ord. No. 2018-058, exh. A(66-136), 12-18-2018; Ord. No. 2019-020, § 1, 7-16-2019)

#### Sec. 44-137. - Change in rates.

The wastewater department shall be permitted to increase or decrease rates, deposits and tap-in and other forms and type of fees as shall be necessary and approved by the county council from time to time. The department shall review rates, deposits and capacity fees on a yearly basis. Increases/decreases or no change shall be based on the findings of this yearly review. The wastewater department reserves the right to charge different rates to different classes of customers, whose effluent is processed by different treatment plants. The department shall always charge a rate that is reflective of the actual costs to the department, including, but not limited to, uniform administrative costs as well as any pass-through amount charged to the department by the treating facility. Schedules of current rates, deposits and fees shall be on file in the county offices.

(Code 2000, § 66-127; Ord. No. 350, § 4.2, 7-7-1992; Ord. No. 2018-058, exh. A(66-137), 12-18-2018)

#### Sec. 44-138. - Free service.

No sewer service shall be furnished or rendered free of charge to any person.

(Code 2000, § 66-128; Ord. No. 350, § 4.3, 7-7-1992; Ord. No. 2018-058, exh. A(66-138), 12-18-2018)

#### Sec. 44-139. - Sewer surcharges.

Significant industrial users shall pay a surcharge for treatment of their abnormal-strength wastewaters. Surcharge payments will be assessed on sewer customers whose wastewater's concentration exceeds 250 milligrams per liter BOD or 250 milligrams per liter suspended solids. The surcharge will be assessed on each pound of BOD and/or suspended solids in the wastewater in excess of the 250 milligrams per liter limit as determined by the county's analysis of wastewater samples.

(Code 2000, § 66-129; Ord. No. 350, § 4.4, 7-7-1992; Ord. No. 2018-058, exh. A(66-139), 12-18-2018)

#### Sec. 44-140. - Billing cycles.

All meters shall be read periodically, and each periodic bill shall become due on receipt and payable in its entirety within 15 days after the billing date and shall be considered delinquent thereafter. If bills are not paid within ten days after the delinquent date, the penalty of ten percent shall be added, and if any bill shall remain unpaid for 20 days after the delinquent date, all services to such user shall be forthwith subject to the provisions of section 44-145 and the other provisions of this division, and shall remain delinquent until such user shall have paid his past due bill and the current reconnection charge and any other penalties or charges required by this division.

(Code 2000, § 66-130; Ord. No. 350, § 4.5, 7-7-1992; Ord. No. 2018-058, exh. A(66-140), 12-18-2018)

Sec. 44-141. - Sewer capacity fees.

For each new sewer connection, the person applying for sewer service shall pay the currently required capacity fee. Such capacity fee may include, as an additional sewer availability or impact fee, a proportionate share, based upon front footage, per-lot costs, lot size, or other fair and equitable method of determination, of all of or a portion of the actual construction costs of a new sewer construction, constructed for the purpose of serving the area or location for which the capacity fee is being paid.

(Code 2000, § 66-131; Ord. No. 350, § 4.6, 7-7-1992; Ord. No. 378, § 1, 6-15-1993; Ord. No. 2018-058, exh. A(66-141), 12-18-2018)

Sec. 44-142. - Cost of installation.

All costs and expenses incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify and hold harmless the wastewater department and the county from any and all loss or damage to the third parties caused, directly or indirectly, by the installation of the building sewer.

(Code 2000, § 66-126; Ord. No. 350, § 4.7, 7-7-1992; Ord. No. 2018-058, exh. A(66-142), 12-18-2018)

Sec. 44-143. - Prepayment fee.

Each new customer obtaining a sewer tap shall make the required prepayment fee to secure the payment of bills to be rendered. Whenever service is transferred such sum, without interest, shall be returned to the customer after first deducting all outstanding bills for sewer service.

(Code 2000, § 66-133; Ord. No. 350, § 4.8, 7-7-1992; Ord. No. 367, § 2, 1-19-1993; Ord. No. 2018-058, exh. A(66-143), 12-18-2018)

Sec. 44-144. - Responsibility for sewer bills.

The person receiving sewer service shall be primarily responsible for the payment of the monthly sewer charges. The owner of the property shall be secondarily responsible. If a monthly user charge becomes delinquent, service may be discontinued and may not resume until satisfactory arrangements for payment have been made.

(Code 2000, § 66-134; Ord. No. 350, § 4.9, 7-7-1992; Ord. No. 2018-058, exh. A(66-144), 12-18-2018)

Sec. 44-145. - Discontinuance of service for nonpayment; late payment penalties.

Bills for sewer service charges shall be due and payable immediately upon receipt. Sewer charges not paid within 15 days after the billing date shall be considered delinquent. If any sewer service charge remains unpaid for 20 days after the delinquent date, the wastewater department shall have the right to revoke the sewer permit and sewer service to the property may be discontinued. Further, the county is authorized by state law to contract with public and private agencies, which furnish water service to some or all of the persons using the county sewer system, for the collection of its sewer service charges as a part of a single joint bill for water and sewer service. Such contract will be upon terms and conditions mutually agreeable to the county and such agency or agencies and shall constitute the collecting agency as the agent of the county for the purpose of collecting the county's sewer service charges. Such collecting agencies are empowered and authorized by state law and this article, as agent of the county and the county wastewater department, to disconnect water service upon nonpayment of the county's sewer service charges. If it is impractical to provide for the collection of all or any part of the county's sewer service charges jointly with charges rendered by a public or private agency for water service, the county and the county wastewater department may levy an assessment for such sewer service charges.

(Code 2000, § 66-135; Ord. No. 350, § 4.10, 7-7-1992; Ord. No. 2018-058, exh. A(66-145), 12-18-2018)

Sec. 44-146. - Reconnection.

If sewer service is terminated, reconnection shall be allowed only after issuance of a new permit, full payment of all past-due sewer bills and the payment of any and all costs incurred by the wastewater department as a result of disconnection or reconnection of sewer service. The reconnection shall be made exclusively by the wastewater department or a contractor having a current license issued by the wastewater department. In all cases the wastewater department shall inspect the reconnection prior to resumption of sewer service.

(Code 2000, § 66-136; Ord. No. 350, § 4.11, 7-7-1992; Ord. No. 2018-058, exh. A(66-146), 12-18-2018)

Sec. 44-147. - Minimum user fee for permitted dischargers.

Any permitted sewer customers desiring to maintain their permitted discharge flows rather than their current actual flow (where lower) may be required to pay, as may be from time to time determined by the county council, for their full permitted discharge amount at the current fair user rate. If this provision is utilized, it must be utilized uniformly among any given class or category of customers.

(Code 2000, § 66-137; Ord. No. 350, § 4.12, 7-7-1992; Ord. No. 382, § 4, 9-7-1993; Ord. No. 2018-058, exh. A(66-147), 12-18-2018)

Sec. 44-148. - Notice, hearing regarding sewer service charges.

Prior to the making of any sewer connection or the furnishing of any sewage disposal service for which the prescribed sewer service charge shall, pursuant to section 44-149, become a lien on the property affected and prior to any subsequent increase in any sewer service charge not less than ten days' written notice shall be given to each affected property owner notifying him of the nature and quantum of the sewer service charge and providing such property owner an opportunity, if desired and requested, to appear and be heard in person or by counsel before the county council. Following such hearing, if such be requested and held, action shall be taken by the county council and notice of its decision shall be given to the property owner concerned or his counsel, as the case may be, not less than ten days prior to the effective date of the sewer service charge. Any property owner aggrieved by the action of the county council may proceed by appeal in the court of common pleas for the county in which his property or any part thereof lies, to have such court review the action taken by the county council, at which time the court will determine the validity and reasonableness of the sewer service charge. Sewer service charges not intended to become liens in the case of nonpayment may be imposed and subsequently increased upon any user without such notice and hearing. The appeal provided for herein shall be pursuant to the provisions of S.C. Code 1976, § 18-17-10 et seq., providing for appeals to the court of common pleas.

(Code 2000, § 66-138; Ord. No. 350, § 4.13, 7-7-1992; Ord. No. 2018-058, exh. A(66-148), 12-18-2018)

Sec. 44-149. - Creation of lien.

If the notice prescribed by section 44-148 shall have been given and any hearing requested pursuant thereto shall have been held, all connection or tapping fees, sewer service charges and other charges imposed by the county council following that procedure under authority of this division and not paid when due and payable, shall constitute a lien upon the real estate to which the sewage service concerned relates so long as the fees or charges remain unpaid. In addition to such other rights and remedies as may be available to the county council in law or in equity for the collection of such fees and charges, the lien may be enforced by the county council in the same manner and fashion as the lien of property taxes on real estate.

(Code 2000, § 66-139; Ord. No. 350, § 4.14, 7-7-1992; Ord. No. 2018-058, exh. A(66-149), 12-18-2018)

Sec. 44-150. - Alternative methods of collection.

Those methods of collection of past due service charges described in this division are not an exclusive list of approaches. All other remedies are still open to the county.

(Code 2000, § 66-140; Ord. No. 350, § 4.15, 7-7-1992; Ord. No. 2018-058, exh. A(66-150), 12-18-2018)

Sec. 44-151. - Delinquent account appeals and dispute resolution.

The following procedures are established to afford delinquent county wastewater department account holders or property owners due process rights, to provide for a one-time amnesty period for the reduction or waiver of penalties, and to provide for equitable treatment of all wastewater department account holders:

- (1) Upon receipt of a verified account of overdue and delinquent sewer service charges pursuant to wastewater department procedures, any account holder or property owner wishing to protest the same, in any form whatsoever, must notify the county wastewater department, in writing, within ten days of receipt of the verified account, stating the reasons for the protest and providing any support, documentation, or background for the protest.
- (2) There is hereby appointed a wastewater department appeals panel consisting of the county finance director, the administrative assistant to the finance director, and the wastewater manager, which will, as soon as possible after receipt, consider such protest, including a review of the wastewater department records pertaining to the account in question, the written protest, and will allow the protesting party, either personally or by representation, including counsel if desired, to present oral argument on the protest.
- (3) Following such hearing, the wastewater department appeals panel will vote, in duly assembled session, whether to grant or deny the protest, thereby either upholding the wastewater department accounting, changing or modifying the wastewater department accounting, or sending the matter back to the wastewater department administrative staff for further action as specified by the wastewater department appeals panel.
- (4) The wastewater department staff will, within ten working days of the aforesaid action by the wastewater department appeals panel, notify the protesting party in writing, by certified mail, return receipt requested, of the action taken by the wastewater department appeals panel.
- (5) Should any party filing a protest in accordance with this section be dissatisfied with the action taken on such protest by the wastewater department appeals panel, such protesting party must file an appeal thereof, in writing, with the clerk to the county council within ten days of receipt of the notification of the action taken by the appeals panel, pursuant to subsection (4) of this section.

- (6) At the next regularly scheduled or called county council meeting following receipt of the appeal noted in subsection (5) of this section, the county council will entertain such appeal and decide to grant or deny the appeal, based upon the matters of record before the sewer appeals panel, which matters will be properly recorded and forwarded to county council by the wastewater department appeals panel. The party appealing the action of wastewater department to the county council may appear before the county council in person or by representative, including legal counsel if desired, to make an oral statement and argument in favor of the appeal. The wastewater department likewise may be represented by a representative or spokesman before the county council.
- (7) Following the hearing of such appeal, the county council will vote, in duly assembled session, whether to deny or grant the appeal, thereby either upholding, modifying or revising, or revoking the decision of the wastewater department, or may send the matter back to the wastewater department for further action as delineated by the county council.
- (8) Any party desiring to appeal the action of the county council in subsection (7) of this section must file a timely legal action in the court of common pleas for the county in order to do so.
- (9) The county council establishes, on a one-time basis, a 90-day "amnesty period," to go into effect at such point within the next three months when the wastewater department has established the necessary procedures and staffing to implement it. During such amnesty period, all wastewater department delinquent account penalties will be waived, in return for a \$25.00 administrative fee and a simple interest rate of 1½ percent per month on the outstanding delinquent balance owed over the term of the delinquency, for any account holder or property owner who either pays or makes arrangements, satisfactory to the wastewater department, to pay a delinquent account up to current. The same terms and conditions will apply, on a retroactive basis, using account credits where required, to any account holder or property owner who has already paid or is paying a delinquent account up to current between the enactment of the ordinance from which this section is derived and the inception of the 90-day amnesty period.

(Code 2000, § 66-141; Ord. No. 350, § 4.16, 7-7-1992; Ord. No. 367, § 1, 1-19-1993; Ord. No. 2018-058, exh. A(66-151), 12-18-2018)

Secs. 44-152—44-162. - Reserved.

#### DIVISION 8. - ENFORCEMENT MANAGEMENT STRATEGY

Sec. 44-163. - Damage to, tampering with facilities.

It shall be unlawful and a violation of this article for any person to tamper with or change any meter or sewer collector line, or to make any connection to the system without written permission, or to reconnect service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including a reconnection fee. Upon conviction, there shall be imposed punishment in accordance with section 44-168.

(Code 2000, § 66-171; Ord. No. 350, § 5.1, 7-7-1992; Ord. No. 2018-058, exh. A(66-171), 12-18-2018)

Sec. 44-164. - Falsifying information.

Any person who knowingly makes any false statement, representation or certification in any application, report, plan or other document filed or required to be maintained pursuant to this article or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required by this article shall be deemed to have violated this article and be guilty of a misdemeanor, and, upon conviction, shall be punished as stated in this article. According to federal law as stated in section 403.6(a)(2)(i) of the Federal Register, there are "significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Code 2000, § 66-172; Ord. No. 350, § 5.2, 7-7-1992; Ord. No. 2018-058, exh. A(66-172), 12-18-2018)

Sec. 44-165. - Administrative enforcement actions.

- (a) The manager of the wastewater department shall be responsible for administering this article and shall serve as enforcement officer.
- (b) The enforcement officer:
  - (1) Shall administer and interpret this article.
  - (2) Shall prepare appropriate forms for applications and questionnaires needed in connection with the issuance of any permit required under this article.
  - (3) Shall issue a notice of violation when it is alleged that any user is violating the terms of this article or the terms of any permit. The notice of violation shall specify the nature of the violation. Within ten 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 county. 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 county to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. Reference is made to Attachment B to the ordinance from which this article is derived as to these procedures.

- (4) 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 subsections (b)(5) and (c) of this section and shall be judicially enforceable. Reference is made to Attachment B to the ordinance from which this article is derived as to these procedures.
  - (5) When finding that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, 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.
  - (6) Shall issue a rule to show cause before the wastewater department to any user alleged to have committed a significant violation, requiring the user to appear before the department and show why his sewer use permit should not be revoked and civil penalties imposed.
  - (7) Shall issue such rules and regulations as may be necessary or appropriate to ensure the proper administration of this article.
- (c) When the county finds that a user has violated, or continues to violate, any provision of this article, 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 county may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (1) Immediately comply with all requirements; and
  - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (d)

Any user who receives a notice of violation or administrative order shall have a right to an administrative conference with the enforcement officer by making a written request therefor within five days of receipt of a notice of violation or an administrative order. The purpose of the administrative conference shall be to review the facts on which the notice of violation or administrative order is based and to review and amend same if necessary. Following the conference, the enforcement officer shall inform the alleged violator in writing of the results of the conference and may propose a compliance agreement to resolve the alleged violation.

- (e) Following the administrative conference, any user who is not satisfied with the decision of the enforcement officer shall have the right to request a hearing before the wastewater department, by making a written request therefor within ten days from the date notice of the results of the administrative conference is received.
- (f) The manager may order any user who causes or is responsible for an unauthorized discharge or other violation to show cause at an adjudicatory hearing why a proposed enforcement action should not be taken. A notice shall serve on the user specifying the time and place for the hearing, the proposed enforcement action, and the reasons for such actions, and a request that the user show cause why this proposed enforcement action should not be taken.
  - (1) Notice of the hearing to the user shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of the user.
  - (2) A user may request an adjudicatory hearing or for an informal hearing conference prior to a show cause hearing, provided that:
    - a. A request for an adjudicatory hearing is served on the county within 15 days following any final administrative action or decision by the county on any violation, application, permit, certificate or other licensing matter; and
    - b. A request for an informal conference to the show cause hearing may be made by the user but not to delay the hearing date. If the request is granted, an informal conference may be held by the manager or his designee to explore ways and means to obtain compliance by consent without the necessity of a formal adjudicatory hearing.
- (g) Record. At any hearing held pursuant to this article, testimony shall be taken under oath and recorded stenographically. The transcript, so recorded, shall be made available to any member of the public or any party of the hearing upon payment of the usual charges thereof.
- (h) Hearing officer. A hearing officer or officers may be appointed by the manager to preside over the adjudicatory hearing. The hearing officer may be an employee of the county or be specially appointed for such purpose. He shall have no connection with the preparation or presentation of the evidence at the hearing.
- (i)

Procedure. The procedure for an adjudicatory hearing and other enforcement procedures are set forth in the county enforcement response guide, Attachment B to the ordinance from which this article is derived.

- (j) Enforcement orders. When the hearing officer finds that a user has violated or is violating the provisions, prohibitions or limitations of this article, or those contained in any permit issued hereunder, he may issue an order to cease and desist, and may direct those persons in violation to:
- (1) Comply forthwith;
  - (2) Comply in accordance with a compliance time schedule set forth in the order;
  - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
  - (4) Prohibit or reduce the discharge;
  - (5) Provide wastewater storage or flow equalization;
  - (6) Make payment by the user to cover added costs of handling and treatment costs and the administrative costs of the enforcement action;
  - (7) Post performance bonds;
  - (8) Act to take other steps to achieve compliance;
  - (9) Pay fines and penalties;
  - (10) Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the county for the hearing or enforcement procedure.
- (k) Payment of costs. Payment of costs or fines shall not relieve the user from the requirement to pretreat wastewater or discharges in excess of the limitations required under its permits or county ordinances.

(Code 2000, § 66-173; Ord. No. 350, § 5.3, 7-7-1992; Ord. No. 2018-058, exh. A(66-173), 12-18-2018)

**Editor's note**— The Attachment B referred to in this section is not included herein, but is on file in the office of the county clerk.

#### Sec. 44-166. - Judicial remedies.

Notwithstanding the administration procedure provided in this article, when any person discharges wastewater into the wastewater disposal system contrary to state law or the provisions of this article, or any order or permit issued hereunder, or otherwise violates applicable law or the provisions of this article or any order or permit issued hereunder, the manager may commence an action for appropriate legal or equitable relief in the court of common pleas. The remedies provided by this article are not exclusive.

(Ord. No. 2018-058, exh. A(66-174), 12-18-2018)

#### Sec. 44-167. - Injunctive relief.

The manager may, in the name of the county, file in the court of common pleas a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this article or other applicable law, ordinance, or regulation and the determination of the hearing examiner. Suit may be brought on behalf of the county, at the same time or separately, to recover any and all damages suffered by the county as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the county. Such damages shall include, but not be limited to, claims for damages, takings, losses, expenses, costs, fines, penalties and attorneys' fees for which the county may become liable or responsible and which arise out of or result from the user's noncompliance with its permit or the user's violation of state or federal pollution control laws, rules or regulations. This section has the same intent as section 44-174.

(Ord. No. 2018-058, exh. A(66-175), 12-18-2018)

#### Sec. 44-168. - Criminal violations.

Facts or circumstances which tend to indicate a criminal activity or action by any person may be reported to the proper state and federal law enforcement agencies for prosecution and subject to criminal penalties described in section 44-175.

(Ord. No. 2018-058, exh. A(66-176), 12-18-2018)

#### Sec. 44-169. - Performance bonds.

The manager may refuse to reissue a permit or a general permit to any user which has failed to comply with any provisions of this article or any order, previous individual discharge permit or a general permit issued hereunder, or any other pretreatment standard or requirement, unless such user first files with it a satisfactory bond, payable to the county, in a sum not to exceed a value determined by the manager to be necessary to meet the cost of any scheduled improvements and to achieve consistent compliance.

(Ord. No. 2018-058, exh. A(66-177), 12-18-2018)

#### Sec. 44-170. - Tenant responsibility.

Where an industrial user of property leases premises to a subsidiary or affiliate or other entity in which the industrial user has a direct or indirect interest, the tenant or industrial user or both may be held responsible for the compliance and with provisions of this article.

(Ord. No. 2018-058, exh. A(66-178), 12-18-2018)

#### Sec. 44-171. - Suspension of permits.

- (a) Any permit to use the county's sewer system shall be subject to immediate suspension, after informal notice to the user, when necessary to prevent an actual or threatened discharge, which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interference with the treatment plant, or when necessary to prevent the wastewater department from violating any conditions of its NPDES permit. Any user notified of a suspension of its sewer use permit shall immediately stop further discharge. The permit shall be reinstated upon satisfactory proof that the conditions warranting the suspension have been corrected.
- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the county may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The county may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the county that the period of endangerment has passed, unless the termination proceedings in section 44-173 are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the county prior to the date of any show cause or termination hearing under section 44-173 or 44-179.
- (b) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Code 2000, § 66-174; Ord. No. 350, § 5.4, 7-7-1992; Ord. No. 2018-058, exh. A(66-179), 12-18-2018)

Sec. 44-172. - Revocation of permit.

- (a) Any user who commits the following violations shall be subject to having its sewer use permit revoked:
- (1) Failure of the user to factually report the wastewater constituents and characteristics of its discharge.
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to the changed discharge.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring for violations of any permit conditions.
- (4) Failure to comply with an order suspending a sewer use permit.
- (5)

Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

- (6) Tampering with monitoring equipment.
  - (7) Failure to meet effluent limitations.
  - (8) Failure to pay fines.
  - (9) Failure to pay sewer charges.
  - (10) Failure to meet compliance schedules.
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
  - (13) Any other significant violation of any pretreatment standard or requirement, or any of the terms of the wastewater discharge permit, or of the terms of this article.
- (b) Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user.

(Code 2000, § 66-175; Ord. No. 350, § 5.5, 7-7-1992; Ord. No. 2018-058, exh. A(66-180), 12-18-2018)

Sec. 44-173. - Severance of sewer connection.

- (a) If any user fails to comply voluntarily with any suspension order or continues to contribute wastewater to the county sewer system after the revocation of a sewer use permit, the wastewater department may take such steps as are necessary to prevent or minimize danger to the sewer system or to prevent danger to the public, including, but not limited to, severance of the sewer connection.
- (b) In addition to the provisions in section 44-172, any user who violates the following conditions is subject to discharge termination:
  - (1) Violation of individual wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - (5) Violation of the pretreatment standards in division 4 of this article.
- (c) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 44-179 why the proposed action should not be taken. Exercise of this option by the county shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Code 2000, § 66-176; Ord. No. 350, § 5.6, 7-7-1992; Ord. No. 2018-058, exh. A(66-181), 12-18-2018)

Sec. 44-174. - Legal action.

If any person makes any discharge into the county sewer system contrary to the provisions of this article, violates any conditions of an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, may petition the county court of common pleas through the county attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The wastewater department may commence an action for appropriate legal and/or equitable relief, including a requirement for the user to conduct environmental remediation, in the courts of the state. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. This section has the same intent as section 44-167.

(Code 2000, § 66-177; Ord. No. 350, § 5.7, 7-7-1992; Ord. No. 2018-058, exh. A(66-182), 12-18-2018)

Sec. 44-175. - Criminal penalties.

- (a) Any person who knowingly and intentionally violates any provision of this article shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 44-165, in addition to civil penalty provisions pursuant to section 44-176. Each day that a violation continues to exist shall be considered a separate offense.
- (b) Any person who knowingly and intentionally introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 44-165, in addition to civil penalty provisions pursuant to section 44-176. Each day that a violation continues to exist shall be considered a separate offense. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- (c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished in accordance with section 44-165, in addition to civil penalty provisions pursuant to section 44-176.
- (d) In the event of a second conviction, a user shall be punished in accordance with section 44-165, in addition to civil penalty provisions pursuant to section 44-176.

(Code 2000, § 66-178; Ord. No. 350, § 5.8, 7-7-1992; Ord. No. 2018-058, exh. A(66-183), 12-18-2018)

## Sec. 44-176. - Civil penalties.

- (a) Any person found by the county wastewater department to have committed any significant violation of this article or any permit condition or final determination of the wastewater department shall be subject to a civil penalty not to exceed \$2,000.00 per day that such violation continues. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation. The manager, at his discretion, may hold all or part of the fine in abeyance while evaluation the performance or the user to achieve compliance. In addition, the wastewater department may require that a person guilty of a significant violation reimburse the wastewater department for any attorney's fees, engineering fees, court costs or other expenses incurred by the wastewater department in connection with enforcement or repair or replacement actions brought by the wastewater department as a result of such violations. Civil penalties may be imposed only after a show cause hearing before the wastewater department.
- (b) In determining the amount of civil liability, the manager shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Code 2000, § 66-179; Ord. No. 350, § 5.9, 7-7-1992; Ord. No. 2018-058, exh. A(66-184), 12-18-2018)

## Sec. 44-177. - Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The county may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the county's enforcement response plan. However, the county may take other action against any user when the circumstances warrant. Further, the county is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 2018-058, exh. A(66-185), 12-18-2018)

## Sec. 44-178. - Collection of civil penalties.

Civil penalties, if unpaid, shall be treated as any other payment penalty.

(Code 2000, § 66-180; Ord. No. 350, § 5.10, 7-7-1992; Ord. No. 2018-058, exh. A(66-186), 12-18-2018)

## Sec. 44-179. - Show cause hearings.

- (a) The enforcement officer may issue a rule to show cause to any person who violates this article or any permit, permit condition, final order of the wastewater department, or any other pretreatment standard or requirement, to appear and show cause why enforcement actions authorized by this article should not be imposed. A copy of the rule to show cause shall be served on the alleged violator specifying the alleged violations, the proposed enforcement actions, and the reasons for such action and giving at least ten days' notice of the time and place of the hearing.
- (b) The wastewater department shall conduct the hearing and the hearing shall be held as practicably as possible in accordance with the procedure prescribed by regulation 61-72 of the state department of health and environmental control.
- (c) After reviewing the evidence, the wastewater department may, in appropriate cases if a significant violation is found, suspend or revoke any sewer use permit previously granted, impose civil penalties and/or order severance of the sewer connection, or any combination of the foregoing until the violation has been corrected to the satisfaction of the wastewater department.
- (d) All appeals from the decision of the wastewater department shall be heard by the court of common pleas for the county.
- (e) A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Code 2000, § 66-181; Ord. No. 350, § 5.11, 7-7-1992; Ord. No. 2018-058, exh. A(66-187), 12-18-2018)

Sec. 44-180. - Public notification of industrial violations.

- (a) The wastewater department shall inform the public, on a yearly basis, of any significant noncompliance violations by an industrial user or any cases requiring the use of emergency authority by publishing a listing in the largest daily newspaper within the jurisdiction served by the wastewater department.
- (b) The county shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the county, a list of the industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean violations which meet one or more of the following criteria:
  - (1) Violations of wastewater discharge limits.
    - a. Chronic violations. Sixty-six percent or more of the measurements in a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including same daily maximum limit, daily average limit, or instantaneous limit.
    - b.

Technical review criteria (TRC) violations. Thirty-three percent or more of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including daily maximum limit, the same daily average limit, or instantaneous limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

- c. Any other violation of a pretreatment standard or requirement including daily maximum limit, daily average limit, instantaneous limit, or narrative standard that the county believes has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of the county personnel or the general public.
  - d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the county's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Failure to meet within 90 days after the schedule date a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance.
  - (3) Failure to provide within 45 days after the due date standards required reports such as self-monitoring reports and reports on compliance schedules.
  - (4) Failure to accurately report noncompliance.
  - (5) Any other violation or group of violations, which may include a violation of best management practices, the county determines will adversely affect the operation or implementation of the local pretreatment program.

(Code 2000, § 66-182; Ord. No. 350, § 5.12, 7-7-1992; Ord. No. 2018-058, exh. A(66-188), 12-18-2018)

#### Sec. 44-181. - Upset.

- (a) For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c) of this section are met.
- (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause of the upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

- (3) The user has submitted the following information to the county within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
- a. A description of the indirect discharge and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. No. 2018-058, exh. A(66-189), 12-18-2018)

Sec. 44-182. - Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 44-66(a) or the specific prohibitions in section 66-66(b) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the county was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. 2018-058, exh. A(66-190), 12-18-2018)

Sec. 44-183. - Bypass.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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

- (b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.

- (c) Bypass notifications.

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the manager, at least ten days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the county of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the 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 county may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (d) Bypass prohibition and approval.

- (1) Bypass is prohibited, and the county may take an enforcement action against a user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- c. The user submitted notices as required under subsection (c) of this section.
- (2) The county may approve an anticipated bypass, after considering its adverse effects, if the manager determines that it will meet the three conditions listed in subsection (d)(1) of this section.

(Ord. No. 2018-058, exh. A(66-191), 12-18-2018)

Secs. 44-184—44-195. - Reserved.

#### DIVISION 9. - FATS, OIL AND GREASE (FOG)

Sec. 44-196. - Purpose and applicability.

- (a) *Purpose.* The purpose of this division is to aid in preventing the introduction and accumulation of fats, oils and grease (FOG), which may cause or contribute to sanitary sewer blockages and obstructions into the wastewater collection system. This division requires that grease control device be installed, implemented and maintained by food service establishments in accordance with the following provisions. It also provides for the regulation of the collection, control and transportation of non-hazardous fats, oil and grease (FOG) of animal or vegetable origin.
- (b) *Applicability.* The provisions of this division shall apply to all food service establishments (FSEs) as defined herein which discharge to a county collection system.

(Ord. No. 2018-058, exh. A(66-211), 12-18-2018)

Sec. 44-197. - Findings.

The county makes the following findings:

- (1) Grease buildup in the public sewer system occurs when FOG from cooking is allowed to be introduced into the system. FOG washed down sinks and floor drains builds up over time and eventually creates backups in the public sewer system which may result in sanitary sewer overflows (SSOs). SSOs constitute significant public health hazards, lead to costly environmental penalties, and are prohibited under the federal Clean Water Act.
- (2) The accumulation of FOG in the public sewer system leads to increased costs for maintaining the sewer collection system and wastewater treatment plant.
- (3) Food service establishments are a major source of FOG in the public sewer system. The use of properly sized, installed and maintained grease control devices minimizes the introduction of FOG into the collection system.
- (4) The FOG program is being implemented as a portion of the collections maintenance, operations and management (CMOM) plan to manage and minimize potential SSOs.

(Ord. No. 2018-058, exh. A(66-212), 12-18-2018)

Sec. 44-198. - Legal authority.

It shall be unlawful for any food service establishment to operate without approved grease control device as required in this division. Legal authority is established under the county's approved pretreatment program. The pretreatment program includes activities designed to identify and control sources of potential interference and, in the event of actual interference, enforcement against the violator.

(Ord. No. 2018-058, exh. A(66-213), 12-18-2018)

Sec. 44-199. - Definitions/acronyms.

- (a) The definitions found in section 44-14 shall apply to the provisions of this division; provided, however, that the following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Authorized representative of the FSE* may be the owner, general manager, manager, or duly authorized representative of the individual designated in this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

*Best management practices (BMPs)* means the widely accepted means and methods of preventing or reducing FOG from entering the wastewater collection and treatment system are referred to as best management practices.

*Black water or domestic sanitary sewage* means wastewater containing human waste from sanitary fixtures such as toilets and urinals.

*Brown grease* means floatable fats, oils, grease and settled solids produced during food preparation that are recovered from grease control devices. Brown grease can be discharged from kitchen fixtures and appliances (i.e., three-compartment sinks, pre-rinse sinks, automatic dishwashing machines, mop sinks, floor drains, water cooled wok stoves, soup kettles, etc.) or other locations where the grease has been contaminated in some fashion.

*Building code administrator* means the county's building code administrator or his or her authorized designee.

*Certified* means having met the county's requirements. In respect to the grease waste hauler/plumber certification, meaning met the county's certified grease waste hauler/plumber requirements and having been issued a grease waste hauler/plumber certification card by the county.

*Enforcement response plan* means a system that sets forth the process and procedures for enforcement of this division by the county.

*Fats, oil, and grease (FOG)* means material, either liquid or solid, composed of fats, oils or grease (organic non-polar compounds) derived from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time.

*Flow control device* means an integral part of a hydro-mechanical grease interceptor (HGI) installed on the inlet side that controls the wastewater flow through the grease trap and entrains air bubbles in the wastewater stream via the vent to facilitate grease removal.

*FOG program coordinator* means the person employed or designated by the wastewater department who is charged with the responsibility of administering the provisions of the grease management program to ensure compliance by users with applicable laws, rules, regulations, policies, and ordinances.

*Food service establishment (FSE)* means any commercial, industrial, religious, institutional or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device under this Code. This includes operations such as, but not limited to, restaurants, delicatessens, bakeries, snack bars, catering operations, ice cream parlors, school cafeterias, mobile food units including bases of operations, and temporary food service establishments.

- (1) *Class 1*. Delis engaged in the sale of salads, cold cut and microwaved or convection oven warmed sandwiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serving ware with very limited culinary washing; meat markets with meat preparation such as slicing and grinding as defined by NAICS 445210; coffee shops (small) as defined by NAICS 7222135; ice cream shops as defined by NAICS 7222131; frozen yogurt shops as defined by NAICS 7222132; retail bakeries (small) with no on-premises frying or preparation of other non-bakery foods as defined by NAICS 311811; doughnut shops with baking only as defined by NAICS 7222133; beverage bars with limited on-premises food preparation that can be classed as a deli as defined by NAICS 722515; day care facilities (minimum classification - depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served) as defined by NAICS 813110; and mobile food vendors as defined by NAICS 722330.

(2)

*Class 2.* Limited service restaurants (also known as fast food facilities, drive-in, carry-out) as defined by NAICS 722513; day care facilities (maximum classification depending on menus, food preparation, culinary cleaning, and number of meals served) as defined by NAICS 624410; religious organizations (maximum classification depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served) as defined by NAICS 813110; full-service restaurants (minimum classification - seating capacity less than 65) as defined by NAICS 722511; buffet and cafeteria facilities (minimum classification - seating capacity less than 65) as defined by 722514; doughnut shops with on-premises frying as defined by NAICS 7222133; coffee shops (large) as defined by NAICS 7222135; caterers as defined by NAICS 722320; convenience stores without fuel pumps as defined by NAICS 445120; convenience stores with fuel pumps as defined by NAICS 447110; and supermarkets/grocery stores as defined by NAICS 445110.

- (3) *Class 3.* Full-service restaurants (maximum classification - seating capacity greater than 65) as defined by NAICS 722514.
- (4) *Class 4.* Buffet and cafeteria facilities (maximum classification - seating capacity greater than 65) as defined by NAICS 722511.
- (5) *Class 5.* Institutions (schools, hospitals, nursing homes, prisons, etc.) which include NAICS classifications 611110, 611310, 623110, 623311, 623312, 722310, and 922140, but not to exclude self-run operations.

*General FOG permit* means a fats, oils, and grease permit in which all food service establishments are grouped and is valid for a period of five years.

*Gravity grease interceptor.* See *Grease interceptor.* These terms are synonymous.

*Gray water* refers to all other wastewater other than black water as defined in this section.

*Grease control device* means a device used to collect, contain, and remove food waste, fats, oils and grease from the wastewater while allowing the remaining wastewater to be discharged to the county's wastewater collection system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices, grease recycling containers or other FOG remediation devices approved by the county.

*Grease interceptor* means a grease control device identified as a large underground vault, usually 500- to 2,000-gallon capacity, designed to collect, contain and remove food waste, fats, oils and grease (FOG) from the food service establishment's wastewater while allowing the remaining wastewater to be discharged to the county's wastewater collection system. Grease interceptors will be located outside the food service establishment and must be approved by the county.

*Grease recycle container (bin)* means a container used for storage of yellow grease. See *Yellow grease.*

*Grease removal device* means an active, automatic device that separates and removes fats, oils and grease from food service establishment effluent discharge and that cleans itself of accumulated FOG at least once every 24 hours utilizing electromechanical apparatus.

*Grease trap* or *hydro-mechanical grease interceptor* means a grease control device identified as an "under the sink" reservoir, or a "floor trap" which is a small container or tank with baffles designed for inside installation at kitchen fixtures and appliances, although they are sometimes installed adjacent to the kitchen and outside the building either above or below the ground. For a food service establishment approved to install a grease trap, the minimum size requirement is the equivalent of a 20-gallon per minute/40-pound capacity trap. All grease traps shall be correctly sized, have properly sized/installed flow control devices, and be approved by the county.

*Grease waste hauler (GWH)/plumber* means a contractor/company that pumps, cleans, and maintains grease control devices and transports it to a recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a food service establishment. All grease waste haulers and plumbers performing these duties within the county's service area shall be grease control device (GCD) certified by the county.

*Grease waste line (GWL)* means the wastewater plumbing that conveys grease-laden wastewater from fixtures and appliances to the grease interceptor or other GCD. This GWL shall be separate from any plumbing conveying sanitary wastewater.

*Manager* means the county wastewater department manager or authorized designee.

*NAICS* means North American Industry Classification System, using 2012 (or latest) classifications at [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html).

*Noncompliance notice (NCN)* means a notice generally issued by the county's FOG program coordinator or FOG program inspector, informing the noncompliant user that it is in noncompliance with this division. The NCN is issued for any identified problems with grease control device operation, maintenance, or components. The specific noncompliance will be noted.

*Notice of violation (NOV)* means a notice generally issued by the county's wastewater department manager or his designee to a food service establishment, informing the noncompliant user of violations of this division. The specific violation will be noted.

*Public sanitary sewer system* means and includes all or any part of the lateral sewers, collecting sewers, intercepting sewers, wastewater pumping stations, force mains, wastewater treatment facilities and outfall sewers owned or administered by the county.

*Renderable FOG container* means a closed, leak-proof container for the collection and storage of yellow grease.

*Series (grease interceptors installed in series)* means that grease interceptor tanks are installed one after another in a row and are connected by plumbing pipe to increase the effective volume of the grease control device.

*Tee or T (influent and effluent)* means a T-shaped pipe fitting extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG.

*User* means any person, corporation, or company who contributes, causes or permits the contribution of wastewater into the county's WCTS.

*Wastewater collection and transmission system (WCTS)* means a treatment works, as defined by section 212 of the Act (33 USC 1292), which is owned by the county. The term "wastewater collection and transmission system" includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

*Yellow grease* means fats, oils and grease used in food preparation that have not been in contact or contaminated from other sources such as water, wastewater or solid waste (i.e., fryer oil) and may be recycled. Most yellow grease is used deep fat fryer grease. Yellow grease is normally stored in a grease recycle container or bin for beneficial reuse.

(b) *Acronyms.*

BMP	Best management plan
CMOM	Collections, maintenance, operations and management
ERP	Enforcement response plan
FOG	Fats, oil & grease
FSE	Food service establishment
GCD	Grease control device
GGI	Gravity grease interceptor
GWH	Grease waste hauler
GWL	Grease waste line
HGI	Hydro-mechanical grease interceptor
NAICS	North American Industry Classification System
NCN	Noncompliance notice
NOV	Notice of violation
SCDHEC	South Carolina Department of Health and Environmental Control
SSO	Sanitary sewer overflow
WCTS	Wastewater collection and transmission system

(Ord. No. 2018-058, exh. A(66-214), 12-18-2018)

## Sec. 44-200. - General requirements.

- (a) All existing and proposed food service establishments (FSEs) are required to have a grease control device (GCD) installed, maintained and operating properly, in accordance with the FOG program.
- (1) Existing FSEs in operation prior to adoption of this division are required to have a GCD properly installed, maintained and operating in accordance with this division in no later than 365 days from the effective date of the ordinance from which this division is derived.
  - (2) All new FSE construction required by the county to have grease trap (hydro-mechanical grease interceptor) FOG remediation shall comply with sections 44-204 and 44-209 immediately upon the effective date of the ordinance from which this division is derived.
  - (3) All new FSE construction required by the county to have gravity grease interceptor FOG remediation shall comply with sections 44-203 and 44-207 immediately upon adoption of the ordinance from which this division is derived.
  - (4) After adoption of the ordinance from which this division is derived, any change of ownership of an existing FSE or FSE applying for a new FSE permit having an existing gravity grease interceptor and/or required by the county to have a gravity grease interceptor and not meeting the requirements of section 44-207 must comply immediately with section 44-203 or, at the discretion and approval of the county, rebuild/modify the existing interceptor in accordance with section 44-203(b)(7) or install a gravity grease interceptor in compliance with section 44-207.
  - (5) After the effective date of the ordinance from which this division is derived, any change of ownership of an existing FSE or FSE applying for a new FSE permit having an existing hydro-mechanical grease interceptor (grease trap) and/or required by the county to have a hydro-mechanical grease interceptor must comply immediately with sections 44-204 and 44-209 as determined by the FOG program.
- (b) All FSEs will be required to maintain records of cleaning and maintenance of GCD. GCD maintenance records will be maintained on-site of the FSE and include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, volume (in gallons) of grease wastewater removed and the final disposal location. In addition, grease waste haulers shall comply with the county's manifest documentation requirements for all disposal of FOG waste.
- (c) GCD maintenance records shall be available at the FSE premises and available for inspection by the county FOG program personnel or their representative, and/or SCDHEC. The FSE shall maintain GCD maintenance records for a minimum of three years. As-built drawings and GCD manuals should be available for inspection and remain on the premises for the life of the GCD at the FSE.

- (d) No FSE will discharge oil and grease in concentrations that exceed the county's limits stated in section 44-66 of 100 parts per million by weight.
- (e) Owners of commercial property will be held responsible for installation of county-approved grease control devices and shall ensure that lease agreements identify the responsible party for proper maintenance to control wastewater discharges from their property. A copy of the responsible party information shall be provided to the FOG program coordinator.
- (f) Grease control device certification requirement. All food service establishments with grease control devices must have their gravity grease interceptor or grease trap inspected and certified at least annually by a county certified grease waste hauler or certified licensed plumber. Annually is defined as a period from January 1 through December 31. Grease control device certification requirements shall commence the following calendar year the FOG control general permit is issued. Any FSE that does not provide an annual grease control certification by December 31 of each year following the general FOG permit issuance will be considered to be in noncompliance. If a gravity grease interceptor or grease trap "passes" the certification requirement, no further action is required. If a grease interceptor or grease trap "fails" the certification requirement, a corrective action response is required from the FSE user/owner or authorized representative to the county (refer to subsection (g) of this section). Completed certification forms (gravity grease interceptor certification (Form A) or grease trap certification (Form B)) must be completed and signed by the county certified grease waste hauler or county certified licensed plumber, signed by the FSE owner or authorized representative, and submitted to the county. The original certification form must be submitted to the county at the following address:

FOG Program Coordinator

Anderson County Wastewater Treatment

1500 Dalrymple Road

Anderson, SC 29621

- (g) Failure of a gravity grease interceptor certification or grease trap certification. The FSE owner or authorized representative is responsible for including detailed corrective action response information on the gravity grease interceptor certification form or the grease trap certification form that is submitted to the county. If necessary, additional pages may be attached to the certification form. At a minimum, the corrective action response information must include the reason for the failed certification, what corrective action will be taken, and the date the corrective action will be completed. The FSE user/owner or authorized representative shall notify the FOG program by phone or email within one business day (Monday through Friday) of failing the certification. Any additional enforcement action will utilize the county's food service establishment enforcement response guide.

- (h) FSEs shall dispose of yellow grease in an approved container, or recycle container/bin, and the contents shall not be discharged into any grease control device, sanitary sewer line, grease waste line, stormwater grate, drain, plumbing fixture, or into the environment whereas to be conveyed to a stream, creek, or river. Yellow grease and oils disposed of in any manner other than an approved container or recycle container/bin is a violation of this division.
- (i) It shall be a violation of this division to leave the lid open on any outdoor grease recycle bin/container.
- (j) It shall be a violation of this division to allow spilled yellow grease to remain around the recycle container/bin. Refer to section 44-210(7) for cleanup.
- (k) It shall be a violation of this division to push or flush the non-water portion of GCD into the public sewer.
- (l) Mop basins located outside the building and drained to the sanitary sewer shall be covered with a canopy or roof so as to prevent stormwater from being introduced into the sewer.
- (m) Dumpster pads that drain to the county's sanitary sewer shall be covered so as to prevent stormwater from being introduced into the sanitary sewer. Dumpster pad drains are prohibited from connection to stormwater conveyances.
- (n) Outdoor grated cleanouts are prohibited from use. Cleanouts shall be solid so as to prevent stormwater from being introduced into the sanitary sewer.
- (o) The FSE user/owner or authorized representative shall notify the FOG program by phone or email within one business day (Monday through Friday) of any noted deficiencies encountered while performing GCD pumping, cleaning, or maintenance, including annual GCD certification.

(Ord. No. 2018-058, exh. A(66-215), 12-18-2018)

Sec. 44-201. - Fees and permits.

- (a) The county may adopt and impose charges and fees to the FSEs from time to time, which may include:
  - (1) Fees for monitoring and inspections;
  - (2) Fees for permit applications;
  - (3) Surcharges, assessments and impact fees;
  - (4) Fees for filing appeals;
  - (5) Other fees required to carry out the requirements of this division.
- (b) An additional compliance inspection fee will be charged to each FSE for each re-inspection due to noncompliance issues.
- (c)

The county will issue general FOG permits for food service establishments. All new FSEs shall complete and submit the county's fats, oils and grease questionnaire which will serve as the FSE's general FOG permit application. General FOG permits shall be issued for a period of five years. Additional fees may be implemented by the county for food service establishment wastewater treatment and impacts to the WCTS. (Ord. No. 2018-058, exh. A(66-216), 12-18-2018)

Sec. 44-202. - Approved grease waste haulers/plumbers.

To ensure proper maintenance of grease control device (GCD) and proper disposal of the FOG waste, the county will maintain an approved grease waste haulers/plumbers list. Within six months of the effective date of the ordinance from which this division is derived, food service establishments (FSEs) shall only utilize the county certified grease waste haulers and plumbers to perform any GCD pumping, cleaning, maintenance, and GCD certification. Criteria for the grease waste hauler or plumbing company to be placed on the approved grease waste haulers/plumbers list include, but are not limited to, the following:

- (1) The grease waste hauler or plumber employees that will be performing any GCD pumping, cleaning, or maintenance within the county, including completing the FSE grease control device certification forms, must attend the county-approved grease control device certification class and pass the GCD certification class test. Upon passing the grease control device certification class, the grease waste hauler or plumber employee will be issued a certification card in their name. Grease waste hauler or plumber employees performing the aforementioned GCD work shall be in possession of a valid county grease waste hauler/plumber certification card issued in their name. Grease waste hauler employees shall present this card and other proof of identification to county personnel upon request.
- (2) The grease waste hauler or plumber performing any plumbing work associated with the GCD must have a valid plumber's license issued by the state.
- (3) Grease waste hauler companies and plumbing companies must maintain applicable business licenses for the area in which they are working.
- (4) Grease waste haulers and plumbers that pump gravity grease interceptors or grease traps must comply with the requirements of this division.
- (5) The county maintains the right to modify the grease waste hauler/plumber agreement.
- (6) Signature of the grease waste hauler/plumber company's authorized representative and submittal to the county of the completed county approved grease waste hauler/plumber agreement form are required. The approved grease waste hauler/plumber agreement form will include reporting requirements to the county and making records available to county personnel. A monthly GWH/plumber summary report for all FSE or commercial grease trap/GGI waste shall be submitted to the county in accordance with this policy. Failure to

meet any portion of the grease waste hauler agreement will result in removal of the grease waste hauler/plumber company from the county approved grease waste haulers/plumbers list and/or enforcement action.

(Ord. No. 2018-058, exh. A(66-217), 12-18-2018)

Sec. 44-203. - Existing gravity grease interceptor design/installation and requirements.

- (a) Any existing FSE, upgrading of an existing FSE, change of ownership of existing FSE or FSE applying for a FSE permit, having an existing gravity grease interceptor (GGI), will be required to have the interceptor completely pumped and inspected by the county's FOG program personnel for suitability to perform its intended duties, for acceptable inlet and outlet plumbing components, for proper access openings over all chambers, and for acceptable baffle configuration/plumbing. The aforementioned pump out inspection will be waived if the existing GGI passed an inspection in compliance with section 44-214(1) within a previous 12-month time period. As part of the inspection, the county's FOG program personnel may conduct a video inspection of the inside of the interceptor. Existing gravity grease interceptors installed prior to the adoption of the ordinance from which this division is derived and not in compliance with section 44-207 but able to meet the requirements of section 44-203(b)(1) through (6), at the discretion and approval of the county, may be modified in accordance with section 44-203(b)(7). FSEs required by the county to have gravity grease interceptor FOG remediation, but having none or an interceptor deemed insufficient by the county and not allowed to be rebuilt/modified in place, shall meet the requirements of section 44-207. Under certain circumstances, the required interceptor size and location may necessitate special exceptions. Allowances for alternative GCD may be approved, provided prior approval of unit type, size, location, etc. is obtained from the county's FOG program coordinator. Any gravity grease interceptors installed after the adoption of the ordinance from which this division is derived shall comply with design and installation requirements of section 44-207.
- (b) Criteria for consideration by the county as an acceptable gravity grease interceptor existing or installed prior to adoption of the ordinance from which this division is derived and not meeting the requirements of section 44-207 are as follows:
- (1) *Capacity and condition.* Existing gravity grease interceptors installed prior to the adoption of the ordinance from which this division is derived shall have a minimum of 1,000 gallons' capacity and shall be found to be in proper working order as determined by the county's FOG program coordinator or their designee. Any existing gravity grease interceptor in this category no meeting these conditions shall require the installation of a gravity grease interceptor meeting the requirements of section 44-207.
- (?) *Piping*
- a.

The inlet piping shall enter the receiving chamber a minimum of three inches above the invert of the outlet piping.

- b. On the inlet pipe inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. A pipe (nipple) of the same size as the tee shall be installed in the top of the tee with the top of the nipple open. A pipe installed in the bottom of the tee shall extend to a point of two-thirds the depth of the water level. The inlet tee shall be made of Schedule 40 PVC or equivalent material.
- c. The outlet piping shall be no smaller than the inlet piping, but in no case smaller than four inches' diameter.
- d. The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee, with the top of the nipple open. A pipe installed in the bottom of the tee shall be made of a non-collapsible material and extend to 12 inches above the tank floor. Minimum materials requirement for the outlet piping is Schedule 40 PVC.

(3) *Baffles.*

- a. The interceptor shall have a non-flexing (i.e., concrete, steel, etc.) baffle extending from the floor to a level above the outlet piping. An existing gravity grease interceptor having no baffles that are open or baffles not attached at the bottom will not be acceptable.
- b. If inverted 90-degree sweeps or tees are used to convey liquid from the inlet to outlet side of the interceptor, the baffle shall have an inverted 90-degree sweep, or schedule 40 PVC tee fitting at least equal in diameter size to the inlet piping, but in no case less than four inches. The bottom of the sweep or tee shall be placed in the vertical position of the inlet compartment 12 inches above the floor. If a tee is used in lieu of a sweep, a pipe nipple of the same size as the tee shall be installed in the top of the tee and extended to the same height reached by the top nipple installed on the inlet and outlet tee. The nipple shall remain open. A pipe installed in the bottom of the tee shall extend to 12 inches above the tank floor.
- c. In lieu of a sweep or tee through the baffle, slotted designs will be acceptable for existing gravity grease interceptors to convey liquid from the inlet to outlet side of the interceptor.
- d. The inlet compartment shall be two-thirds of the total liquid capacity with the outlet compartment at one-third liquid capacity of the interceptor.

(4) *Access openings (manholes).*

- a. Access to gravity grease interceptors shall be provided by a minimum of one manhole per interceptor division (baffle chamber/compartment) and be of 24 inches' minimum dimension terminating one inch above finished grade with a cast iron frame and cover. One manhole shall be located above the inlet tee hatch and the other manhole shall be

located above the outlet tee hatch. A minimum of 24 inches of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning pumping, and inspections.

- b. Access openings shall be mechanically sealed and gas-tight to contain odors and bacteria, exclude vermin and groundwater, and in a manner that permits regular reuses.
  - c. The manholes shall be accessible for inspection by the county.
- (5) *Location.* Gravity grease interceptors shall be located so as to be readily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture discharging to the interceptor. Grease interceptor access manholes shall never be paved over, covered by landscaping, or have any other hindrances not allowing access.
- (6) *Construction material.* Grease interceptors shall be constructed of sound durable materials, not subject to excessive corrosion/decay, and shall be water- and gas-tight.
- (7) *Rebuilding/modifying in place.*
- a. An existing gravity grease interceptor having a minimum of 1,000 gallons' capacity and found by the county's FOG program personnel to be functional, but having unacceptable access openings, baffle configuration, or plumbing, may be modified in place to an acceptable configuration as outlined in section 44-203(b)(2) through (5) by rebuilding/modifying it in place as set forth in section 44-203(b)(7). The FOG program coordinator reserves the right to require additional gravity grease interceptor capacity and/or the installation of a gravity grease interceptor meeting the requirements of section 44-207.
  - b. If the gravity grease interceptor's baffle is not acceptable (no baffle or hanging baffle), the baffle may be modified in place to an acceptable configuration, generally as given in section 44-203(b)(3) or an interceptor meeting the requirements of section 44-207 shall be installed. The baffle shall extend above the level of the outlet pipe.
  - c. If the interceptor does not have compliant access openings over each compartment, these shall be added in compliance with section 44-203(b)(4).
- (8) *New FSEs in existing buildings.* All new FSEs in existing buildings applying for a FSE permit and having an existing gravity grease interceptor shall meet the requirements of section 44-203 or 44-207 as required by the county prior to securing the signature of the FOG program coordinator for issuance of an FSE permit.

(Ord. No. 2018-058, exh. A(66-218), 12-18-2018)

Sec. 44-204. - Existing grease trap (hydro-mechanical grease interceptor) requirements.

- (a) Any existing FSE, upgrading of an existing FSE, change of ownership of existing FSE, or FSE applying for a FSE permit, that is required by the county to have FOG remediation by grease traps, and having an existing grease trap, shall be required to have the grease trap completely cleaned followed by inspection from the county's FOG program personnel.
- (b) The inspection shall be a determination for proper size, for acceptable functional installation including a properly sized/installed flow control device, and for proper access to the grease trap. Existing grease traps installed prior to the adoption of the ordinance from which this division is derived must meet the requirements of section 44-209 or receive a variance from the county.
- (c) With the consent of the manager, an FSE with an existing grease trap installed prior to the adoption of the ordinance from which this division is derived may receive a waiver from the design requirements in section 44-209 only if the grease trap is approved as an alternative grease control device. The alternative grease control device must control FOG discharges from an FSE and be maintained as outlined in this division. Any alternative grease control equipment must be approved by the county's FOG program.
- (d) If a required current grease trap is not adequate or approved, a grease trap meeting the requirements of section 44-209 shall be installed. The county reserves the right to require FOG remediation or additional remediation of FOG-laden fixtures or appliances in accordance with this division.
- (e) All new FSEs in existing buildings required by the county to have FOG remediation by a grease trap and having an existing grease trap shall meet the requirements of this section as required by the county prior to securing the signature of the FOG program coordinator on an FSE permit application.

(Ord. No. 2018-058, exh. A(66-219), 12-18-2018)

Sec. 44-205. - Grease control device requirements for any new food service establishment construction.

- (a) Any new FSE will be required to install and maintain a GCD approved by the county. FSEs in this category must submit a FSE FOG inquiry form to the county for approval and this form will serve as the application for the general FOG permit.
- (b) The county will review the FSE FOG inquiry form and approve or recommend changes as necessary. In addition, any new FSE shall obtain a sewer permit application and satisfy the requirements of this division prior to securing the signature of the FOG program coordinator on the sewer permit application.
- (c) Prior to installation of any required GCD, all proposed GCD shall meet the county FOG program coordinator's or building official's approval as stated in this division. Only specifically FOG program approved GCD and fixtures can be installed or connected to the grease waste line.

- (d) All of the FSEs internal plumbing shall be constructed to separate sanitary (restroom) flow from kitchen process flow. Sanitary flow and kitchen process discharges shall be approved separately by the county and shall discharge from the building separately. Kitchen process lines and sanitary lines may combine prior to entering the public sewer; however, the lines cannot be combined until after the GCD. No sanitary wastewater (black water) or stormwater shall be plumbed to the GCD.
- (e) Gravity grease interceptors or grease traps will be installed and connected whereas to be easily accessible for inspection, cleaning, and removal of grease at any time.
- (f) Any newly constructed FSE applying for a FSE permit must satisfy the requirements of this section, as verified by inspection from the county's FOG program personnel, prior to securing the signature of the FOG program coordinator for issuance of a FSE permit.
- (g) All new FSE construction shall meet the applicable requirements of section 44-207 or 44-209 for GCD as required by the county. All GCD must be approved by the county's FOG program coordinator or building official. All new gravity grease interceptors must be purchased only from county-approved manufacturers and constructed in accordance with design specification as set forth in section 44-207.
- (h) New multi-unit (strip mall) facilities. New strip malls or strip centers must have two separate sewer line connections at each unit within the strip mall or strip center. One sewer line will be for sanitary wastewater and one grease waste line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, grease waste line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other food service establishment kitchen fixtures and appliances, such as, but not limited to, three-compartment sinks, two-compartment sinks, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
- (1) New multi-unit facility or new strip mall facility owners shall contact the FOG program coordinator prior to conducting private plumbing work at the multi-unit facility site. Multi-unit facility owners, or their designated contractor, shall have plans for separate private grease wastewater lines for kitchen and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-out location to accommodate a minimum 1,000-gallon gravity grease interceptor for each unit of the multi-unit facility, or provide a larger capacity grease interceptor that could be shared by multiple FSEs in the strip mall. Proposals for multiple FSEs connected to one gravity grease interceptor or series of gravity grease interceptors must be approved by the FOG program coordinator prior to construction. A copy of the maintenance agreement shall be filed with the FOG coordinator for any GCD that isn't owned and operated by the same entity. New multi-unit facility, or new strip mall facility owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground gravity grease interceptor when determining the building location.

- (2) FSEs located in a new multi-unit facility shall have a minimum of a 1,000-gallon gravity grease interceptor installed, unless the FSE is identified as a Class 1 facility. Sanitary wastewater or black water shall not be connected to the GCD.
- (3) Upon installation, the sanitary wastewater line and grease wastewater line stub-outs for each separate unit shall be identified (marked). The sanitary wastewater line stub-out shall be painted green and grease wastewater line stub-out shall be stenciled with the letters "GWL."
- (i) Alternative grease control device. On a case-by-case basis, at the discretion of the manager, an alternative grease control device may be considered and approved for installation at a FSE. The alternative grease control device must control FOG discharges from a FSE and be maintained as outlined in this division. Alternative grease control devices will not be considered for new building construction.
- (j) Final approval of grease control device. All new FSEs and FSEs that have upgraded their facilities must contact the county for final approval of the grease control device. This will include onsite inspection of the grease control device by the county's FOG program coordinator or authorized representative. No work shall be hidden or covered prior to approval by the FOG program. Failure of the FSE to contact the FOG program coordinator to conduct the inspection of the new GCD will result in enforcement action.

(Ord. No. 2018-058, exh. A(66-220), 12-18-2018)

Sec. 44-206. - Grease control device sizing.

- (a) Minimum acceptable size of grease control device for each FSE classification (see the definition of "food service establishment" in section 44-199 for class details) will be as follows:
  - (1) Class 1: 20 gpm/40-pound grease trap.
  - (2) Class 2: 500-gallon gravity grease interceptor (GGI).
  - (3) Class 3: 1,000-gallon gravity grease interceptor (GGI).
  - (4) Class 4: 1,500-gallon gravity grease interceptor (GGI).
  - (5) Class 5: 2,000-gallon gravity grease interceptor (GGI).
- (b) To calculate the appropriate size GCD, the FSE's engineer, architect, licensed plumber, or contractor should use a formula that considers all kitchen plumbing fixture units, the discharge plumbing pipe diameter for each fixture unit, storage capacity, type of facility, and an adequate retention time. The grease control device minimum acceptable size for the above-listed FSE classifications (Class 1 through 5) shall be met.
- (c) The county will review information received from the completed FSE FOG inquiry form. The county will make a decision to approve, or require additional grease interceptor volume, based on the type of FSE, the number of fixture units, additional calculations and considerations. Each

gravity grease interceptor tank capacity shall not exceed 2,000 gallons. In the event that the gravity grease interceptor calculated capacity needs to exceed 2,000 gallons, the FSE shall install any additional interceptors of the appropriate size in series.

- (d) Gravity grease interceptors that are installed in series shall be installed in such a manner to ensure positive flow between the tanks at all times. Therefore, tanks shall be installed so that the inlet invert of each successive tank shall be a minimum of two inches below the outlet invert of the preceding tank or a one percent downstream slope, whichever is greater.
- (e) Grease control device must remove fats, oils, and grease at or below the county's prohibited concentration level stated in section 44-66(b)(8) of 100 parts per million by weight. Failure to comply will require enforcement action.

(Ord. No. 2018-058, exh. A(66-221), 12-18-2018)

Sec. 44-207. - New gravity grease interceptor design and installation.

Design and installation specifications are available from the FOG program coordinator's office.

(Ord. No. 2018-058, exh. A(66-222), 12-18-2018)

Sec. 44-208. - Gravity grease interceptor cleaning and maintenance requirements.

- (a) Partial pump of interceptor contents or on-site pump and treatment of interceptor contents will not be allowed due to reintroduction of fats, oils and grease to the interceptor. In no way shall the pumped material be returned to any private or public portion of the county's WCTS.
- (b) Gravity grease interceptors must be pumped-in-full (total pump of all contents) when the total accumulations of surface FOG (including floating solids) and settled solids reaches 25 percent of the grease interceptor's inlet liquid depth. At no time shall the cleaning frequency exceed 90 days unless approved in writing by the county. Failure to meet these requirements shall result in enforcement action. Approval will be granted on a case-by-case situation with submittal by the FSE documenting proof that a reduced cleaning frequency will meet the requirements of this division. Some FSEs may need to consider a more frequent pumping schedule to meet this requirement. A county approved manifest of gravity grease interceptor cleaning/maintenance, and an FSE gravity grease interceptor self-monitoring checklist shall be maintained onsite at the FSE and provided to the county upon request. These documents need to be provided to the county for review before consideration for approval can be granted for a cleaning frequency to exceed 90 days.
- (c) The gravity grease interceptor's influent tee and effluent tee will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Influent and effluent tees that are loose, defective, or not attached must be repaired or replaced immediately. Grease waste haulers or individuals conducting any

maintenance or pumping will use caution to not damage or dislodge tees, or cause other grease interceptor component damage. Any repairs to the grease interceptor shall be documented and kept on file at the FSE.

- (d) All gravity grease interceptors must have access manholes over the influent tee and effluent tee for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning (i.e., interceptor with two main baffles or three compartments will have access manholes at each compartment). The manholes are to be readily accessible for inspection by the county.
- (e) Gravity grease interceptor waste must be hauled off site and disposed of, processed, or recycled at an approved location in accordance with applicable laws. All disposal of grease interceptor waste must meet the requirements of the county, the receiving facility, and the state department of health and environmental control. County approved manifests must be used and properly completed.
- (f) Gravity grease interceptors must be certified annually by a county certified grease waste hauler or county certified plumber. A gravity grease interceptor certification (Form A) must be properly completed and submitted to the county annually.
- (g) The county may mandate the FSE to require the grease waste hauler to contact the county's FOG program by telephone at least 24 hours prior to any cleaning, pumping, maintenance, inspection, or certification of the grease interceptor. The county reserves the right to be present to inspect all maintenance.
- (h) Responsibility. Maintaining the gravity grease interceptor, including complete pumping of contents at the required frequency and ensuring proper components are installed, is the responsibility of the user/owner. Commercial property owners shall ensure that lease agreements identify the responsible party for proper maintenance to control wastewater discharged from their property.

(Ord. No. 2018-058, exh. A(66-223), 12-18-2018)

Sec. 44-209. - Grease trap (hydro-mechanical grease interceptor) sizing, installation, and maintenance.

- (a) All grease traps shall have a county approved, properly sized, installed and vented flow control device. Failure to have the flow control device and venting will be considered a violation. The flow control device shall be installed in such a manner whereas to remain visible for future inspections and servicing.
- (b) All new FSEs that are allowed to install grease traps must have county written approval prior to starting operations.
- (c) A grease trap's minimum size requirement is 20 gallons per minute/40-pound capacity.
- (d)

At the discretion of the FOG program coordinator, alternative grease control device may be considered for installation. The alternative grease control device must control FOG discharges and maintained as outlined in this division.

- (e) No automatic dishwasher shall be connected to a grease trap unless it has been specifically sized and approved by the FOG program. Grease traps approved by the county for dishwasher connection must be provided with a county approval and properly sized/installed flow control device to the inlet side of the grease trap to prevent overloading of the grease trap and allow for proper grease trap operation.
- (f) No waste food grinder shall be connected to a grease trap.
- (g) No automatic drip or feed systems for additives are allowed to be connected to a grease trap.
- (h) A single grease trap device shall be installed for each significant kitchen fixture unit (i.e., each three-compartment sink), unless the FOG program coordinator provides written approval for multiple fixtures to be connected to the grease trap. The county must approve the number of grease traps and connections to the grease trap.
- (i) Grease traps must have the Plumbing Drainage Institute (PDI) certification, and be installed as per manufacturer's specifications and this division.
- (j) The flow control device orifices shall not be removed, enlarged, or modified.
- (k) Grease traps will be completely cleaned of fats, oils and grease and food solids at a minimum of every 30 days. If the FOG and food solids content of the grease trap are greater than 25 percent, the grease trap must be cleaned as frequently as needed to prevent 25 percent of capacity being occupied with FOG and food solids. A written record of grease trap cleaning and maintenance shall be maintained on site at the FSE and provided to the county upon request.
- (l) Grease trap waste shall be sealed or placed in a container to prevent leachate from leaking, and then disposed of in the solid waste or hauled off site by a grease waste hauler or plumber to an approved disposal location. In no way shall the pumper material be returned to any private or public portion of the sanitary sewer collection system or disposed of in the environment.
- (m) Grease trap waste shall not be mixed with yellow grease in the grease recycle container.
- (n) Grease traps must be certified annually. See definition of "certified" in section 44-199.
- (o) The county may mandate the FSE to require the grease waste hauler/plumber or FSE owner to contact the county's FOG program by phone at least 24 hours prior to any cleaning, pumping, maintenance, inspection, or certification of the grease trap. The county has the right to be present to inspect all maintenance.

(Ord. No. 2018-058, exh. A(66-224), 12-18-2018)

Sec. 44-210. - Best management practices and accidental discharge prevention.

Food service establishments shall implement best management practices (BMPs) to prevent the discharge of fats, oils, and grease from their facility to the county sanitary sewer system. Food service establishments shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge of fats, oils, and grease into the sewage collection system. Failure to implement and comply with BMPs and accidental discharge prevention is in violation of this division. Examples of BMPs include, but are not limited to:

- (1) Supervise all waste hauler servicing and cleaning activities.
- (2) Use three-sink dishwashing system.
- (3) Recycle waste cooking oil; dispose in grease recycle bin or container. Do not pour any grease into sinks, floor drains, or mop sinks, lavatories, or environment. Cover oil/grease storage containers at all times.
- (4) Post "No Grease" signs above all kitchen sinks and dishwashers.
- (5) Dry wipe, scraping into the trash container as much food particles and grease residue from pots, pans, and plates, etc., as possible.
- (6) Use strainers in sink drains and floor drains to prevent large food particles, containers, and other illicit materials from going into the sewer line. Remove free-floating FOG and food solids prior to draining the sink.
- (7) Have spill clean-up kits readily available. If an oil or grease spill occurs, clean up using dry oil absorbent material or use ice to make grease solidify. Scoop up material and dispose of it into a trash container. Do not wash oil or grease into drains.
- (8) Dispose of food items in the trash. Food waste grinder use is prohibited in wastewater discharging to hydro-mechanical grease interceptors (grease traps) due to buildup of solids in the GCD, stoppages, decreased efficiency, and the need to increase pumping frequency of the GCD. Food waste grinder use is discouraged in wastewater discharging to gravity grease interceptors.
- (9) Clean kitchen exhaust filters routinely.
- (10) Post "BMP signs" in the kitchen area, educate, and train all employees on grease control and preventing sewer pipe clogs and sewer overflows. These signs are available at the FOG program office.

(Ord. No. 2018-058, exh. A(66-225), 12-18-2018)

Sec. 44-211. - Use of additives prohibited.

- (a) Additives include, but are not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes, chemicals, hot water and bacteria.

- (b) This division prohibits the use of additives (including automatic drip or feed systems) to cause FOG to pass through the user's plumbing and reform in the county's wastewater collection and conveyance system. The use of additives in an FSE will not be a substitute for regular cleaning, or pumping of GCD as required in this division.

(Ord. No. 2018-058, exh. A(66-226), 12-18-2018)

Sec. 44-212. - Private sewer line cleaning of FOG requirement.

Any grease waste hauler, plumber, or contractor that cleans FOG from a food service establishment's private sewer lines must ensure that the FOG and other debris cleaned from the private sewer lines does not cause an obstruction or blockage in the county's WCTS. Therefore, the FOG or other debris cleaned from the private sewer line should be "Vactored" or removed. The grease waste hauler, plumber, or contractor shall immediately contact the county if FOG is pushed or jetted into the county's WCTS to make the county aware of the FOG and debris at the specific location.

(Ord. No. 2018-058, exh. A(66-227), 12-18-2018)

Sec. 44-213. - In-ground grease interceptor abandonment.

The property owner or authorized representative of a building utilizing an in-ground gravity grease interceptor or hydro-mechanical grease interceptor (grease trap) shall notify the county's FOG program within 30 days whenever a FSE meets the criteria for temporary or permanent abandonment of said interceptor as set forth in subsection (1) or (2) of this section.

(1) *Temporary abandonment.*

- a. An in-ground grease interceptor is considered to be temporarily abandoned if an FSE temporarily closes for business and the property owner intends to utilize the interceptor for another FSE in the same location.
- b. At the property owner's expense, the interceptor shall be completely pumped and the grease waste properly disposed of by a county certified grease waste hauler.
- c. Once conditions of subsections (1)a and b of this section have been met, the county's FOG program personnel shall be contacted to complete a pumping inspection for the temporary abandonment of an in-ground interceptor. The completed grease waste hauler's manifest shall be available on site for verification during the pumping inspection.
- d. Any noted noncompliant functional or plumbing components shall be repaired or replaced, followed by re-inspection from the county's FOG program personnel.
- e. Once the in-ground grease interceptor has passed inspection, it shall be filled with water to prevent possible floatation.

(2) *Permanent abandonment.*

- a. An in-ground grease interceptor is considered to be permanently abandoned when the building is remodeled such that the grease interceptor will not be used; or the building is replaced with a type of business that will not be required to utilize the grease interceptor; or when the property is condemned. An in-ground grease interceptor considered to be permanently abandoned shall be properly removed in accordance with subsections (2)b and c of this section, or demolished in place in accordance with subsection (2)d of this section.
- b. The in-ground grease interceptor may be removed. Prior to removal, the interceptor shall be completely pumped and the waste properly disposed of by a county certified grease waste hauler. Once the interceptor has been completely pumped, the county's FOG program personnel shall be contacted to complete an in-ground grease interceptor pumping verification inspection. The grease waste hauler's manifest shall be available onsite for verification during the in-ground interceptor pumping verification inspection. Service components remaining in place are not exempt from meeting the plumbing codes.
- c. After the interceptor has passed the pumping verification inspection by the county's FOG program personnel, if no replacement is intended, the interceptor may be removed and the hole left by the removal of the grease interceptor shall be backfilled with suitable backfill material. Once backfill requirements have been met, the county's FOG program personnel shall be contacted to complete an in-ground grease interceptor abandonment final inspection.
- d. Alternatively, in lieu of removal, the interceptor can be demolished in place. The interceptor shall be completely pumped and the waste properly disposed of by a county certified grease waste hauler. Once the interceptor has been completely pumped, the county's FOG program personnel shall be contacted for an in-ground grease interceptor pumping verification inspection. The grease waste hauler's manifest shall be made available on site during the in-ground grease interceptor pumping verification inspection. Demolition of the interceptor shall not commence until the interceptor has passed the pumping verification inspection. The top cover over the interceptor shall then be crushed into the empty tank or removed. The bottom of the tank shall be ruptured. The side of the interceptor shall then be crushed into the tank. The inlet and outlet plumbing shall be disconnected and the lines capped if not to be used.
  1. Upon completion of crushing the interceptor in place, the FOG program shall be contacted for an in-ground grease interceptor abandonment semi-final inspection.
  2. After passing the in-ground grease interceptor abandonment semifinal inspection, the interceptor shall be backfilled with suitable fill material.
  - 3.

Once backfill requirements of subsection (2)d.2 of this section have been met, the FOG program shall be contacted for an in-ground grease interceptor abandonment final inspection.

(Ord. No. 2018-058, exh. A(66-228), 12-18-2018)

Sec. 44-214. - Right of entry, inspection, and monitoring.

The county, or their authorized representative, shall have the right to enter the premises of FSEs to determine whether the FSE is complying with the requirements of this division. FSEs shall allow county personnel, or their authorized representative, upon presentation of proper credentials, full access to all parts of the premises for the purpose of inspection, monitoring and/or records examination. Unreasonable delays in allowing county personnel access to the FSE premises shall be a violation of this division.

- (1) All gravity grease interceptors and grease traps shall be subject to review, evaluation, and inspection by the county or their authorized representative. The county can require at the property owner's expense, a video inspection of the inside of any interceptor. Inspections will determine proper maintenance, changes in operation, proper records and files, ability of gravity grease interceptor or grease trap to prevent grease from entering the sewer system, and any other factors pertaining to the control of grease discharges to the county sewer system. The county can require notification to the FOG program by phone 24 hours prior to any pumping, cleaning, maintenance, or certification of the GCD so the county can do a visual inspection of the total GCD. The county can require the FSE to schedule pumping of the interceptor (at the owner's/FSE expense) if the county determines that the interceptor may be defective or there is chronic FOG obstruction in the downstream sewer from the FSE. County personnel, or their authorized representative, reserve the right to make determinations of gravity grease interceptor or grease trap condition, and adequacy based on review of all information regarding the interceptor's or trap's performance and can require increased cleaning frequency, additional maintenance, modification or replacement of the GCD. All records will be available on site for review by county personnel, or their authorized representative, for a period of 36 months. Copies shall be provided upon request from the county.
- (2) The county may require that the FSE install monitoring or additional pretreatment equipment deemed necessary for compliance with this division.

(Ord. No. 2018-058, exh. A(66-229), 12-18-2018)

Sec. 44-215. - Violations and enforcement action.

- (a) Enforcement action against the food service establishment may result from, but is not limited to, failure to clean or pump grease control device, failure to maintain grease control device including installation of a properly functioning influent/effluent tees and baffle, failure to install grease

control device, failure to control FOG discharge from the FSE, failure to certify the gravity grease interceptor or grease trap, FSE responsible for sewer line obstruction, FSE responsible for a sanitary sewer overflow, and FSE use of additives so that FOG is diluted and pushed downstream of the FSE.

- (b) Whenever county personnel, or their authorized representative, determine that a gravity grease interceptor or grease trap is in need of installation, pumping, repairs, maintenance, or replacement, a noncompliance notification (NCN) or a notice of violation (NOV) will be issued stating the nature of the violation and timeframe for corrective measures.
- (c) If the FSE fails to initiate corrective action in response to a NCN or NOV, a second notice will be issued and additional fees assessed. Fees may include compliance inspection fees, costs associated with service calls for sewer line blockages, line leaning, camera trucks, line and pump repairs, including all labor, material and equipment. Further noncompliance will result in escalation in enforcement action provided in division 8 of this article.
- (d) Immediate discontinuance of county utility services may be issued if the facility presents an imminent endangerment to the health, welfare of person or to the environment, causes stoppages or excessive county maintenance of the sanitary sewer system, causes significant interference with the wastewater treatment plant to which it discharges, or causes any violation of any condition of the receiving facility's NPDES permit. Service shall be reinstated when such conditions have been eliminated and after payment of reconnection fees or other assessed fees.
- (e) In addition to any inspection or violations fees, any user who is found to have violated this division shall be subject to the penalties and fines provided in division 8 of this article.
- (f) If inspections and field investigations determine that any fats, oils and grease interference or blockage in the WCTS (including the sewer system, a sewage pumping station, or the wastewater treatment plant) is caused by a particular user, or food service establishment, then that user, or FSE, may be required to reimburse the county for all labor, equipment, supplies and disposal costs incurred by the county to clean the interference or blockage. Failure to reimburse the county may result in termination of utility service.
- (g) For all other violations not specifically mentioned above, the county will use its FSE enforcement guide for enforcement action.

(Ord. No. 2018-058, exh. A(66-230), 12-18-2018)

Sec. 44-216. - Variances to the FOG program.

- (a) If an existing food service establishment is housed in a structure that because of its architectural or historical restrictions the owner will suffer extreme economic hardship in order to upgrade the existing FOG interceptor, then the establishment may keep the current FOG interceptor provided the FOG interceptor is at least 15 feet from the last fresh-air fixture. Additionally, the FOG interceptor must be cleaned every 30 days by a county certified grease waste hauler. In the event

that any remodeling of such a food service establishment is undertaken or if the food service establishment changes ownership, then a FOG interceptor that complies with all applicable requirements of this division shall be installed.

- (b) A variance to the design, maintenance, and/or sizing requirements contained herein may be requested when compliance creates an undue hardship or if a grease trap is sufficient. Hardships caused by space availability, minimal anticipated FOG production, cost, etc., may be grounds for a variance. The FSE must submit sufficient documentation, as required by the manager, which explains the need to vary from design, maintenance and/or size requirements, along with an application for variance. A minimum of four months of data should be submitted for maintenance cleaning frequency modifications or similar request.
- (c) If a FSE has limited potential for FOG in the discharge, an establishment may request a variance for required equipment by submitting an application for variance on a form provided by the county. If the variance of equipment is approved, the FSE's owner shall pay a variance registration fee. The variance registration is valid for a period of three years. If there is a change of ownership then the establishment's new owner must submit a new application for variance and pay the associated fee.
- (d) After review of the documentation, the county will notify the FSE in writing of acceptance or denial of the variance request. The county may also request further study pursuant to or as a condition of the variance. Certain conditions may be imposed by the manager for installations that have received a variance.
- (e) If a variance is granted and the FSE subsequently increases anticipated food service production or the county later determines that the discharge adversely impacts the sanitary sewer collection system or treatment works, the variance may be revoked.
- (f) A variance application fee will be paid to the county upon submission of the variance request and prior to county review. Variance application fees may be waived at the discretion of the manager for follow up modification of the same variant issue contained in the original application (for example, if a variance had been granted to all maintenance cleaning every two months and, subsequently it can be shown that a three-month maintenance frequency is acceptable, then the fee may be waived).
- (g) The county will waive variance application fees for existing facilities.

(Ord. No. 2018-058, exh. A(66-231), 12-18-2018)

Secs. 44-217—44-236. - Reserved.