



**RENEWABLE WATER RESOURCES**  
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RENEWABLE WATER RESOURCES

# SEWER USE REGULATION

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## TABLE OF CONTENTS

|  |    |
|--|----|
| SECTION 1 - INTRODUCTION .....   | 1  |
| Section 1.1 - Purpose and Policy .....   | 1  |
| Section 1.2 - Definitions .....  | 1  |
| Section 1.3 - Abbreviations.....   | 13 |
| <br>   |    |
| SECTION 2 - USE OF PUBLIC SEWERS .....   | 14 |
| Section 2.1 - Collector Sewer System.....  | 14 |
| Section 2.2 - Permits Required .....   | 15 |
| Section 2.3 - Responsibility for Costs.....  | 15 |
| Section 2.4 - Use of Public Sewers Required .....  | 16 |
| Section 2.5 - Sewer Materials .....  | 16 |
| Section 2.6 - Certain Connections Prohibited.....  | 16 |
| Section 2.7 - Multiple Connections Through One-Building Sewer.....   | 17 |
| Section 2.8 - Use of Old Building Sewers .....   | 17 |
| Section 2.9 - Compliance with Other Regulations .....  | 17 |
| Section 2.10 - Connection of Building Sewer to Public Sewer .....  | 17 |
| Section 2.11 - Supervision of Building Sewer Construction .....  | 18 |
| Section 2.12 - Special Pretreatment Devices .....  | 18 |
| Section 2.13 - General Guidance .....  | 19 |
| Section 2.14 - Connection Constitutes Consent.....   | 19 |
| <br>   |    |
| SECTION 3 - PRIVATE WASTEWATER DISPOSAL .....  | 19 |
| Section 3.1 - Responsibility for Construction and Operation.....   | 19 |
| Section 3.2 - Tank Truck Transporter/Hauled Waste .....  | 19 |
| Section 3.3 - Requirements of other Authorities .....  | 20 |
| <br>   |    |
| SECTION 4 - PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES.....   | 20 |
| Section 4.1 - Prohibited Discharges.....   | 20 |
| Section 4.2 - Conditionally Prohibited Discharges.....   | 22 |
| Section 4.3 - National Categorical Pretreatment Standards or Local Limitations.....                            | 23 |
| Section 4.4 - Limitations on Wastewater Strength and Flow Rate.....  | 26 |
| Section 4.5 - Revisions of Limitations.....  | 27 |
| Section 4.6 - Dilution Prohibition.....  | 27 |
| Section 4.7 - Accidental Discharge/Slug Control Plans/Spill Prevention Control &<br>Countermeasure (SPCC)..... | 27 |
| Section 4.8 - Upset Provision, An Affirmative Defense.....   | 28 |
| Section 4.9 - Notice of Process Change/Interruption of Operation .....   | 29 |
| Section 4.10 - Pretreatment.....   | 29 |
| Section 4.11 - Bypass.....   | 30 |
| Section 4.12 - Recovery of Preventive Expenses .....   | 31 |
| Section 4.13 - Control of Contaminants of Emerging Concern (CEC).....  | 32 |
| <br>   |    |
| SECTION 5 - REVENUE SYSTEM.....  | 32 |
| Section 5.1 - Fees and Charges.....  | 32 |
| <br>   |    |
| SECTION 6 - DISCHARGE PERMITS AND REPORTING .....  | 32 |
| Section 6.1 - Wastewater Discharge Permits/or A General Permits.....   | 32 |
| Section 6.2 - Reporting Requirements for Permittee .....   | 36 |
| Section 6.3 - Certification Statements .....   | 40 |
| Section 6.4 - User Records.....  | 41 |
| Section 6.5 - Confidentiality .....  | 41 |

**TABLE OF CONTENTS - Continued**

Section 7 - SAMPLING AND MONITORING ..... 41

Section 7.1 - Right of Entry ..... 41

Section 7.2 - Compliance Determination/ Sample Collection ..... 42

Section 7.3 - Analysis of Industrial Wastewaters ..... 42

Section 7.4 – Self-Monitoring Frequency ..... 42

Section 7.5 - Control Structure ..... 43

SECTION 8 - ENFORCEMENT ..... 43

Section 8.1 - Enforcement Management Strategy ..... 43

Section 8.2 - Administrative Remedies ..... 43

Section 8.3 - Judicial Remedies ..... 48

Section 8.4 - Injunctive Relief ..... 48

Section 8.5 - Criminal Violations ..... 48

Section 8.6 - Performance Bonds..... 48

Section 8.7 - Liability Insurance and Letters of Credit..... 49

Section 8.8 - Discontinue of Sewer Services for Non-Payment ..... 49

Section 8.9 - Tenant Responsibility ..... 49

Section 8.10 - Vandalism..... 49

Section 8.11 - Publication of Industrial Users in Significant Noncompliance ..... 49

SECTION 9 - SEVERABILITY..... 50

SECTION 10 - CONFLICT ..... 50

SECTION 11 - EFFECTIVE DATE..... 51

Attachment A, Hauled Waste Regulation

Attachment B, Fees and Charges of Renewable Water Resources

Attachment C, Enforcement Management Strategy

Attachment D, Allocation Methodology

Attachment E, Self-Monitoring Frequency

Attachment F, Grease Control Regulation

## RENEWABLE WATER RESOURCES

# **SEWER USE REGULATION**

## **SECTION 1 - INTRODUCTION**

### Section 1.1 - Purpose and Policy

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and subsequent amendments, including the Water Quality Act of 1987 (P.L. 100-4) together with the South Carolina Pollution Control Act and other State and Federal regulations have resulted in an unprecedented program dedicated to cleaning and safeguarding the Nation's waters. To comply with these requirements, Renewable Water Resources (ReWa) has made and will continue to make substantial progress in controlling water pollution through the operation of its Water Resource Recovery Facilities (WRRF).

This Regulation sets forth uniform requirements for discharges to ReWa's sewer collection system and WRRFs, collectively referred to as the "POTW". This Regulation enables ReWa to comply with all applicable Local, State and Federal laws and the Federal Pretreatment Regulations (40 CFR 403 and SC R61-9 Section 403). The objectives of this Regulation are: (1) to prevent discharges to the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge; (2) to prevent discharges to the POTW which will Pass Through the system, inadequately treated, into receiving waters or the atmosphere; (3) to improve the opportunity to recycle and reclaim wastewaters and sludge; (4) to protect ReWa personnel and the general public; (5) to promote economic growth, including residential and industrial development; and (6) to provide for equitable distribution of the cost of the wastewater disposal system. This Regulation provides for the regulation of discharges to the POTW through the issuance of permits, authorizes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement activities, requires user reporting, establishes administrative review procedures, and provides for the setting of fees for the equitable distribution of expenditures. This Regulation applies to any person who uses the POTW. Except as otherwise provided herein, the Chief Executive Officer (CEO) shall administer the provisions of this Regulation.

### Section 1.2 - Definitions

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

**Act** means the Federal Water Pollution Control Act and Amendments (33 U.S.C §1251 *et seq.*) and the requirements of the South Carolina Pollution Control Act [S.C. Code Ann. §48-1-10 *et. Seq.* (

**ReWa** means Renewable Water Resources, Greenville, SC or any duly authorized personnel or contractor acting on its behalf.

**Authorized or Duly Authorized Representative of 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 initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; and who can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or a general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or local governmental entity: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the entity, and the written authorization is submitted to ReWa.
5. If an authorization under paragraph 4 of this section 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 authorization satisfying the requirements of paragraph 4 of this section must be submitted to the ReWa prior to or together with any reports to be signed by an authorized representative.

**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 4.1 and 4.2. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**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 mg/l or as otherwise shown on Attachment B.

**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 shown on Attachment B.

**Billable Flow** means recorded water usage as determined by the appropriate water utility, plus measured water from wells and other sources, times ReWa'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 ReWa.

**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 mg/l, or otherwise shown on Attachment B.

**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 mg/l, or otherwise shown on Attachment B.

**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 mg/l, or otherwise shown on Attachment B.

**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°C.

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

**Building Sewer** means the extension from the building drain to the sanitary sewer or other discharge location.

**Business Plan** means a document consisting of three sub-plans, a Facilities Plan, a Management Plan, and a Financing Plan, as applicable, which shows how a wastewater system (or group of systems under a common owner) will be self-sustaining and that the owner has the commitment and capability (financial, managerial and technical capability) to consistently comply with applicable federal, state, and local requirements governing wastewater collection, treatment and disposal.

**Bypass** means the intentional diversion of waste streams from any portion of a permittee's treatment facility.

**Capacity, Management, Operation, and Maintenance (CMOM) Program** means a program of accepted industry practices to properly manage, operate and maintain sanitary wastewater collection, transmission, and treatment systems, investigate capacity constrained areas of the system and respond to, report, and remediate sanitary sewer overflows events.

**Categorical Pretreatment Standard or Categorical Standard** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and SC R61-9.403 Appendix C.

**Categorical Industrial User** means an Industrial User subject to a National Categorical Pretreatment Standard and Requirements, or Categorical Pretreatment Standard, or Categorical Standard.

**Certified Laboratory** means laboratories currently certified by the State to perform specified wastewater analyses.

**Chemical Oxygen Demand** is the quantity of oxygen, expressed in milligrams per liter, required to oxidize the organic and inorganic matter in wastewater as prescribed in 40 CFR 136 or equivalent methods approved by EPA.

**Chief Executive Officer** means the person designated to manage the activities and responsibilities of ReWa or the Chief Executive Officer's duly authorized representative.

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

**Collector Sewer System** means that system of gravity lines, force mains and pump stations within the lateral lines (collection line) that are owned, operated and maintained by a subdistrict or another entity that carries a wastewater stream to a connection at a ReWa trunk line.

**Color** means any visible or measurable effect on the hue, tint or color of wastewater that is atypical of domestic wastewater.

**Contaminants of Emerging Concern (CEC)** means chemical and other waste contaminants posing unique issues and challenges to the environmental community as a result of (a) the recent development of new chemicals or other products; (b) new or recently identified byproducts or waste products; (c) newly discovered or suspected adverse health or environmental impacts; (d) physical or chemical properties that are not fully evaluated or understood; (e) an absence of or pending changes to fully defined risk levels, water quality standards or guidance or other environmental program levels of control; and (f) other factors. Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.

**Cooling Water** means the water used for air conditioning, refrigeration or other cooling applications.

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

**Daily Maximum Limit** means the maximum allowable discharge limit of a pollutant during a calendar day. Where a Daily Maximum Limit is expressed in units of mass, the

daily maximum discharge is determined from the total mass discharged over the course of the day. Where Daily Maximum Limit is expressed in terms of a concentration, the daily maximum discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**Direct Discharge** means the discharge of wastewater directly to the waters of the State.

**Discharge Authorization** means a control mechanism created by ReWa and issued to users outside of the pretreatment permit program that may impose limitations or require best management practices (BMPs) of a User connected to ReWa's system.

**Domestic Wastewater** means wastewater from sanitary conveniences in bathrooms, kitchens, canteens, and home laundries originated primarily from dwellings, commercial buildings, and institutions. In certain cases, the wastewater discharged from an industrial user would be domestic wastewater if it originates from the above type sanitary conveniences only and does not contain industrial wastewater.

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

**Existing Source** means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed National Categorical Pretreatment Standards and Requirements, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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

**Garbage** means the animal or vegetable wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce.

**General Permit** means an authorization to discharge issued to a group of Users with similar operations and/or types of discharge which may include limitations or other requirements related to the use of or existing/new connection to ReWa's sewer system.

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

**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 and/or sludges from holding tanks such as vessels, chemical toilets, camper trailers, septic tanks, and vacuum pump tank trucks which are not directly connected to the sanitary sewer.

**Illicit Connections** means connections that have been made to the sanitary sewer systems without the approval of ReWa and/or a Subdistrict and such approval is consistent with applicable laws.

**Illicit Discharge** means any unauthorized discharge to the sanitary sewer system including but not limited to area drains, foundation drains, roof drains, and sump pumps.

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

**Industrial User** means a source of Indirect Discharge.

**Infiltration** means water other than wastewater that enters the sewer system (including sewer service connections and foundation drains) from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include and is distinguishable from Inflow.

**Inflow** means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, basement drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

**Inflow/Infiltration** or “I/I” means the total quantity of water from inflow and infiltration.

**Inhibition** means any discharge of a quantity or quality that adversely affects ReWa’s ability to convey and/or treat wastewater including but not limited to diminishing system capacity, increasing the level of expended resources or decreasing effluent water quality.

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

**Interference** means a discharge which causes, alone or in conjunction with a discharge or discharges from other sources cause or contribute to:

1. Inhibition or disrupts the POTW, its treatment processes or operations, or its sludge processes use or disposal; and/or
2. A violation of any requirements of the POTW’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

**Local Limitation** means a more stringent local standard imposed by SCDHEC or ReWa.

**Medical Waste** means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated

bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

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

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

**National Categorical Pretreatment Standard and Requirements** 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.

**National Pollutant Discharge Elimination System Permit** means a permit which authorizes a discharge to Waters of the United States.

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

**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; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered
2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c). above but otherwise alters, replaces, or adds to existing process or production equipment.

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

**Noncontact Cooling Water** 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 (NSCIU)** means an Industrial User as determined by ReWa that discharges no 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 Control Authority's finding, has consistently complied with all applicable National Categorical Pretreatment Standards and Requirements;
- b. The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and
- c. The Industrial User never discharges any untreated concentrated wastewater.

**Non-Significant Industrial User (NSIU)** means any Industrial User of the POTW who (1) is not subject to National Categorical Pretreatment Standards and Requirements; (2) discharges an average of less than 25,000 gallons per day of process wastewater to the POTW; (3) discharges less than 5% of any design or treatment capacity of the POTW; (4) is not found by ReWa, 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.

**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.

**Owner** means a person or entity who has the legal or rightful title to a property or business.

**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, cause or contributes to a violation of any requirement of ReWa's NPDES permit (including an increase in the magnitude or duration of a violation).

**Permittee** means a person to whom a wastewater discharge permit, discharge authorization or general permit coverage has been issued under this Regulation.

**Person** means any individual, partnership, venture, firm, company, association, joint stock company, trust estate, governmental entity, or any other legal entity or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

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

**Point of Connection** means that point determined by ReWa to be the site where a User, if authorized, may connect to a ReWa trunk line.

**Pollutant** means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, basement dirt, and industrial, commercial, agricultural waste, or other pollutant including the characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor) as may be defined by EPA or SCDHEC Regulations, discharged into water.

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

**Pretreatment** is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes of other means, except as prohibited by 40 CFR 403.6(d) and SC R61-9.403.6(e). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW.

**Pretreatment Requirements** mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**Pretreatment Standards or Standards** mean prohibited discharge standards, National Categorical Pretreatment Standards and Requirements, and Local Limits.

**Private Sewer** means a sewer which is not owned by ReWa or a Subdistrict.

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

**Public Sewer** means any sewer which is owned and controlled by ReWa or a Subdistrict.

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

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

**Sanitary Sewer Overflow (SSO)** is a condition in which untreated sewage is discharged from a sanitary sewer into the environment prior to reaching sewage treatment facilities.

**Satellite Sewer System** means a sewer system that is owned or operated by a Person that discharges to the ReWa system. Satellite sewer systems depend on ReWa for final wastewater treatment and discharge and include systems approved under SC R.61-9.610.

**Shall** is mandatory and requires compliance: **May** is permissive.

**Significant Industrial User** means any Industrial User of the POTW who (1) is subject to National Categorical Pretreatment Standards and Requirements; (2) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; (3) discharges more than five percent or more of any design or treatment capacity of the POTW; or (4) is found by ReWa, 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 or for violating any pretreatment standard or requirement.

**Significant Noncompliance** means permit violations that meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits;
2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for the same pollutant parameter during a 6-month

period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined by Section 4 (Daily Maximum, Monthly Average, Instantaneous Limit, or narrative standard, that ReWa believes has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of ReWa personnel or the general public);
4. Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in ReWa's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation(s), which may include a violation of Best Management Practices, which ReWa determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug Discharge** means any discharge to either ReWa's or a Subdistrict's system of any pollutant at a flow rate or concentration which causes or contributes to Interference, Inhibition, Pass Through, violation of the prohibited discharge standards in Section 4.1 Prohibited Discharges of this ordinance or any violation by ReWa of its NPDES permit requirements.

**Spill Prevention Control and Countermeasures** means certain procedures, methods, and equipment used to prevent and contain discharges of oil or petroleum products as required in 40 CFR Part 112.

**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.

**State** means the State of South Carolina.

**Storm Sewer** means a sewer that carries only storm water, surface runoff, street wash, and drainage, and to which wastewater is not intentionally admitted.

**Storm Water** is any flow occurring during or following any form of natural precipitation and resulting there from.

**Subdistrict** is a Satellite Sewer System or municipality with a geographical area within the boundaries of ReWa's service area, having a separate governing Body with responsibilities for ownership and maintenance of sanitary sewers, but which is subject to regulation by ReWa as a User of the system.

**Total Dissolved Solids** means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

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

**Total Kjeldahl Nitrogen** is 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** is 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.

**Toxic Pollutant or Substances** means any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities interfere with any wastewater treatment process, exhibit any measurable toxicity on the POTW effluent or any other product of the POTW, or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include, but are not limited to, those 126 pollutants or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307 (33 U.S.C. 1317) of the Act, or other acts.

**Trunk Line** means a line owned, operated, and maintained by ReWa that conveys the wastewater stream to a treatment plant.

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

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

**User Charge System** means the system of charges levied on Users for all costs associated with the operation and maintenance of the wastewater disposal system.

**Viable Wastewater System Owner** means an owner who has demonstrated the financial, technical and managerial capability to handle all aspects of operation, maintenance and replacement of its wastewater system(s) to reasonably assure compliance with applicable federal, state, and local regulations.

**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.

1. **Sanitary Wastewater** means the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
2. **Non-sanitary Wastewater** means the combination of any liquid and water carried wastes discharged from any source other than toilet and other sanitary plumbing facilities.
3. **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.

**Wastewater Disposal System** means the land, structures, equipment and processes owned and controlled by ReWa or a Subdistrict (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.

**Water Resource Recovery Facility (WRRF)** means the portion of the POTW which is designed to provide treatment, including the recycling and reclamation of wastewater.

### Section 1.3 - Abbreviations

The following abbreviations shall have the designated meanings:

|               |   |
|---------------|---|
| <b>BMP</b>    | - Best Management Practice                                      |
| <b>BOD</b>    | - Biochemical Oxygen Demand                                     |
| <b>CFR</b>    | - Code of Federal Regulations                                   |
| <b>CIU</b>    | - Categorical Industrial User                                   |
| <b>COD</b>    | - Chemical Oxygen Demand  |
| <b>CWA</b>    | - Clean Water Act   |
| <b>SCDHEC</b> | - South Carolina Department of Health and Environmental Control |
| <b>EPA</b>    | - Environmental Protection Agency                               |
| <b>gpd</b>    | - Gallons Per Day   |
| <b>mg/l</b>   | - Milligrams Per Liter  |
| <b>NAICS</b>  | - North American Industry Classification System                 |
| <b>NPDES</b>  | - National Pollutant Discharge Elimination System               |
| <b>NSCIU</b>  | - Non-Significant Categorical Industrial User                   |
| <b>NSIU</b>   | - Non-Significant Industrial User                               |
| <b>POTW</b>   | - Publicly Owned Treatment Works                                |
| <b>RCRA</b>   | - Resource Conservation and Recovery Act                        |
| <b>ReWa</b>   | - Renewable Water Resources                                     |

|                 |  |
|-----------------|--|
| <b>SC R61-9</b> | - SC DHEC Water Pollution Control Permits: R61-9 |
| <b>SIU</b>      | - Significant Industrial User                    |
| <b>SPCC</b>     | - Spill Prevention Control and Countermeasures   |
| <b>SWDA</b>     | - Solid Waste Disposal Act                       |
| <b>TDS</b>      | - Total Dissolved Solids                         |
| <b>TKN</b>      | - Total Kjeldahl Nitrogen                        |
| <b>TSS</b>      | - Total Suspended Solids                         |
| <b>USC</b>      | - United States Code                             |
| <b>WRRF</b>     | -Water Resource Recovery Facility                |

## **SECTION 2 - USE OF PUBLIC SEWERS**

### Section 2.1 – Collector Sewer System

1. ReWa shall not accept a connection from any Collector Sewer System owned by more than one User. This requirement shall not apply to Collector Sewer Systems which are owned by multiple public entities.
2. Service requests outside of the service area of a Subdistrict or a municipal or county sewer subdistrict

For service requests outside of the service area of a Subdistrict or a municipal or county sewer subdistrict, any Private Utility (“PU”) desiring to connect a Collector Sewer System to a ReWa trunk line shall make application to ReWa and must enter into an agreement (“Agreement”) with ReWa whereby the PU covenants to restrict future conveyances of the Collector Sewer System as follows:

- a. The PU and its successors agree that any and all future conveyances of the Collector Sewer System are restricted and limited to conveyances to a single entity of the entire system of gravity lines, force mains and pump stations constituting a Collector Sewer System. Maps indicating size, inverts, and locations of all infrastructure shall be provided to ReWa in an acceptable electronic format;
- b. ReWa may seek injunctive relief to enforce the terms of the Agreement until such time that the Collector Sewer System in its entirety is owned by a public entity.

Further, the application to ReWa will include an opinion from the PU’s legal counsel that such PU is authorized to own and operate the Collector Sewer System and to enter into the contracts by which it gained ownership and control of the system.

3. Service requests inside the service area of a Subdistrict, municipality or county sewer subdistrict

All requests for service inside the service area of a Subdistrict, municipality or county shall be under the direction and approval of a Subdistrict, municipality or county. This provision allows the subdistrict, municipality or county to use a PU under contract. ReWa shall

consider such Collector Sewer System a part of the Subdistrict, municipality or county's collector system.

The application for service to ReWa shall be under the direction and approval of the Subdistrict, municipality or county with a pledge to ReWa that shall the PU become insolvent, inoperable, or subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured for more than 30 days, then the Subdistrict, municipality or county will assume ownership, operational and financial responsibility for the PU.

For any Collector Sewer System owned by a PU, ReWa shall be provided with a copy of the contract by which such entity obtained control of the system. A term of that contract shall require ownership of the system shall be transferred to a public utility if the PU becomes insolvent, or the Collector Sewer System becomes inoperable or subject for 30 days to an uncured regulatory warning for an unsafe or unsanitary operating condition. The contract will include express provision giving ReWa standing to bring an action to enforce the terms of the contract as a third-party beneficiary thereto.

### Section 2.2 - Permits Required

Prior to connection to the Wastewater Disposal System, the applicant shall obtain approval from the appropriate Subdistrict. Application shall be made in writing on forms provided by the Subdistrict. When an applicant will discharge any non-domestic wastewater or any wastewater in excess of 1,000 gallons per day, or desires a direct connection to ReWa sewer, the application must be approved by ReWa. All businesses, establishments or industries that will discharge non-domestic or industrial wastewater shall complete the application and obtain discharge authorization to connect and use the sewer facilities, regardless of the volume of discharge.

All currently permitted Industrial Users shall apply for renewal of their permit by completing an Industrial Discharge Permit Application and submitting it to ReWa at least 180 days prior to expiration of the current permit. The Industrial Discharge Permit Application shall be provided by ReWa. Facilities to be deeded to and accepted by ReWa or a Subdistrict shall be completed in accordance with applicable construction specifications, engineering standards, codes and regulations; and are subject to inspection and approval by the appropriate Subdistrict representative and ReWa representative, City or County Codes Department, and SCDHEC. Maps indicating size, inverts, and locations of all infrastructure shall be provided to ReWa in an acceptable electronic format. New Industrial Users shall also complete an industrial discharge application provided by ReWa.

ReWa may require any User to obtain a wastewater discharge permit or other authorization in order to address the intent of these regulations.

### Section 2.3 - Responsibility for Costs

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

#### Section 2.4 - Use of Public Sewers Required

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property in areas under the jurisdiction of ReWa any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural outlet in areas under the jurisdiction of ReWa any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of this Regulation and with regulations of SCDHEC. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. The Owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this Regulation, within 90 days after date of official notice to do so, provided that said public sewer is within three hundred feet of the property line. Under unusual or specific circumstances, the Director may waive this provision.

#### Section 2.5 - Sewer Material

All new sewers, including building sewers, to be connected with or to discharge to the wastewater disposal system shall be constructed of materials specifically approved in writing by ReWa.

#### Section 2.6 - Certain Connections Prohibited

1. Connection Not Allowed to Sewer:

No Person shall make any connection of appurtenances that convey flows from roof downspouts, exterior foundation drains, area drains, or other sources of inflow, infiltration, or other waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.

2. Connection Not Allowed to Storm Sewers:

No Person shall make any connection or discharge of sanitary wastewater into a storm sewer within ReWa's service area.

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

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

#### Section 2.8 - Use of Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by ReWa or the Subdistrict, to meet all requirements of this Regulation.

### Section 2.9 - Compliance with Other Regulations

All joints and connections of the sewer system shall be tight and waterproof. The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing and backfilling shall all conform to the building code, plumbing code and all other regulations of ReWa, Subdistrict, County and the State.

### Section 2.10 - Connection of Building Sewer to Public Sewer

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means approved by ReWa or the applicable Subdistrict and discharged to the building sewer. The connection of the building sewer into the public sewer shall conform to the requirements of applicable building and plumbing codes and other applicable rules and regulations, and technical specifications of ReWa or the Subdistrict. 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 ReWa and the applicable Subdistrict before installation.

#### 1. Direct Connections:

Direct connections to a ReWa trunkline by a residential, commercial or industrial User will be allowed in ReWa'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 ReWa trunkline. The connection shall be subject to the engineering approval of ReWa 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.

The municipality or Subdistrict shall be allowed access to ReWa manholes to which direct connections are made for purposes of inspecting or maintaining the direct connections. For those connections which were made to a trunkline rather than a manhole, the municipality or subdistrict can access a ReWa manhole and trunkline for the same purposes after providing notice to ReWa of the necessary work.

For requests for a direct connection outside the service area of a municipality or Subdistrict, the subdistrict 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 Direct Connections:

Existing direct connections to ReWa trunklines shall be continued subject to the conditions stated above unless within one year from the enactment of this regulation, the municipality or Subdistrict within which they are found requests that the connections be removed.

#### Section 2.11 - Supervision of Building Sewer Construction

The applicant for the building sewer permit shall notify ReWa or the applicable Subdistrict when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of ReWa or the applicable Subdistrict. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as per all Occupational Safety and Health Administration's guidelines. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to ReWa.

#### Section 2.12 - Special Pretreatment Devices

Grease Interceptors, Grease Traps, oil separators and grit interceptors shall be provided when a process or business activity is present within the connected building where oils, greases, grit, sand or other possibly impactful substances are generated or handled with any potential of entry into the sanitary sewer. All devices shall be designed, sized and operated according to established ReWa standards. Where no ReWa standard exists, the devices shall be designed and installed in accordance with best engineering practices and local codes. All devices shall be approved by ReWa prior to installation 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, Subdistrict, County, or ReWa. 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 Attachment F- Grease Control Regulation.

#### Section 2.13 - General Guidance

The ReWa 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.

#### Section 2.14 - Connection and/or Use Consent

Connection and/or use of ReWa's facilities or systems shall constitute consent and agreement by the User to be bound and abide by the ReWa Sewer Use Regulation and be subject to the enforcement thereof.

## **SECTION 3 - PRIVATE WASTEWATER DISPOSAL**

### Section 3.1 - Responsibility for Construction and Operation

Where a public sanitary sewer is not available according to the provisions of this Regulation, building sewers shall be connected to private wastewater disposal systems subject to applicable requirements, including the County and/or SCDHEC. Where the Owner desires ReWa to assume responsibility for the operation and maintenance of new treatment works, trunklines or lift stations, all such facilities shall be designed and constructed in accordance with ReWa's requirements (including technical specifications) and shall be subject to its review and approval and be in compliance with any applicable SCDHEC requirements. ReWa, subject to ReWa policies, may assume responsibility for the operation and maintenance costs of treatment systems and lift stations upon such written terms and conditions, as it deems appropriate.

### Section 3.2 - Tank Truck Transporter/Hauled Waste

The contents of a tank truck operated by a SCDHEC licensed and ReWa permitted transporter of holding tank waste shall be discharged to the POTW only at a location approved by ReWa. The discharge of such wastes shall be subject to the procedures and limitations established by the ReWa, to the provisions of Attachment A – Hauled Waste Regulation, Attachment F – Grease Control Regulation, applicable permits and fees established in Attachment B of this Regulation. No toxic materials or petroleum-based grease and oils shall be accepted. Transporters who knowingly, or unknowingly, discharge materials that adversely impact the sewer systems shall be held financially responsible for all costs incurred as a result of the impact. An environmental liability policy, performance bond or other monetary instrument naming Renewable Water Resources as a beneficiary may be required to be secured and maintained by each Transporter as a condition of permitted use of ReWa facilities. ReWa is authorized to accept hauled waste originating within the ReWa service area boundaries or Greenville County. Additionally, ReWa may grant approval to accept hauled waste from locations outside of Greenville County or the ReWa service area. Such approval may be subject to special conditions or restrictions, additional fees and applicable inter-jurisdictional agreements.

### Section 3.3 - Requirements of Other Authorities

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

## **SECTION 4 - PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES**

### Section 4.1 - Prohibited Discharges

It shall be unlawful for any person to discharge wastewater which causes a hazard to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or cause or contribute to Pass Through or Interference. These general prohibitions apply to all Users of the POTW

whether or not the User is subject to National Categorical Pretreatment Standards and Requirements or any other Federal, State, or Local regulations. When ReWa determines that a User has the potential to or is discharging such wastewater, ReWa shall evaluate the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW.

ReWa reserves the right to establish limitations and requirements which are more stringent than those required by Local, State or Federal regulations.

A User shall not discharge the following substances to the POTW:

1. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flashpoint of less than 140° F using test methods specified in 40 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, lubricating oil, and any other substances which ReWa, the Subdistrict, State, or EPA has notified the User is a fire hazard or a hazard to the system.
2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other Interference, such as, but not limited to: raw materials, finished products, floatable oil, garbage with particles greater than one-half (1/2”) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding, polishing wastes, or nonwoven hygiene wipes.
3. Wastewater having a pH less than 6.0 standard units or greater than 10.0 standard units and wastewater liquid, or vapors having a temperature higher than 150°F, or results in a temperature higher than 104°F at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW and cause or contribute to Interference unless other limits are approved by ReWa, or wastewater having any other property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
4. Noxious liquids, gases, solids or wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause or contribute to Interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW or cause a violation of ReWa’s NPDES permit.
5. Wastewater containing radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable Local, State or Federal regulations.
6. Wastewater which constitutes a slug discharge as defined herein.

7. Wastewater which imparts a visible sheen or observable and/or measurable color in the effluent of the WRRF.
8. Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
9. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause or contribute to Interference or Pass Through.
10. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
11. Any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may:
  - a. Pose a hazard to employee health or safety; or
  - b. Cause excessive corrosion to the Collector Sewer System or WRRF.
12. Any trucked or hauled wastes, except as permitted by ReWa at discharge points designated by ReWa.
13. Any wastewater that causes or contributes to toxicity in the POTW's effluent or any other product of the POTW or receiving streams.
14. Any pollutants containing detergents, surface active agents, or other substances which may cause or contribute to Interference or Pass Through within the POTW.
15. Wastewater which includes excessive Infiltration and/or Inflow as determined by ReWa and in accordance with good engineering practices. In the case of a conflict between this provision and any separate Agreement between ReWa and the User regarding the I/I, the terms of the Agreement shall be controlling.
16. Any discharge that causes or contributes to a Sanitary Sewer Overflow.
17. Grease and Oils:
  - a. Wastewater containing more than 100 mg/l of Silica Gel Treated N-Hexane Extractable Material (SGT-HEM); Non-Polar Material such as petroleum oil, cutting oils, coolants, or products of mineral oil origin.
  - b. Wastewater containing more than 200 mg/l of Polar Material including oil or grease of animal or vegetable origin. Analyses shall be performed in accordance

with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants in the latest edition of 40 CFR 136. The difference between the N-Hexane Extractable Material (HEM) analysis and the SGT-HEM analysis will be considered Polar Material.

- c. Wastewater containing substances which may solidify or become viscous in the collection system.
- d. Wastewater or waste containing oil or grease or septage that is hauled to ReWa facilities. Attachment F – Grease Control Regulation is incorporated herein, and reference is made to that attachment for its provisions as they are applicable to hauled waste.

#### Section 4.2 - Conditionally Prohibited Discharges

Certain discharges may be prohibited in the event ReWa determines it necessary to protect the POTW, or receiving stream, or that the discharge will endanger human health, public property, or constitute a nuisance. ReWa may revise the limitations established in this section if, in the determination of ReWa, different limitations are necessary to meet the above objectives. Wastewater as described below shall not be discharged to the POTW without the prior written approval of ReWa by wastewater discharge permit, general permit or otherwise.

- 1. Holding Tank Waste without prior written approval from ReWa.
- 2. Wastewater with a pH less than 6.0 standard units or greater than 10.0 standard units.
- 3. Any wastewater which imparts color to the influent of the WRRF.
- 4. Flows from, but not limited to, storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, HVAC condensate, deionized water, non-contact cooling water, and certain industrial wastewater.
- 5. Any infectious waste which may pose a biohazard potential.
- 6. Any sludges, screenings, or other residuals from the pretreatment of industrial wastes.
- 7. Swimming pool backwash and drainage approved to be discharged to the environment pursuant to the applicable Municipal Separate Storm Sewer System (MS4) in accordance with applicable Local, State, or Federal regulations.
- 8. Any wastewater that is not or cannot be measured and/or billed for sewer services such as, but not limited to, groundwater well, surface water, and hauled water.

#### Section 4.3 - National Categorical Pretreatment Standards or Local Limitations

Upon the promulgation of National Categorical Pretreatment Standards and Requirements for an industrial subcategory, each National Categorical Pretreatment Standard and Requirements, if more stringent than the corresponding limitation imposed under this Regulation for sources in that

subcategory, shall immediately supersede the limitations imposed under this Regulation. ReWa shall notify all affected Users of the applicable reporting requirements under 40 CFR 403.12 and SC R61-9.403.12. Compliance with National Categorical Pretreatment Standards and Requirements 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 ReWa 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. ReWa operates several wastewater treatment plants and specific Local Limitations will vary by plant. These specific limits and definitions of duration and maximums shall be on file at ReWa's office and available upon request. A current listing shown in Attachment D is attached to the Regulation.

ReWa 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 National Categorical Pretreatment Standard applicable to the Categorical User in accordance with 40 CFR 403.13 and SC R61-9.403.13. 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, ReWa may impose equivalent concentration or mass limits in accordance with paragraphs 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, ReWa 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, ReWa shall impose an alternate limit in accordance with 40 CFR 403.6(e) and SC R61-9.403.6 (f).
4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that ReWa convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of ReWa. ReWa 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:
    - i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
    - ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not

have used dilution as a substitute for treatment;

- iii. Provide sufficient information to establish the facility's total actual average daily flow rate for all wastestreams, 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;
- iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- v. Have consistently complied with all applicable National Categorical Pretreatment Standards and Requirements 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:

- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of flow measurements is consistent with accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of not greater than 10 percent from the true discharge rate throughout the range of expected discharge volumes.;
- iii. Continue to record the facility's production rates and notify ReWa whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 4.3(4)(iii) of this Section. Upon notification of a revised production rate, ReWa will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 4.3(4)(a)(i) of this Section so long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, ReWa:

- i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit

conversion factor;

- ii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - iii. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 4.6 below. The Industrial User must also be in compliance with Section 4.11 regarding the prohibition of bypass.
5. ReWa may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits [SC R61-9.403.6 (d)(6)] 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 4.6 of this Regulation. The conversion is at the discretion of ReWa.
  6. Equivalent limitations calculated in accordance with subsection 4(c) above are deemed Pretreatment Standards for the purposes of 307 (d) and the CWA. ReWa must document how the equivalent limits were derived and make this information publicly available. 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 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
  8. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify ReWa within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying ReWa 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. ReWa, at its discretion and with State approval, may reduce or waive User monitoring for Categorical Pretreatment Standards if an Industrial User subject to the National Categorical Pretreatment Standards and Requirements is determined to be a Non-Significant Categorical User. ReWa may determine that an Industrial User subject to National Categorical Pretreatment Standards and Requirements is a Non-Significant Categorical Industrial User

rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- a. The Industrial User, prior to the ReWa's finding, has consistently complied with all applicable National Categorical 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.

#### Section 4.4 - Limitations on Wastewater Strength and Flow Rate

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. ReWa shall establish permit limitations on a case-by-case basis in accordance with SCDHEC and EPA regulations and Attachment D of this Regulation. Where appropriate and allowed by applicable regulations, ReWa may impose mass limitations on a discharge.

ReWa may develop Best Management Practices (BMPs) or include BMPs in individual wastewater discharge permits, general permits or discharge authorizations, to implement Local Limitations and the requirements of Section 4.0.

#### Section 4.5 - Revision of Limitations

ReWa may impose limitations more stringent than the National Categorical Pretreatment Standards in wastewater discharge permits or a general permit where ReWa determines it is necessary to comply with the objectives of this Regulation.

#### Section 4.6 - Dilution Prohibition

Except where authorized by an applicable pretreatment standard, no User shall deliberately dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable limitations. This provision may be waived for National Categorical Pretreatment Standards or Local Limitations only if the standard or requirements specifically allow dilution and ReWa determines the discharge would otherwise comply with the provisions of this Regulation.

#### Section 4.7 - Accidental Discharge/Slug Control /Spill Prevention, Control and Countermeasure (SPCC) Plans

ReWa may require an Industrial User/User to develop and implement an accidental discharge/slug control /SPCC plans. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner. Upon request, detailed plans showing

facilities and operating procedures to provide this protection shall be submitted to ReWa for review. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of this Regulation. Full implementation by the Industrial User of the most currently dated plan that ReWa approves shall be an enforceable component of an Industrial User Permit or other User discharge authorization.

In the case of any discharge, including, but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or a slug load, it is the responsibility of the User to immediately notify ReWa 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 ReWa 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/SPCC when required, shall be submitted to ReWa 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

ReWa will evaluate within one (1) year of a User being designated a Significant Industrial User, whether the User needs a plan, and thereafter at least once every three years.

#### Section 4.8 - Upset Provision, An Affirmative Defense

##### 1. Definition

For the purposes of this section, “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards and Requirements or other technology-based standards because of factors beyond the reasonable

control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

## 2. Effect of an Upset

An Upset shall constitute an affirmative defense to an action brought for noncompliance if the requirements of paragraphs 1 and 3 are met.

## 3. Conditions Necessary for Demonstrating Upset

Any User which experiences an Upset in operations which places the User in a temporary state of noncompliance shall comply with the requirements of 40 CFR 403.16 and SC R61-9.403.16 if the User seeks to establish an affirmative defense of Upset. The following information must be given to ReWa within 24 hours of becoming aware of the Upset (if given orally, written submission must follow within five days):

- a. Description of the Upset, the cause thereof, and the expected impact on the User's compliance status;
- b. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur; and
- c. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an Upset or other condition of noncompliance.

## 4. User Responsibility in Case of Upset

The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with National Categorical Pretreatment Standards and Requirements /local 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 or fails.

### Section 4.9 - Notice of Process Change/Interruption of Operation

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

### Section 4.10 – Pretreatment

Users required to install pretreatment, additional pretreatment measures, or make operational modifications to comply with limitations, National Categorical Pretreatment Standards and Requirements or Local Limitations, must provide the shortest schedule by which the User will provide these measures.

## 1. Pretreatment Measures

Users shall provide pretreatment as required to comply with this Regulation, Discharge Authorization or permit and shall achieve compliance with this Regulation and all pretreatment standards within the specified time limitations. Any facilities required to maintain compliance with standards or requirements shall be constructed, operated, and maintained at the expense of the Owner. An Industrial User shall obtain a permit from SCDHEC and construct or modify the necessary pretreatment facilities within the compliance timeframe specified by ReWa in the Industrial User's permit, Discharge Authorization, or enforcement order. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to ReWa for review. Submittal of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to ReWa under the provisions of this Regulation. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to ReWa prior to the initiation of the changes.

## 2. Additional Pretreatment Measures

- a. Whenever deemed necessary, ReWa 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 the POTW and determine the Industrial User's compliance with the requirements of this ordinance.
- b. A User may be required to install and maintain, on its property and at its expense, a suitable storage and flow control facility to ensure equalization of flow over a period determined by ReWa. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by ReWa. A wastewater discharge permit or a general permit may be issued solely for flow equalization.
- c. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### Section 4.11 - Bypass

Any User which bypasses treatment facilities as defined in 40 CFR 403.17 and SC R.61-9.403.17 shall comply with the requirements of that section and applicable State and Federal regulations. An Industrial User may allow a bypass to occur only when it does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to ReWa, if possible, at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to ReWa as soon as possible but no later than 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description

of the bypass and its cause; the duration of the bypass, including exact dates and times, 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. ReWa may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

ReWa may take enforcement action against an Industrial User for a bypass. However, in the exercise of its enforcement discretion, ReWa will consider the following information provided by the User:

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

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

#### Section 4.12 - Recovery of Preventative Expenses

When any discharge, in the determination of ReWa, violates Section 4, Prohibitions and Limitations on Wastewater Discharges, to the extent that the discharge may interfere with, Pass Through, or have an adverse impact upon, the operation of facilities, ReWa may act to take preventative action. All costs and expenses, losses and damages, including the reasonable value or cost of the use of ReWa personnel and equipment caused or incurred by the implementation of such preventative measures shall be charged to and paid by the discharger.

#### Section 4.13 - Control of Contaminants of Emerging Concern (CEC)

ReWa has determined that the discharge of CECs by Users may bring risks to the POTW, human health and the environment through pass-through and other impacts addressed by this regulation. Management within the POTW shall address CECs in the following manner for the purposes of this regulation and protection of receiving waters / biosolids.

1. ReWa may require Users to provide specified information on the User's purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CECs; and specified information on Users' products and processes that may contribute to the creation or discharge of CECs.
2. ReWa may require Users to provide specified wastewater discharge information or other data on any CECs identified by either ReWa or by the User consistent with subsection 1 above or otherwise determined by Management within the POTW to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall include any existing data in the possession or control of the User and may include requirements for the User to sample and

generate at its cost such data. ReWa may also itself sample and generate such data, and ReWa's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance with Attachment B of this regulation.

3. When ReWa determines it necessary for the purposes of this regulation, it may require by Pretreatment Permit (through either a new permit, reissuance or amendment), by General Permit issued to IUs with common characteristics, by [Order] or otherwise pursuant to the terms of this regulation actions by a User to address CECs. Such actions may include (a) further or routine monitoring requirements; (b) numeric effluent limits adopted as Local Limits or calculated as either generally-applicable or User-specific technology-based limits; and (c) requirements for Best Management Practices. Any such requirements may be based on (x) ReWa's determination of CEC numeric criteria based on available toxicity or other data; (y) U.S. EPA or [State agency] standards or criteria; or (z) generally-accepted criteria determinations by recognized national scientific entities.

## **SECTION 5 - REVENUE SYSTEM**

### Section 5.1 - Fees and Charges

Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of this Regulation. These charges shall be reviewed by ReWa periodically in accordance with the User Charge System and other ordinances and policies of ReWa and applicable statutes of the State. Charges may be developed for the following non-inclusive list of purposes:

1. Industrial Monitoring, inspections, and surveillance procedures;
2. Reviewing accidental discharge procedures;
3. Construction and compliance inspections;
4. Reviewing permit applications;
5. Reviewing appeals;
6. Special industrial discharges;
7. Recovering capital related expenditures;
8. Other charges, including User charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system;
9. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs expended for the system and/or its expansion.

10. Reviewing requests for discharge authorization commercial discharges (i.e. pools, chillers, cooling towers or special projects).

Current fees and charges are shown in Attachment B. Future charges and fees will be developed and approved for inclusion in Attachment B.

## SECTION 6 - DISCHARGE PERMITS AND REPORTING

### Section 6.1 - Wastewater Discharge Permit and General Permits

Any User wishing to discharge non-domestic waste shall obtain a written permit authorization from ReWa prior to initiating any discharge to either ReWa's or the Subdistricts' systems. All Significant Industrial Users shall obtain a final individual permit before discharge to the POTW.

#### 1. Application Requirements

Any User desiring to discharge industrial or other non-domestic wastewater shall complete the appropriate application and file it with ReWa. ReWa may modify the application when necessary to comply with Local, State, Federal regulations. ReWa may grant permission to discharge through the issuance of a wastewater discharge permit or other written Discharge Authorization instrument, subject to the terms and conditions provided herein. Authorized representatives of Users shall sign the permit application.

Users which, through changes in the use of the premises or water usage, could cause a substantive change in wastewater volume, strength, or characteristic shall promptly notify ReWa of anticipated changes and may be required to submit a new application prior to making the change or alterations. These changes include the introduction of any new chemicals to be stored on site for any purpose.

Users shall complete and submit the appropriate application and/or survey in accordance with 40 CFR 403.8, 40 CFR 403.12(b), or 40 CFR 403.12(h). The application must be accompanied by an application fee in the amount prescribed, if required. If additional pretreatment or operational modifications will be required to comply with limitations or National Categorical Pretreatment Standards or Local Limitations, the application must include the shortest schedule by which the User will comply. All wastewater discharge permit applications and Industrial User reports must contain the certification statement in Section 6.3 and be signed by an authorized representative of the User.

ReWa shall review the application and/or survey and may conduct an on-site inspection of the property and any facilities, and request additional information or data absent from the initial application that it deems necessary to characterize the potential discharge. If the determination is to issue the permit, ReWa shall draft the permit in accordance with this Regulation and State regulations. The draft shall include the rate or frequency of the proposed discharge, average daily flow, average daily discharge in pounds of any limited pollutant and any pollutant identified in the application as known or suspected present, and the basis for the pretreatment limitations including the documentation of any calculations in applying National Categorical Pretreatment Standards or Local Limitations, and all other information required by the State. The User shall have 30 days from the receipt of the draft permit to review and comment on the draft permit. ReWa shall issue the final permit at the end of the comment period or upon acceptance of the draft permit by the User, or after ReWa has resolved any remaining permit issues.

At its discretion, ReWa may issue General Permits to control SIU or other types of non-domestic User discharges to the POTW if the following conditions are met. All facilities to be covered by a General Permit must:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations and/or BMPs;
4. Require the same or similar monitoring; and
5. In the determination of ReWa, are more appropriately controlled under a General Permit than under individual wastewater discharge permits.

To be covered by the General Permit, the SIU or other User must file a written request or application for coverage. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the General Permit until after ReWa has provided written notice to the SIU or other User that such a waiver request has been granted.

ReWa will retain a copy of the General Permit, documentation to support the POTW's determination that a specific SIU or other User meets the criteria listed above and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the General Permit.

A SIU subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or subject to limits which are based on the Combined Wastestream Formula or Net/Gross calculations as allowed in 40 CFR 403.6 and SC R61-9.403.6(f) is not eligible for General Permit coverage.

## 2. 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 Section 8.2 and the ReWa Enforcement Management Strategy, Attachment C, 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 ReWa for a review of the determination of the hearing examiner prior to a final decision in the matter by ReWa. However, application must be submitted in writing within 15 days of receipt of the determination stating specifically the grounds of objection to such determination. ReWa may, on its own motion, take up the review of the determination of the hearing examiner at a regularly scheduled ReWa meeting. On the basis 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 ReWa in a final decision on the matter.

ReWa will review the determination of the hearing examiner in the following manner:

- a. Briefs may be submitted to ReWa by the parties but are not required unless specially requested by ReWa.

- b. All briefs shall be submitted to ReWa at least 15 days prior to the scheduled meeting with 10 separate copies. Briefs shall state specifically the grounds for affirmation, modification, or denial of the determination of the hearing examiner. Reply briefs may be filed five days before the ReWa meeting.
- c. Oral arguments shall be limited in duration to not more than one hour, or as otherwise provided by ReWa, from each party in the hearing, including intervening parties.
- d. A full and complete record shall be kept of all proceedings and reported and transcribed by a qualified reporter furnished by ReWa. A copy of the transcript may be requested by any interested party, who shall pay the cost of preparing such transcript.
- e. ReWa, at its discretion, may require a reopening of the adjudicatory hearing before the hearing examiner for the taking of additional testimony upon all issues or particular issues prior to its final decision on the determination of the hearing examiner.
- f. ReWa will make its decision upon the record presented by the hearing examiner alone, unless ReWa determines it needs additional evidence during its consideration. In such event, a proper opportunity for rebuttal by the party will be granted.

Any party aggrieved by a final decision of ReWa, other than in an enforcement case, may appeal such decision to the Court of Common Pleas in the county in which ReWa is located under the same guidelines applied to State agencies which are set forth in S.C. Code Ann. §1-23-380.

### 3. Permit Modifications

Subsequent to the promulgation of a National Categorical Pretreatment Standard and Requirements, or adoption of a Local Limitation, the permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard and Requirements, or Local Limitation, has not previously submitted an application for a permit, the User shall apply for a permit within 180 days after the promulgation of the National Categorical Pretreatment Standard and Requirements. In addition, the User with an existing permit shall submit to ReWa within 180 days after the promulgation of an applicable standard, information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary. If additional pretreatment and/or operation and maintenance will be required to meet Pretreatment Standards, the User shall include the shortest schedule by which the User will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

Other modifications of permits, including general permits, shall be subject to the same procedural requirements as the issuance of permits except the following changes may be made upon 30 days notice:

- a. modifications of the monitoring program contained in the permit;

- b. changes in the ownership of the discharge when no other change in the permit is indicated;
- c. a single modification of any compliance schedule not in excess of four months; or
- d. modification of compliance schedules in permits for new sources where the new source will not discharge until process or pretreatment facilities are operational; or
- e. modifications incorporating new or revised Federal, State or Local pretreatment standards or regulations; or
- f. other modifications determined necessary by ReWa under the Regulations.

#### 4. Permit Conditions

ReWa shall have the authority to grant a permit including such conditions as it determines necessary to achieve the purpose of this Regulation, State and Federal regulations. Such conditions shall include but are not limited to the following:

- a. A statement of duration (in no case more than five years);
- b. A statement of non-transferability;
- c. Applicable effluent limits, including Best Management Practices, based on National Categorical Pretreatment Standards and Requirements or Local Limitations;
- d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements, identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Section 6.2(4), or a specific waived pollutant), sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- e. Any grant of the monitoring waiver by ReWa;
- f. Notification requirements for slug discharges as defined by 40 CFR 403.8(f)(2) and SC R61-9 Section 403.8(f)(2);
- g. A statement of applicable civil and criminal penalties for violation of permit conditions;
- h. A compliance schedule that outlines dates and actions for obtaining compliance with final limitations or other pretreatment requirements; and
- i. Slug Control requirements in accordance with Section 4.7.

#### 5. Permit Duration

Permits may be issued for a specified time period, not to exceed five years. The User shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the permit.

## 6. Permit Transfer

Wastewater discharge permit or a general permit are issued to a specific User for a specific operation. A wastewater discharge permit or a general permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation. In such event, a new or updated application shall be submitted with full information or certification that (1) there is not immediate intent to change the facility's operation and process, (2) the date the new owner or operator shall take over, and (3) acknowledgment is made that the new owner or operator has full responsibility for complying with the existing wastewater discharge permit or a general permit.

### Section 6.2 - Reporting Requirements for Permittee

1. Within 180 days after the effective date of a National Categorical Pretreatment Standard and Requirements, or 180 days after the final administrative decision is made upon a category determination submission under 40 CFR 403.6 and SC R.61-9.403.6 (b), whichever is later, existing Categorical Industrial Users subject to such National Categorical Pretreatment Standards and Requirements shall be required to submit to ReWa a report which contains the information required in 40 CFR 403.12 and SC R.61-9.403.12 (b) and applicable State and Federal regulations. At least 90 days prior to commencement of discharge, new sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard and Requirements, shall be required to submit to ReWa a report which contains the information required in 40 CFR 403.12 and SC R.61-9.403.12 (b). ReWa shall require appropriate reporting from those Significant Industrial Users not subject to National Categorical Pretreatment Standards and Requirements. Reports required by this Regulation shall be signed by an authorized representative of the Significant Industrial User.
2. Within 90 days following the date for final compliance with applicable National Categorical Pretreatment Standards and Requirements or, in the case of a New Source, following commencement of the discharge of wastewater into the POTW, any User subject to National Categorical Pretreatment Standards and Requirements shall submit to ReWa a report containing the information required in 40 CFR 403.12 and SC R61-9.403.12 (b).
3. Any User subject to a National Categorical Pretreatment Standard, after the compliance date of such National Categorical Pretreatment Standard and Requirements, or, in the case of New Source, after commencement of the discharge into the POTW, shall submit to ReWa, no less than every 6-months, unless required more frequently in the National Categorical Pretreatment Standard and Requirements or by ReWa, a report indicating the nature and concentration of pollutants in the effluent which are limited by such National Categorical Pretreatment Standards and Requirements. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by ReWa or the

applicable Pretreatment Standard to determine compliance with the standard. At the discretion of ReWa and in consideration of such factors as local high or low flow rate, holidays, budget cycles, etc., ReWa may agree to alter the months during which the above reports are to be submitted. ReWa may impose mass limitations on Users which are using dilution to meet applicable National Categorical Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the required periodic reports shall indicate the mass of pollutants regulated by National Categorical Pretreatment Standards and Requirements in the discharge of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentrations, or production and mass where requested by ReWa, of pollutants contained therein which are limited by the permit or applicable National Categorical Pretreatment Standard and Requirements.

4. ReWa, at its discretion and with State approval, may authorize an Industrial User subject to a National Categorical Pretreatment Standards and Requirements 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. This authorization is subject to the following conditions:
  - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
  - b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
  - c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - d. The request for a monitoring waiver must be signed by a duly authorized representative and include the certification statement in Section 6.3 below.
  - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - f. Any grant of the monitoring waiver by ReWa 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 will be maintained by ReWa for 3 years after expiration of the waiver.

- g. Upon approval of the monitoring waiver and revision of the User's permit by ReWa the Industrial User must certify on each report with the statement in Section 6.3 below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
  - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph 3 above, or other more frequent monitoring requirements imposed by ReWa, and notify ReWa.
  - i. This provision does not supersede certification processes and requirements established in National Categorical Pretreatment Standards and Requirements such as baseline monitoring reports and 90-day report of final compliance with the Pretreatment Standard, except as otherwise specified in the Categorical Pretreatment Standard. The waiver is not available when the combined wastestream formula is applied except where a single categorical wastestream is combined only with sanitary wastewater.
5. All Users shall notify ReWa immediately of any changes at the User's facility affecting the potential for a slug discharge, including any slug discharges as defined in Section 1.2 of this Regulation.
  6. Sampling and analysis may be performed by ReWa in lieu of the User. If done by ReWa, the User shall be charged such fees or charges as are established by ReWa. Where ReWa performs the required sampling and analysis in lieu of the User, the User shall not be required to submit the compliance certification required under 40 CFR 403.12(b)(6) and 403.12(d) and SC R61-9.403.12(b) and 403.12(d). If analyses performed by ReWa in lieu of the User indicate a violation, ReWa shall repeat sampling and analysis within 30 days unless ReWa notifies the User of the violation and requires that the User perform repeat analysis. In addition, where ReWa itself collects all the information required for the report, including flow data, the User shall not be required to submit the report.
  7. If sampling performed by a User indicates a violation, the User shall notify ReWa within 24-hours of becoming aware of the violation. The User shall also repeat the sampling and analysis within 30 days of becoming aware of the violation and submit the results of the repeat analysis to ReWa within 10 days of receipt of such results.
  8. If a User subject to these reporting requirements monitors, using approved methods, any regulated pollutant at the location(s) designated in the discharge permit or a general permit more frequently than required by ReWa, the results of this monitoring shall be included in the report.
  9. ReWa shall require appropriate reporting from those Users with discharges that are not subject to National Categorical Pretreatment Standards and Requirements. Significant Industrial Users shall submit to ReWa at least twice per year (on dates specified by ReWa) a description

of the nature, concentration, and flow of the pollutants required to be reported by ReWa. This sampling and analysis may be performed by ReWa in lieu of the non-categorical Significant Industrial User. Where ReWa itself collects all the information required for the report, the Significant Industrial User shall not be required to submit the report. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by ReWa or the applicable Pretreatment Standard to determine compliance with the standard.

10. Industrial Users shall promptly notify ReWa in advance of any substantial change in the volume or character of pollutants in their discharge in excess of the amounts allowed in the discharge described in the application or the permit, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12 and SC R61-9.403.12. Industrial Users shall notify ReWa, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: (1) an identification of the hazardous constituents contained in the wastes; (2) an estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month; and (3) an estimation of the mass of constituents in the wastewater expected to be discharged during the following 12 months. Industrial Users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j) and SC R61-9 Section 403.12(j). The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e) and SC R61-9 Section 403 (b), (d) and (e). Users are exempt from the requirements 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 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 Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
11. In the case of any regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify ReWa, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
12. In the case of any notification, the Significant Industrial 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. Notice:

The reports and other documents required to be submitted or maintained under this section may be subject to the provisions of 18 USC section 1001 relating to fraud and false statements; the provisions of section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and the provisions of section 309(c) regarding responsible officers.

### 6.3 Certification Statements

#### 1. 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, baseline monitoring reports, reports on compliance with the National Categorical Pretreatment Standard and Requirements deadlines, periodic compliance reports, and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative as defined in Section 1.2:

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.

#### 2. Annual Certification for Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User by ReWa pursuant to Section 1.2 must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.2. This certification must accompany an alternative report required by ReWa:

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

- a. The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1.2.
- b. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- c. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

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3. Certification of Pollutants Not Present –

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

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

Section 6.4 – Compliance Schedule Progress Reports

The following conditions apply to compliance schedules required by Sections 4.10 and 6.1:

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

Section 6.5 – User Records

Users subject to the reporting requirements of this Regulation, shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.7. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses;

the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or ReWa or where the User has been specifically notified of a longer retention period by ReWa

#### Section 6.6 - Confidentiality

Information and data on a User obtained from reports, surveys, questionnaires, discharge permit applications, individual wastewater permits, monitoring programs and ReWa's inspections and sampling activities shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of ReWa that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon written request to governmental agencies for uses related to this Regulation, 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 in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

### **SECTION 7 - SAMPLING AND MONITORING**

#### Section 7.1 - Right of Entry

Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper credentials and identification, ReWa, State, and EPA personnel shall be permitted to enter upon any property of Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, or testing to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308(a)(B)(i) of CWA. Any User completing and filing an application to discharge wastewater shall thereby grant ReWa, State, and EPA permission to enter his premises for said purposes. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements so that upon presentation of suitable identification, ReWa, State and EPA personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### Section 7.2 - Compliance Determination/Sample Collection

Samples collected by Users 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 2. and 3. below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by ReWa. The samples must be representative of the discharge and performed in accordance with 40 CFR 136, 40 CFR 403.12(b)(5)(v), and any other appropriate regulatory guidelines.
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 [40 CFR 403.12(b) and (d) and SC R61-9 403.12 (b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data does not exist; for facilities for which historical sampling data is available, ReWa may authorize a lower minimum. For the periodic compliance reports [40 CFR 403.12(e) and (h) and SC R61-9 403.12 (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.

### Section 7.3 - Analysis of Industrial Wastewaters

All measurements, tests and analyses of the characteristics or properties of wastewater to which reference is made in this Regulation shall be made in accordance with 40 CFR 136 and shall be performed by a South Carolina Department of Health and Environmental Control (SCDHEC) Certified laboratory. In the event that there is no approved method in 40 CFR 136 for a particular parameter, testing shall be performed in accordance with Standard Methods, herein defined, or a method approved by ReWa.

### Section 7.4 - Self-Monitoring Frequency

Self-Monitoring of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done in accordance in Attachment E of the Sewer Use Regulation or at such intervals as ReWa may designate. However, it is the intention of ReWa for sampling to be conducted for all Significant Industrial Users and other Industrial Users at least at least once every six months (on dates specified by ReWa).

### Section 7.5 - Control Structure

When determined by ReWa 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 from the premises just prior to the entrance of the building sewer into the public sewer suitable for sampling and measuring the wastewater. Plans for this structure shall be approved by ReWa prior to construction and/or commencement of discharge. There shall be ample room in or near such sampling facility to allow accurate flow measurement, sampling, and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Owner.

## **SECTION 8 - ENFORCEMENT**

### Section 8.1 - Enforcement Management Strategy

ReWa shall enforce the provisions of this regulation in accordance with the current ReWa Enforcement Management Strategy, Attachment C. In accordance with Section 2.14 of this Regulation, connection and/or use of ReWa's facilities or systems shall constitute consent and agreement by the User to be bound and abide by ReWa's Rules and Regulations and be subject to the enforcement thereof.

### Section 8.2 - Administrative Remedies

#### 1. Notification of Violation

Whenever ReWa finds that any User has violated or is violating this Regulation, any provision of this Regulation, an individual discharge permit or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, ReWa may serve upon such a User an appropriate written notice stating the nature of the violation. An oral notice shall be sufficient in circumstances determined by ReWa. ReWa shall require a response to the notice of violation. When required in the notice and within 15 days from the date of the notice, an explanation of the violation and a plan for the satisfactory correction thereof shall be submitted to ReWa. Submission of this plan shall not relieve the User of liability for any violations occurring before or after receipt of the notice of violation. The classification of violations under these regulations and permit are described in Attachment C of the Sewer Use Regulation.

#### 2. Administrative Consent Order

ReWa is empowered to enter into Administrative Consent Orders or other similar agreements with the User responsible for the violation. Such orders/agreements may be negotiated in an Informal Conference. Such agreements shall include specific action to be taken by the User to correct the violation within a time period also specified by the Administrative Consent Order and contain other terms and conditions. Reference is made to Attachment C. A violation of an Administrative Consent Order shall constitute a violation or violations under this Regulation, and may be enforced as any other Order.

A Consent Order may include an agreed upon Administrative Civil Penalty in the amount(s) provided in subsection 10 below, and may include agreed upon stipulated Administrative Civil Penalties for violation of the Order or further violations of this Regulation or any permit issued hereunder.

#### 3. Notice to Show Cause at Adjudicatory Hearing

ReWa may order any User who is alleged to have caused or to be 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 be served on the User specifying the time and place for the hearing, the proposed enforcement action, and the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken.

#### 4. Service

The notice of the hearing to the User shall be served personally or by registered or certified mail (return receipt requested) at least 10 calendar days before the hearing. Service may be made on any agent or officer of the User.

#### 5. Request by User for an Adjudicatory Hearing or for an Informal Conference prior to Adjudicatory Hearing

- a. Requests for an Adjudicatory Hearing must be served on ReWa within 15 days following any final administrative action or decision by ReWa on any violation, application, permit, certificate or other licensing matter;
- b. A request for an Informal Conference prior to the Adjudicatory Hearing may be made by a User but not to delay the hearing date. If the request is granted, an Informal Conference may be held by ReWa or his designee to explore ways and means to obtain compliance by consent without the necessity of a formal Adjudicatory Hearing.

#### 6. Record

At any hearing held pursuant to this Regulation, testimony shall be taken under oath and recorded stenographically. The transcript, so recorded, shall be made available to any member of the public or any party of the hearing upon payment of the usual charges thereof. 7. Hearing Officer

A hearing officer or officers may be appointed by ReWa to preside over the Adjudicatory Hearing. The hearing officer may be an employee of ReWa or be specially appointed for such purpose. The hearing officer or officers shall have no connection with the preparation or presentation of the evidence at the hearing.

#### 8. Procedure

Except as specifically stated herein, the procedure for an Adjudicatory Hearing and other enforcement procedures are set forth in Attachment C, the Enforcement Management Strategy for ReWa.

#### 9. Enforcement Orders

ReWa may issue an Enforcement Order when it finds that a User has violated or is violating the provisions, prohibitions or limitations of this Regulation, or those contained in any permit or discharge authorization issued hereunder. An Enforcement Order may take one or more of

the forms identified below, may require that the User to cease and desist from prohibited actions, and may direct those persons to take further actions identified in subsection 9.d below:

- a. Emergency Enforcement Order. In any case in which ReWa finds that a violation causes, contributes to, or threatens Interference, Pass Through, or significant risk to the POTW, ReWa personnel or the public, it may issue an Emergency Enforcement Order, which may include the suspension or revocation of a User's permission to discharge, as described in Section 8.2(12). The Order shall provide for the User to request and obtain as soon as practicable an Informal Conference on the Order and its provisions.
- b. Administrative Enforcement Order. In any case in which ReWa finds that a User has violated or is violating a requirement, ReWa may serve upon such User either a Notice of Informal Conference or a Notice to Show Cause at Adjudicatory Hearing. Any such Notice shall state the violations alleged, the facts thereof, and the proposed enforcement requirements. Following such proceeding, ReWa may issue the Order.
- c. Adjudicatory Enforcement Order. In any case in which ReWa finds that a User has violated or is violating a requirement, and ReWa intends to impose an Administrative Civil Penalty, ReWa shall serve upon such User a Notice to Show Cause at Adjudicatory Hearing. Any such Notice shall state the violations alleged, the facts thereof, and the proposed enforcement requirements. Following such proceeding, ReWa shall proceed as further provided in this Section 8.2. The final decision on the report of the hearing officer and determination on the Adjudicatory Enforcement Order and Administrative Civil Penalty shall be made by the ReWa Board of Commissioners, which duty may be delegated to the Chief Executive Officer.
- d. An Enforcement Order may further require that the User do the following;
  - i. Comply forthwith;
  - ii. Comply in accordance with a compliance time schedule set forth in the Order;
  - iii. Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
  - iv. Cease or reduce the discharge;
  - v. Provide wastewater storage, treatment or flow equalization;
  - vi. Make payment to ReWa to cover added costs of handling and treatment costs and the administrative costs of the enforcement action;
  - vii. Post performance bonds;

- viii. Take other steps to achieve compliance;
- ix. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expense incurred by ReWa for the hearing or enforcement procedures.

#### 10. Administrative Penalties

When ReWa finds that any User has violated or is violating the provisions, prohibitions or limitations of this Regulation, or those contained in any permit or discharge authorization issued hereunder, such User may be fined up to two thousand dollars (\$2,000.00) for each violation, per day of violation. ReWa may hold all or part of a fine in abeyance while evaluating the performance of a User to achieve compliance with a control mechanism and/or this Regulation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation. In case of monthly or long-term discharge limits, fines may be assessed for each day during the period of violation. ReWa shall have such remedies for the collection of such assessments as it has for collection of other service charges.

Prior to deciding upon and imposing any Administrative Civil Penalty, ReWa shall follow the procedures specified in subsection 9.c above. The Adjudicatory Hearing shall be conducted in accordance, as practicably as possible, under procedures specified in South Carolina Code § 6-11-285 (E).

Any appeal of an Administrative Civil Penalty and the further provisions of an Adjudicatory Enforcement Order shall be to the Court of Common Pleas. 11. Payment of Costs

Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater or discharges in excess of the limitations required under its permits or the Regulations of ReWa.

#### 12. Emergency Suspensions

ReWa may suspend or revoke a User's permission to discharge when such action is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment or causes Interference. A Notice of Revocation (NOR) (Attachment C) shall be sent immediately , with the requirement to immediately stop or eliminate the discharge. A hearing shall be held within 15 days of the NOR to determine whether the suspension may be lifted or the User's permit terminated. The User shall submit a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations to ReWa prior to the date of the hearing. In the event of a failure of the person to comply voluntarily with the order, ReWa shall take such steps as deemed necessary including immediate severance of the sewer connection. ReWa may reinstate the permission to discharge upon proof of the elimination of the violations.

#### 13. Termination or Revocation of Permit

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

- a. Failure to factually report the wastewater constituents and characteristics of his discharge;
- b. Failure to report significant changes in operations, or wastewater constituents and characteristics;
- c. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- d. Failure to meet effluent limits;
- e. Tampering with or deliberately altering monitoring equipment;
- f. Falsifying self-monitoring reports;
- g. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact ReWa's ability to accept industrial wastewater; or
- h. For causes necessitating an emergency suspension;
- i. Discharge of wastewater prohibited by this Regulation;
- j. Significant noncompliance with schedules, pretreatment standards or requirements, or with any terms of the wastewater discharge permit, a general permit or the Regulation;
- k. Non-payment of sewer User charge or other charges, fines, costs and expenses.

A User whose permission to discharge has been revoked may apply for new permission to discharge and shall pay all delinquent fees, charges, penalties, and such other sums as may be due to ReWa.

### Section 8.3 - Judicial Remedies

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

#### Section 8.4 - Injunctive Relief

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

#### Section 8.5 - 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 shall be subject to civil and criminal penalties as provided for in the act, law or other appropriate regulations.

#### Section 8.6 - Performance Bonds

ReWa may refuse to reissue a permit or a general permit to any User which has failed to comply with the provisions of this Regulation 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 ReWa, in a sum not to exceed a value determined by ReWa to be necessary to meet the cost of any scheduled improvements and to achieve consistent compliance.

#### Section 8.7 - Liability Insurance and Letters of Credit

ReWa may decline to issue or reissue an individual wastewater discharge permit or authorization or general permit to any User who has failed to comply with any provision of this Regulation, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge and to pay the balance of any enforcement penalties and fees.

#### Section 8.8 - Discontinuance of Sewer Service for Non-Payment

ReWa shall have the right to discontinue sewer service to the property of a User of such service within ReWa's or within any of the Subdistricts in the event of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been given notice of his right to be heard in person or by counsel on the question of discontinuation before ReWa or any person designated by ReWa after not less than five days written notice specifying the basis of the discontinuation. ReWa or its agents shall have the right of entry in and upon the premises and the

right of ingress and egress to determine the location of the service line or to dig it up or to uncover it for the purpose of disconnecting the service line from the property, or sealing, or plugging such line, or any collection line, upon the notice as provided under ReWa's regulations.

#### Section 8.9 - Tenant Responsibility

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

#### Section 8.10 - Vandalism

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

#### Section 8.11- Publication of Industrial Users in Significant Noncompliance

ReWa shall publish annually, in newspapers of general circulation providing meaningful public notice within the jurisdictions served by ReWa, 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 means violations which meet one or more of the following criteria:

##### 1. Violations of wastewater discharge limits

- a. Chronic violations. 66% or more of the measurements in a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
- b. Technical Review Criteria (TRC) violations. 33% 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 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, Monthly Average Limit, Instantaneous Limit, or narrative standard that ReWa believes has caused, alone or in combination with other discharges, Interference or pass-through including endangering the health of the ReWa 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 ReWa'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, ReWa determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 9 - SEVERABILITY**

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

## **SECTION 10 - CONFLICT**

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

## **SECTION 11 – EFFECTIVE DATE**

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

|                 |  |
|-----------------|--|
| Effective Date: | June 6, 1984   |
| REVISED:        | April 15, 1993   |
| AS AMENDED:     |  |
|                 | March 20, 1995, May 6, 1996, November 29, 1999, June 4, 2001,                  |
|                 | May 6, 2002, February 2, 2004, October 3, 2005, June 5, 2006,                  |
|                 | December 4, 2006, February 5, 2007, May 5, 2008, January 5, 2009,              |
|                 | March 1, 2009, October 5, 2009, September 13, 2010, March 28, 2011             |
|                 | March 26, 2012, April 15, 2013, October 28, 2013, May 19, 2014,                |
|                 | May 23, 2016, May 20, 2019, November 25, 2019, June 22, 2020, January 25, 2021 |

**ATTACHMENT A**  
**SEWER USE REGULATION**  
**HAULED WASTE REGULATION**  
**(Effective May 20, 2019)**

The purpose of this document is to provide guidance, policy and procedure for the approval and acceptance of all forms of hauled waste discharged at ReWa facilities. This attachment is in support of the ReWa Sewer Use Regulation and in no way alters or supersedes any item or article contained therein.

**SECTION 1- AUTHORITY AND GENERAL CONDITIONS**

In accordance with Section 3.2 - Tank Truck Transporter, ReWa is authorized to accept hauled waste originating within the ReWa service area boundaries or Greenville County. Additionally, ReWa may grant approval to accept hauled waste from locations outside of Greenville County or the ReWa service area when it is determined that:

1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equipment malfunction, nature or quantity of waste, etc. there is no viable alternative for disposal of the hauled waste in the service area where it originates.
2. It is advantageous to ReWa or the jurisdictional municipality for the hauled waste to be disposed of at ReWa facilities.
3. The acceptance of the hauled waste provides a benefit to ReWa or its treatment processes.

The terms and conditions for the acceptance of hauled waste from outside of the ReWa service area shall typically be in writing and is subject to applicable inter-jurisdictional agreements.

All generators, transporters and dischargers of hauled waste must be in compliance with the current SCDHEC Regulation 61-56.1, and with the ReWa Sewer Use Regulation; especially, Section 4.0, Prohibitions and Limitations on Wastewater Discharges, Section 3.2, Tank Truck Transporter of the Regulation and Attachment F – Grease Control Regulation.

**SECTION 2- SPECIFIC CONDITIONS**

2.1 Septic Tank Waste

- A) ReWa will accept residential septic tank waste originating from within ReWa's service area or Greenville County.
- B) ReWa may accept industrial or commercial septic tank waste (sanitary only) with prior approval. Approval must be requested and granted in writing prior to discharge at ReWa facilities.

- C) Septic tank waste originating outside of the ReWa service area may not be discharged at ReWa facilities without prior approval.
- D) Septic tank waste shall only be accepted at designated ReWa receiving sites by ReWa permitted and properly licensed Tank Truck Transporters (Transporters).
- E) Each load of septic tank waste must be accompanied by a valid and complete Tank Truck Content Disposal Form. The complete address and contact information for the origin of each septic tank must be legibly printed on the Form.
- F) Septic tank waste shall not be comingled with any other form of hauled waste prior to discharge at ReWa facilities.
- G) Acceptance of septic tank waste shall be subject to fees and charges as outlined in Attachment B. Additional fees and charges may be applied to wastes originating outside of the ReWa service area.

## 2.2 Fats, Oils and Grease (FOG) Waste

- A) ReWa will accept FOG waste from Grease Traps or Grease Interceptors originating at Food Service Establishments within the ReWa service area or Greenville County.
- B) FOG waste originating outside of the ReWa service area may not be discharged at ReWa facilities without prior approval.
- D) FOG waste shall only be accepted at designated ReWa receiving sites by ReWa permitted and properly licensed Tank Truck Transporters (Transporters).
- E) Each load of FOG waste must be accompanied by a valid and complete Tank Truck Content Disposal Form. The complete address and contact information for each FSE must be legibly printed on the Form.
- F) FOG waste shall not be comingled with any other form of hauled waste prior to discharge at ReWa facilities.
- G) Acceptance of FOG waste shall be subject to fees and charges as outlined in Attachment B. Additional fees and charges may be applied to wastes originating outside of the ReWa service area.

## 2.3 Beneficial Waste

- A) ReWa may designate any source or form of hauled waste as beneficial waste. Beneficial hauled waste may be accepted at locations and under conditions not relevant or approved for other forms of hauled waste.
- B) Considerations for designation and acceptance as beneficial hauled waste shall be requested in writing to the attention of the ReWa Director of Water Resource Recovery.

- C) Each request for beneficial hauled waste designation shall be reviewed by ReWa on a case by case basis and approval shall be granted in an approval letter or contract wherein special conditions, restrictions and limitations may apply.
- D) Fees, charges, credits or payments, as applicable, will be negotiated with the waste generator as a condition of acceptance of each designated beneficial hauled waste.

### **SECTION 3 - TRANSPORTER REQUIREMENTS**

In accordance with Section 3.2 - Tank Truck Transporter of the Regulation, only properly licensed and permitted Transporters may discharge hauled waste at ReWa facilities. Permits shall be obtained through the ReWa Pretreatment Department and shall be issued for a specified period not to exceed three years.

Transporters are responsible for ensuring that any hauled waste discharged at ReWa facilities is in compliance with all applicable regulations and that truck contents are as represented on each Tank Truck Content Disposal Form. Each load of residential septic or FOG waste shall be accompanied by a complete and legible Tank Truck Content Disposal Form including the following signed certification statement.

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

Any commercial or beneficial wastes discharged at ReWa, or any septic tank or FOG wastes that originate outside of the ReWa service area or Greenville County must have prior approval and be accompanied by a corresponding letter of acceptance.

### **SECTION 4- INSPECTION AND MONITORING**

In accordance with Section 7.1- Right of Entry of the Regulation, ReWa shall be permitted to inspect equipment, records, waste origination sites and other properties utilized by a Transporter to ensure compliance with this Regulation. All Users of ReWa facilities shall be subject to surveillance utilizing remote monitoring and recording equipment. Additionally, under Section 7.2 - Compliance Determination/Sample Collection, ReWa shall sample and monitor, or require sampling and monitoring of hauled waste to validate documentation or satisfy compliance requirements.

### **SECTION 5- FEES AND CHARGES**

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

## **SECTION 6 - ENFORCEMENT**

Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements or procedures that ReWa implements in support of this Regulation, will be subject to enforcement as outlined in Section 8- Enforcement. Enforcement may include fines of up to \$2000 per violation and discontinuance of service and or use of ReWa facilities.

## ATTACHMENT B

### FEES AND CHARGES OF RENEWABLE WATER RESOURCES (ReWa) (Effective June 22, 2020)

#### RESIDENTIAL CHARGES <sup>(1)(7)(9)(13)</sup>

|                   |   |
|-------------------|---|
| Volume Charge     | \$5.86 per 1,000 gallons of metered water |
| Base Charge       | \$12.00 per month                         |
| Disconnect Charge | \$ 300.00 <sup>(2)</sup>                  |

#### FOOD SERVICE ESTABLISHMENT CHARGES<sup>(13)</sup>

|                   |   |
|-------------------|---|
| Volume Charge     | \$5.57 per 1,000 gallons of metered water |
| Base Charge       | \$12.00 per month <sup>(10)</sup>         |
| Disconnect Charge | \$ 300.00 <sup>(2)</sup>                  |

#### COMMERCIAL USER CHARGES <sup>(3)(13)</sup>

|                   |   |
|-------------------|---|
| Volume Charge     | \$5.57 per 1,000 gallons of metered water<br>\$5.86 per 1,000 gallons of metered wastewater |
| Base Charge       | \$12.00 per month   |
| Disconnect Charge | \$ 300.00 <sup>(2)</sup>  |

#### HAULED WASTE PROGRAM CHARGES <sup>(6)</sup>

|                                |                        |
|--------------------------------|------------------------|
| Basic Charge (FOG and Septage) | \$ 0.067 per gallon    |
| Monitoring and Analysis Fee    | \$ 50.00 per discharge |
| After Hours Fee                | \$ 50.00 per discharge |

#### INDUSTRIAL USER CHARGES <sup>(3)(5)(7)(9)(13)</sup>

|                                  |   |
|----------------------------------|---|
| Volume Charge                    | \$5.57 per 1,000 gallons of metered water<br>\$5.86 per 1,000 gallons of metered wastewater |
| Unused Capacity Allotment Charge | \$1.56 per 1,000 gallons of unused capacity of the permitted flow                           |
| Base Charge                      | \$12.00 per month   |
| Disconnect Charge                | \$ 300.00 <sup>(2)</sup>  |

**Surcharges<sup>(4)</sup>**

Biochemical Oxygen Demand:

BOD above 250 mg/l           \$ 0.275 per pound

Total Suspended Solids:

TSS above 250 mg/l           \$ 0.275 per pound

**PRETREATMENT PROGRAM FEES**

**Permit Processing Fees:**

|                                  |            |
|----------------------------------|------------|
| Low Volume Discharger            | \$ 550.00  |
| Significant Industrial Users     | \$1,360.00 |
| Septic Tank Hauler (Transporter) | \$ 75.00   |
| Food Service Establishment       | \$ 75.00   |

**Requested Permit Addendum Fee:**

|                              |           |
|------------------------------|-----------|
| Low Volume Discharger        | \$ 150.00 |
| Significant Industrial Users | \$ 300.00 |

**Engineering Plans and Specifications Review and Approval Fees:**

|                       |                 |
|-----------------------|-----------------|
| Monitoring Facility   | \$ 210.00       |
| Pretreatment Facility | Consultant Cost |
| Inspection Fee        | \$ 110.00       |

**Annual Administrative and Inspection Fees:**

|   |            |
|---|------------|
| Low Volume Discharger                               | \$ 810.00  |
| Significant Industrial User<br>Without Pretreatment | \$1,440.00 |
| Significant Industrial User<br>With Pretreatment    | \$2,080.00 |
| Food Service Establishment                          | \$ 130.00  |

**Late Reporting Fee**

|  |   |
|--|---|
| Low Volume Dischargers and<br>Significant Industrial Users | \$ 100.00 1st Day Late<br>\$ 50.00 Every day thereafter until<br>report is received |
|--|---|

**ADMINISTRATIVE AND FINANCE FEES**

Research and validation fee will be billed at the current fiscal year's overhead allocation rate.

**ENGINEERING PROGRAM FEES**

Engineering Plans and Specifications Review and Approval Fees: \$220.00

**LABORATORY ANALYSES FEES**

Random testing by the ReWa laboratory will be conducted during the year. Wastewater will be sampled by the ReWa at a frequency it deems necessary based on flow rate, compliance history, risk, and in accordance with the applicable provisions in this Regulations and applicable State and Federal requirements.

The total cost for any monitoring will include a sampling fee of \$50 per site visit and the associated analytical fee(s). Total cost is permit parameter specific. Parameters marked with an asterisk (\*) are analyzed utilizing external contract laboratory services will be charged to Users without mark-up.

LABORATORY ANALYSIS FEES: (Per test per sample)

|              |           |          |           |                          |            |
|--------------|-----------|----------|-----------|--------------------------|------------|
| pH           | \$ 10.00  | ALUMINUM | \$ 20.00  | ACID/BASE NEUTRALS       | \$ 399.00* |
| TSS          | \$ 13.00  | ANTIMONY | \$ 20.00  | VOLATILE ORGANICS        | \$ 220.50* |
| BOD          | \$ 31.00  | ARSENIC  | \$ 29.00  | BETX                     | \$ 158.76* |
| COD          | \$ 24.00  | BORON    | \$ 20.37* | PHTHALATES               | \$ 158.76* |
| AMMONIA      | \$ 20.00  | CADMIUM  | \$ 20.00  | TTO (ABN, VOA, PCBs)     | \$ 810.26* |
| PHOSPHOROUS  | \$ 20.00  | CHROMIUM | \$ 20.00  | TPH                      | \$ 61.74*  |
| CYANIDE      | \$ 36.00  | COPPER   | \$ 20.00  | TTO (ABN, VOA)           | \$ 651.50* |
| POLAR MAT.   | \$ 66.15* | LEAD     | \$ 20.00  | VOCs by GC/FID EPA       | \$ 528.00* |
| NON-POLAR    | \$ 66.74* | MERCURY  | \$ 34.00  | Method 1671A             |            |
| MBAS         | \$ 58.80* | NICKEL   | \$ 20.00  | VOCs by Isotope Dilution | \$ 948.00* |
| CTAS         | \$ 84.00* | SELENIUM | \$ 28.00  | (GC/MS) EPA Method 1666A |            |
| PHENOL       | \$ 35.19  | SILVER   | \$ 20.00  |                          |            |
| COLOR (ADMI) | \$ 36.00  | TIN      | \$ 20.37* |                          |            |
| FLUORIDE     | \$ 20.00  | TITANIUM | \$ 20.37* |                          |            |
| TDS          | \$ 11.75  | VANADIUM | \$ 15.00  |                          |            |
| PCB          | \$150.00* | ZINC     | \$ 20.00  |                          |            |

TOXICITY TESTING COST is \$1,100.00 a year per industrial permit SIUs and NSIUs.

**NEW ACCOUNT FEE <sup>(8)(13)</sup>**

|   | <b>WATER METER SIZE</b> | <b>FEE</b>   |
|---|-------------------------|--------------|
| RESIDENTIAL <sup>(11)</sup>                               | 5/8", 3/4"              | \$2,500.00   |
|   | 1"                      | \$5,000.00   |
|   | 1.5"                    | \$15,000.00  |
| COMMERCIAL, FOOD SERVICE ESTABLISHMENT,<br>AND INDUSTRIAL | 5/8"                    | \$2,500.00   |
|   | 3/4"                    | \$5,000.00   |
|   | 1"                      | \$7,500.00   |
|   | 1.5"                    | \$15,000.00  |
|   | 2"                      | \$22,500.00  |
|   | 3"                      | \$50,000.00  |
|   | 4"                      | \$100,000.00 |
|   | 6"                      | \$300,000.00 |
|   | 8"                      | \$400,000.00 |
| MULTI-FAMILY AND MIXED USE <sup>(12)</sup>                |                         |              |
| Capacity cost per gallon                                  |                         | \$8.33       |

**RETAIL COLLECTION FEES**

Retail sewer collection lines connect the customer's service lateral to ReWa's trunk lines. If ReWa owns and maintains the retail sewer collection lines, then the following monthly charges will also apply<sup>(14)</sup>.

| <u>Water Meter Size</u> | <u>Monthly Charge</u> |
|-------------------------|-----------------------|
| 5/8" / 3/4"             | \$ 13.81              |
| 1"                      | 23.02                 |
| 1.5"                    | 46.03                 |
| 2"                      | 73.65                 |
| 3"                      | 138.09                |
| 4"                      | 230.15                |
| 6"                      | 460.30                |
| 8"                      | 736.48                |

New retail connections or meter upsizes will be subject to the following Retail New Account Fees.

| <u>Water Meter Size</u>                          | <u>Commercial</u> | <u>Residential<sup>(11)</sup></u> |
|--|-------------------|-----------------------------------|
| 5/8"   | \$ 900.00         | \$ 900.00                         |
| 3/4"   | 1,350.00          | 900.00                            |
| 1"   | 2,250.00          | 2,250.00                          |
| 1.5"   | 4,500.00          | 4,500.00                          |
| 2"   | 7,200.00          |                                   |
| 3"   | 13,500.00         |                                   |
| 4"   | 22,500.00         |                                   |
| 6"   | 45,000.00         |                                   |
| 8"   | 72,000.00         |                                   |
| <u>Multi-Family and Mixed Use<sup>(12)</sup></u> |                   |                                   |
| Capacity cost per gallon                         | \$ 3.00           |                                   |

## FOOTNOTES AND EXPLANATIONS

- (1) The residential schedule applies to all Residential Users within the ReWa service area and classified by ReWa as discharging wastewater with normal pollutant concentrations.
- (2) The \$300.00 disconnect charge is the minimum that must be paid by a User whose service is discontinued by physical disconnection or blocking by ReWa. Additional costs may be incurred by ReWa for discontinuance of service and will be billed to the User. The reconnection or renewed service of a disconnected service line to the public sewer system will be the responsibility of the User and subject to all appropriate use regulations and fees.
- (3) Users that have been classified by ReWa as Commercial Users, Industrial Users or Significant Industrial Users may be billed directly by ReWa according to the above charges. Volume Charges will be based on metered water, or metered wastewater. An Unused Capacity Allotment Charge for unused capacity of the permitted flow will be applied to the difference in the daily average metered flow and an established threshold. The threshold will be established at ninety-five percent of the requested flow or the peak daily average flow. This charge is calculated using the sum of debt service, fixed charge, and capital improvements contribution. These Users will be charged a late fee of 1% per month of any unpaid balance.
- (4) All Users discharging waste to the POTW in excess of 250 mg/l of BOD, or 250 mg/l of TSS shall be assessed a surcharge set by ReWa. Surcharges shall be computed with information determined from ReWa and User self-monitoring data. The following requirements shall apply to self-monitoring data:
  - a. Compliance sampling and analysis must follow the guidelines set forth under 40 CFR part 136.
  - b. Compliance samples must be analyzed by SCDHEC Certified laboratory currently certified for the parameter(s) being analyzed.
  - c. The data must be received by the date required by ReWa.

The total surcharge will be the combined total of charges for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). Surcharges will be based on metered water consumption, unless the User, at the User's expense, elects to meter the wastewater to the sewer. All measuring devices must be approved and maintained in an appropriate manner as determined by ReWa. The total surcharges will be based on pounds of BOD or TSS in excess of the concentrations stated above. A User discharging waste in excess of the stated concentrations shall be subject to periodic inspection and shall be required to monitor for the above stated constituents at an approved frequency.

Surcharge calculated using metered water includes a 5% discount for water not discharged to the sewer.

ReWa in its discretion may base its charges on COD in lieu of BOD

- (5) The monthly base charge applies to industrial customers which are billed manually.
- (6) Hauled Waste Discharges shall be measured by ReWa tank volume, meter or permitted truck tank volume. Basic charge applies to FOG and septic tank waste originating within ReWa's service area only. The Monitoring and Analysis Fee is assessed to recover costs associated with monitoring,

sampling and analysis of discharges of hauled waste. In addition, the After-Hours Fee is assessed to recover administration and personnel costs for discharges outside of normally established service hours. Additional fees and charges may apply to hauled wastes of a different type or origin.

- (7) Any User may, upon application, request permission to have installed an additional and separate water meter, which shall be dedicated to measurement of the water used but not discharged into the sewer upon the following conditions:
- a. The User shall file an application under oath to make the request and shall state the following:
    - 1) Name, address and telephone number of the User;
    - 2) Location and block book designation of the property;
    - 3) The use made of water not discharged to the sewer;
    - 4) The User's estimate of the volume of such use.
  - b. If the installation of such a meter is economically feasible for the User, the Director, after a review of prior usage and other economic factors, will approve the application.
  - c. The application shall contain the following representations and agreements by the User and be signed under oath by the User:

Representations:

- 1) That water, or a portion of water currently consumed by the User is not discharged either directly or indirectly into the sewer system;
- 2) That the discharge or disposal of such water by the User does not violate any city, county, state, or federal water or groundwater pollution laws or regulations.

Agreements:

- 1) That the water which shall flow through this additional and separate meter shall be used solely for uses and purposes which shall not cause a discharge directly or indirectly into the sewer system;
  - 2) That the CEO or his agents shall have the right of entry to inspect the premises to verify such usage so long as such a meter is in use. In the event of misuse of the meter to wrongfully avoid payment of any portion of the sewer service charge, all further and future water measured by such meter shall be subject to the full sewer service charge. Further, all credits earned subsequent to its installation shall be forfeited and reinstated to the User's bill. The User shall pay the reinstated charges in not less than thirty (30) days, and if not paid, User hereby consents for his water service to be terminated without further notice.
- d. All cost of the meter and its installation shall be borne by the User.
- (8) New Residential, Commercial and Industrial Users making new connections or upgrading the size of the water meter will be charged a fee for connection to the ReWa system. This fee will be charged for new construction and will be based on the water meter size required to serve

each property. For any existing user, such fee will also be assessed when a larger meter(s) is required due to redevelopment or expansion. In cases where such redevelopment or expansion occurs, the user will be assessed such fee based on the incremental increase in the water meter size. No credit will be provided in cases where a water meter is eliminated or reduced in size. Water meters installed for outdoor irrigation or other purposes and classified as "water only" accounts shall be exempt from such fee.

- (9) Customer usage will be based on volume, if consistently available. If unavailable, SCDHEC Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities will be used. For direct bill customers, ReWa shall have the right of entry, ingress and egress onto the user's property and shall have the further option of requiring a water meter and discontinuing sewer service by securing the water serving the User's property.
- (10) Permit Processing Fees as well as Inspection and Administration Fees may be assessed through the base rate for Food Service Establishment (FSE) customers as defined in Attachment F – Grease Control Regulation. Instead of annual billing, these fees will be added together and billed in equal monthly amounts over the established service period for the projected services rendered. In addition, ReWa may charge additional Permit Processing Fees and/or Inspection and Administration Fees to FSEs that require unique and/or additional permitting, administration or inspection activities due to compliance issues or special circumstances.
- (11) Residential class denotes a residence that has a separate water meter for each residential unit. Per the SCDHEC Regulation 61-67, Appendix A. Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities (UCL), the hydraulic loading in gallons per day is 300 per residence (i.e. house, unit).
- (12) Multi-family and mixed-use class denotes such cases served by one or more meter(s). In these cases, the new account fee will be calculated based on the estimated daily wastewater flow per the UCL and the current capacity cost per gallon (current NAF for 5/8" meter used for an individual residence divided by the 300 gallons capacity per day per the UCL).
- (13) Some customers will also be subject to retail sewer collection charges and fees. See the Retail section for further explanation.
- (14) Customers near North Greenville University in northeastern Greenville County and in Anderson County should contact ReWa customer service at (864) 299-4000 for your rates and further information.

### **ADJUSTMENTS FOR RESIDENTIAL ACCOUNTS**

ReWa has an agreement with the Greenville Water System for billing and collection of wastewater treatment charges. The Greenville Water System, as agent for ReWa, will adjust residential wastewater charges on the same basis as the Greenville Water System adjustments for water use. Similar billing and collection agreements are in effect with other water suppliers in ReWa's service area.

An adjustment policy (Maximum Consumption Program) for water used but not returned to the sewer during the summer months has been adopted by ReWa for residential customers. Under this policy, each residential customer will automatically have their wastewater bill volume limited during the two summer quarters to an average of their winter water consumption. This is available at water suppliers whose billing system can accommodate this calculation.

Retail charges are not eligible for the billing adjustment or the maximum consumption program since the retail charges are based on meter size instead of consumption.

## ATTACHMENT C

### SEWER USE REGULATION ENFORCEMENT MANAGEMENT STRATEGY (Effective January 25, 2021)

This Enforcement Management Strategy has been developed by Renewable Water Resources (ReWa) as a comprehensive and effective enforcement response plan in coordination with the Federal and State requirements and with ReWa's Sewer Use Regulation. The intent is to give guidance to the staff regarding the methods and manner of enforcement and to provide information to Users who may become subject to enforcement proceedings.

#### 1. **Purpose of the Plan**

ReWa desires to make its staff and the public aware of its enforcement response plan by; 1) describing how instances of non-compliance will be investigated; 2) stating the type of escalated enforcement actions for violations and the general time period for action; and 3) reflecting its primary responsibility to enforce applicable pretreatment standards and other requirements of its Sewer Use and Pretreatment Regulation. The plan also contains guidelines and/or requirements for inspections, sampling, monitoring, other reports, hearings, permitting, suspensions, revocations, sanctions, fines and penalties.

This plan will strengthen internal management, enhance ReWa's reputation as a responsible public agency, standardize enforcement outcomes and involve other public and regulatory agencies in coordinated efforts in health, sanitation and environmental concerns.

#### 2. **Duties**

The Chief Executive Officer (CEO) has been empowered to enforce compliance with permits and regulations. Acting under the CEO is the Regulatory Services Manager. The Regulatory Services Manager is responsible for implementing the Pretreatment Program as well as overseeing the sampling and analysis required in wastewater discharge permits to be performed by ReWa. Analyses not performed by the laboratory staff shall be performed by a South Carolina Department of Environmental Control Certified Laboratory. The Regulatory Services Manager shall inform the CEO or designated representative of any violations of discharge limitations. The Regulatory Services Manager is responsible for enforcing requirements applicable to Industrial Users. The Regulatory Services Manager is responsible for all administrative actions such as the submissions of reports, industrial inspections, periodic survey update, and issuing permits. The Regulatory Services Manager will periodically evaluate the Enforcement Program to assure it is effective and reasonable. A report on the findings of the evaluation will be given to the CEO or designated representative.

#### 3. **Enforcement Procedures**

In response to non-compliance by a User of the ReWa system, the Regulatory Services Manager may require additional monitoring of the discharge, in addition to that which is required in

Section 11.8(B), and at a frequency determined by ReWa, to verify that the noncompliance and any related impacts have ceased. The Regulatory Services Manager will notify the User of any violations identified by ReWa and of any intended enforcement regarding the violation.

- A. The Warning of Minor Violation (WOMV) will typically be in the form of a written Summary of Violations labeled Warning of Minor Violation. A WOMV shall be sent to the User and retained for record by the User. A WOMV does not require a response to ReWa but should prompt the User to take corrective action to address minor noncompliance.
- B. The Notice of Violation (NOV) will typically be in the form of a letter sent to the User within fifteen days after the violation is noted. The User shall respond, if required, within fifteen days of receipt to the NOV and state (1) the cause of the violation; and (2) what corrective action will be taken to prevent future violations. If the Regulatory Services Manager does not receive a response or receives an inadequate response to an NOV for which a response was required, a Notice of Significant Noncompliance will be issued.
- C. A Notice of Significant Noncompliance (NOSN) shall be sent to the User by certified mail. The User shall respond within fifteen days of receipt of the NOSN and state (1) the cause of the violation; and (2) what corrective action will be taken to prevent future violations. The Regulatory Services Manager may also require the User to propose and submit a schedule of compliance. If the User indicates that corrective action will take longer than 90 days, the Regulatory Services Manager may elect to issue a compliance order or into a Consent Agreement.
- D. If a User fails to respond to a Notice of Significant Noncompliance, the Regulatory Services Manager shall issue a Rule to Show Cause for an Adjudicatory Hearing and give notice of any injunctive relief, Administrative Civil Penalties through an Adjudicatory Enforcement Order, expenses, costs and fees to be sought at the Adjudicatory Hearing.
- E. If the violation is caused by a discharge that is of imminent danger to public health, or has contributed to damage to the wastewater system or the quality or aesthetics of the receiving stream then a Notice of Revocation (NOR) shall be sent immediately and include a requirement to immediately cease the discharge. A hearing shall be held within fifteen days from the date the User receives the NOR.

#### **4. Classification of Violations**

The classification of violations under these regulations and permit are as follows:

- A. A Warning of Minor Violation (WOMV) will normally be appropriate for any violation not meeting the criteria triggering a Notice of Violation.
- B. A Notice of Violation (NOV) will normally be appropriate for any violation not meeting the criteria triggering a Notice of Significant Noncompliance (NOSN).

- C. A Notice of Significant Noncompliance (NOSN) indicates a greater violation, including but not limited to, those violations set out in paragraph 11.1.
- D. A Notice of Revocation (NOR) shall be given orally if time does not permit written notice. However, such oral notice shall be subsequently documented as time is available. When practical, written notice shall be given. A NOR is generally appropriate when a violation of a permit condition or limitation, or a violation of these regulations either contributes to or threatens to cause interference with, or have an adverse impact upon, the operation of the facilities; or danger to human health, welfare, or the environment is imminent. Any User notified of revocation of permission to discharge shall immediately stop or eliminate its discharge as ordered in the NOR. A hearing shall be held within fifteen days of the User's receipt of the NOR to determine whether the revocation may be lifted or the User's permit terminated. Prior to the date of the hearing the User shall submit to ReWa a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations. In the event the User fails to comply voluntarily with the Order, the CEO shall take such steps as deemed necessary including immediate severance of the sewer connection. The CEO may reinstate permission to discharge upon proof of elimination of the violations and compliance with any other requirements imposed by ReWa as a condition of reinstatement of the User's permit.

**5. Revocation or Termination of Permit**

- A. Any User who violates the conditions of this Regulation, per applicable State and Federal regulations, is subject to having his permission to discharge terminated. The CEO may terminate a permit for the following reasons:
  - 1. Failure to factually report the wastewater constituents and characteristics of the discharge.
  - 2. Failure to report significant change in operations, or wastewater constituents and characteristics;
  - 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
  - 4. Violation of conditions of an individual discharge permit or general permit;
  - 5. Tampering with, or deliberately altering, monitoring equipment;
  - 6. Falsifying self-monitoring reports;
  - 7. Changes in POTW NPDES permit, receiving stream water quality standards, POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact ReWa's ability to accept industrial wastewater;
  - 8. Causes necessitating an emergency suspension;
  - 9. Discharge of wastewater prohibited by this Regulation;
  - 10. Significant noncompliance with schedules, Pretreatment Standards or Requirements, or with any terms of the individual wastewater discharge permit or general permit or regulation; or
  - 11. Non-payment of sewer User charge or other charges, fines, costs and expenses.

A User whose permission to discharge has been revoked may re-apply for permission to discharge and shall pay all delinquent fees, charges, penalties, any impact fees which may be

established by ReWa and be effective at the date of the reapplication, and such other sums as may be due to ReWa.

**6. Informal Conference Prior to Hearing Date**

Upon request, the Regulatory Service Manager will schedule an information conference with the User and attempt to negotiate an enforceable Consent Agreement to address the noncompliance. The Consent Agreement may contain such terms and conditions as appropriate, including but not limited to, provisions for additional monitoring, full or partial cessation of discharge, interim limits, submittal of technical reports, addition of or modification of pretreatment facilities, payment of all administrative costs, expenses, attorney’s fees and civil penalties.

**7. Failure to Comply with Consent Agreement**

If a User fails to comply with a Consent Agreement, this failure shall constitute a separate and new Notice of Significant Non-compliance and give rise to additional costs, fines and penalties, and additional escalated and unilateral enforcement, as referenced in Section 8 – Enforcement of this Regulation, containing relief beyond that consented to in the Consent Agreement.

**8. Publication of List of Significant Violators**

Pretreatment Regulations require ReWa to publish, at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by ReWa, a list of Users which were in Significant Noncompliance with applicable pretreatment standards and requirements during the previous twelve months. The procedure for compiling the list of such Users is as follows:

- A. The Regulatory Services Manager shall prepare a compliance history from ReWa records for each individual Significant Industrial User (SIU), or other User.
- B. The compliance history so obtained for each SIU or other User shall be reviewed to determine if a pattern of noncompliance exists or if the industry has been, or continues to be, in SNC. To the extent that an industry meets these criteria, it will be placed on the list for publication.

**9. Adjudicatory Hearings**

Adjudicatory Hearing shall mean a hearing that is held pursuant to this regulation. Adjudicatory Hearings are trial-type contested case proceedings pursuant to the power of ReWa.

Requests for an Adjudicatory Hearing shall be served on ReWa within fifteen days following the User’s receipt of any final administrative decision by ReWa on an application, permit, certificate or other licensing matter, or any final action by ReWa regarding permit noncompliance.

Requests for Adjudicatory Hearings shall include the name of the requestor, his interest and the names of parties which he represents, the reasons for the request, the major issues which are purposed to be contested at the hearing, and a statement by the requestor agreeing to be subject

to examination and cross-examination and to make any employee or consultant of such requestor, or other person represented by the requestor, available for examination and cross-examination at the expense of the requestor. The CEO may grant or deny a request for an Adjudicatory Hearing on the basis of a consideration of whether the person making such a request has standing to seek a determination under the law and whether such request is a matter subject to an Adjudicatory Hearing under these regulations.

The procedures to be used in Adjudicatory Hearings are specified in the Regulation and S.C. Code Ann. § 6-11-285, although the parties to an Adjudicatory Hearing may agree to simplified procedures. However, generally for the purpose of a request by a User for an Adjudicatory hearing, an initial pleading as used herein shall refer to the document by which an Adjudicatory Hearing may be commenced. A request may be considered an initial pleading. Every initial pleading shall, at a minimum, contain the following:

- A. A title which indicates the nature of the proceeding and the parties involved therein;
- B. The complete name and address of the party filing the pleadings and, if applicable, the organization or interest whom he represents;
- C. The legal authority and the jurisdictional basis for the hearing;
- D. A clear and concise statement of the issues upon which the pleading is maintained and identification of the particular regulation, standard, guideline, or provision of law which is the subject of the hearing. If the party is unable to state the matters in detail at the time of the initial pleading or other notice is served, such initial pleading or other notice may be limited to a simple statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished to all parties;
- E. A prayer setting forth the relief sought;
- F. If the party filing the pleading is represented by counsel, the name and contact information of the attorney;
- G. A statement by the requestor agreeing to be subject to examination and cross-examination and to make any employee or consultant of such requestor available for examination and cross-examination at the expense of such requestor, or such person upon the request of the hearing examiner on his own motion, or on the motion of any party.

An answer to the initial pleading shall be served on the requestor within ten days after service of the document to which the answer is directed unless additional time is required pursuant to provisions of this section. Allegations contained in said initial pleading which are not specifically admitted by the party filing an answer are deemed denied. The answer shall contain, but not be limited to, the following:

- H. A clear and concise statement identifying the party filing the answer and the matter to which the answer relates.

- I. A clear and concise statement of all matters upon which the party filing the answer relies. There shall be no replies other than an answer.

Leave to file amendments to any pleading may be allowed or denied provided, however, leave to amend shall be freely given when justice requires it.

A party desiring to withdraw a pleading filed with ReWa or the hearing examiner shall file a motion for withdrawal. If any party has an objection thereto, he shall, within ten days after the receipt of the motion, serve a statement on the hearing examiner setting forth the reasons for his objection and serve a copy of the same on each part. In the absence of objections or a request for a hearing, a motion of withdrawal shall, within ten days after filing thereof, be deemed allowed. The hearing examiner shall then file an order of dismissal, with or without prejudice.

Service by ReWa of initial pleadings, complaints, orders, decisions, pleadings, motions, processes, and other documents shall be by personal delivery or by first-class mail. Service on ReWa shall be by servicing and filing two copies of the paper with the Renewable Water Resources, 561 Mauldin Road, Greenville, SC 29607, by personal service or by first-class mail upon all parties to the proceedings. A certificate of service shall accompany all papers when filed by any party and shall be filed within ten days after service is made.

The hearing examiner may, on motion, at any time during the course of any proceeding, permit such substitutions or additions of parties as justice may require. Third party intervenors should meet the same standards as required of those intervening in matters before the Court of Common Pleas.

The hearing examiner shall observe the rules of evidence observed by the Court of Common Pleas, with the exception that hearsay evidence may be admissible provided that it is deemed necessary to ascertain facts not reasonably susceptible of proof without such evidence and the hearsay evidence is properly identified as such and is given appropriate consideration in reaching a determination. The hearing examiner shall exclude hearsay evidence when such testimony would violate fundamental fairness.

All testimony shall be taken under oath and all parties shall have the right to cross-examination of the witness.

The hearing examiner and all other parties, through the hearing examiner, shall have the right to issue subpoenas requiring the attendance and testimony of witnesses and the production of any documents in question in the proceeding; provided, however, that where the issuance of such a subpoena is resisted or contested, the hearing examiner shall rule on the availability of the subpoena in that particular case.

A party may file a motion for the production or view of any object which relates to the subject matter of any proceeding then pending before the hearing examiner. The motion shall be granted where justice requires.

Anytime during the course of the proceeding, the hearing examiner may order that testimony of a witness be taken by deposition. Application to take testimony by deposition shall be made by motion directed to the hearing examiner. Such motion shall set forth the reasons for desiring the deposition, the time when, the place where, the name and address of each witness, and the subject matter concerning which each witness is expected to testify. The hearing examiner shall allow the motion only upon showing that circumstances are such that the witness to be deposed cannot appear before the hearing examiner without substantial hardship being caused. If such hardship is financial in nature, any party may agree to reimburse the witness for expenses, including loss of wages incurred by appearing. In such cases, the motion to allow taking of a deposition shall therefore be denied. Motions for the taking of depositions shall not be allowed if the depositions result in any undue burden to another party or in any undue delay of the proceeding. If the motion is allowed, the hearing examiner shall give at least five days notice of the taking of the depositions to all parties. Depositions shall be taken orally before a person having power to administer oaths. Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine.

Objections to questions shall be in short form stating the grounds of objections relied upon. The questions asked, the answers thereto, and all objections shall be reduced to writing certified by the officer before whom the deposition is taken. Said officer shall forward the deposition to the hearing examiner. Subject to appropriate rulings on evidence, the testimony taken as deposition shall be included in the record of the Hearing as if the testimony contained therein had been given by the witness in the presence of the hearing examiner. After notice is served for taking a deposition, upon motion of the party to be examined, made prior to the date set, the hearing examiner may, for good cause shown, order that the deposition shall not be taken; that certain matters shall not be inquired into; or that the scope of the examination shall be limited to certain matters. The hearing examiner may make any other order necessary to protect the party or witness from harassment or oppression.

The parties may file a written stipulation with the hearing examiner at any stage of the proceeding. At the hearing a stipulation may be orally read into the record. Contested cases may be resolved by informal disposition through means of stipulation, agreed settlement, consent order (with or without a financial penalty), or default.

On the basis of the evidence presented, the hearing examiner shall issue the determination. The hearing examiner shall deliver by certified mail to the parties a copy of the decision.

Any appeal from the determination of the hearing examiner in any enforcement proceeding shall be submitted to the Court of Common Pleas in which ReWa is located pursuant to S.C. Code Ann. §6-11-285 (F).

When the time prescribed in these rules for doing any act expires on a Saturday, Sunday or a legal holiday, such time shall extend to and include the next succeeding day that is not a Saturday, Sunday or legal holiday. ReWa or the hearing examiner may grant reasonable extensions of time to meet the filing deadlines specified herein.

**10. Administrative Civil Penalties**

In addition to other penalties, charges, sanctions or restrictions, revocations or limitations as may be provided in the Sewer Use Regulation, a User may be fined up to two thousand dollars (\$2,000.00) for each offense through an Adjudicatory Enforcement Order. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. In case of a monthly or long-term average discharge limits, the Administrative Civil Penalty may be assessed for each day during the period of violation. For example, violation of a monthly average effluent limitation will constitute thirty (30) individual days of violation for a month with 30 days. ReWa shall have such remedies for the collection of such assessments as it has for collection of other service charges.

**11. Ranges of Enforcement Response**

ReWa will choose the response appropriate to the violation and in the context of the user’s prior violations.

ReWa will consider the following criteria when determining a proper response:

1. Magnitude of the violation;
2. Duration of the violation;
3. Effect of the violation on the receiving water;
4. Effect of the violation on the POTW;
5. Compliance history of the industrial users;

**11.1 Magnitude of the Violation**

Generally, an isolated instance of noncompliance can be met with an information response or a NOV. However, where even an isolated violation could threaten public health and the environment, damage public and private property, or threaten the integrity of ReWa’s program (e.g., falsifying a self-monitoring report), ReWa will respond to any “significant noncompliance” with an enforceable order (to the extent the non-compliance is ongoing) that requires a return to compliance by a specific deadline. ReWa has defined significant noncompliance as violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits
  - a. Chronic violations. 66% or more of all the measurements taken for the same pollutant parameter in a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
  - b. Technical Review Criteria (TRC) violations. 33% 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 Instantaneous Limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

- c. Any other violation of a Pretreatment Standard or Requirement including Daily Maximum Limit, Monthly Average Limit, Instantaneous Limit, or narrative standard that ReWa believes has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of ReWa 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 ReWa’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, ReWa determines will adversely affect the operation or implementation of the local pretreatment program.

## **11.2 Duration of the Violation**

Violations (regardless of severity) which continue over prolonged periods of time should subject the industrial user to escalated enforcement actions. For example, an effluent violation which occurs in two out of three samples over a six-month period or a report which is more than 45 days overdue is considered significant; while a report which is two days late would normally not be deemed significant unless it reflects chronic tardy reporting.

ReWa’s response to these situations must prevent extended periods of noncompliance from recurring. EPA recommends issuance of administrative orders for chronic violations. If the User fails to comply with the Enforcement Order, ReWa may assess Administrative Civil Penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, ReWa may also consider terminating service or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

## **11.3 Effect on the Receiving Water**

One of the primary objectives of the National Pretreatment Program is to prevent a “pass through” of pollutants which enter the receiving stream. Consequently, any violation which results in environmental harm should be met with a severe response. Environmental harm should be presumed whenever a User discharges a pollutant into the sewerage system which:

- Causes or contributes to Pass Through

- Causes or contributes to a violation of the WRRF's NPDES permit (including water quality standards)
- Has a toxic effect on the WRRF or receiving waters (i.e., fish kill)
- Causes Interference

At a minimum, responses to these circumstances shall include an Adjudicatory Enforcement Order and an Administrative Civil Penalty. In addition, the response may ensure the recovery from the noncompliant user of any NPDES fines and penalties paid by ReWa. Where authorized, ReWa may also pursue damages for the destruction or harm to local natural resources. If a User's discharge causes harmful effects, ReWa may terminate service to the User.

#### **11.4 Effect on the POTW**

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, processes, operations, or cause sludge contamination resulting in increased disposal costs. These violations may be met with an Administrative Civil Penalty and an order to correct the violation in addition to recovery of additional costs and expenses to repair the POTW. For example, when the industrial user's discharge upsets the treatment plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response shall include cost recovery, civil penalties, and/or a requirement to correct the condition causing the violation.

#### **11.5 Compliance History of the User**

A pattern of recurring violations (even of different program requirements) may indicate either that the User's treatment system is inadequate or that the User has taken a casual approach to operating and maintaining its treatment system. These indications will alert ReWa to the likelihood of future significant violations. Accordingly, Users exhibiting recurring compliance problems shall be strongly dealt with to ensure that consistent compliance is achieved. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, ReWa may option to attenuate its response within the framework of this State-approved EMS.

## 11.7 ENFORCEMENT RESPONSE GUIDE

[This guide is essentially for use by the staff and is not an absolute requirement. ReWa reserves its right to vary or make exceptions for its general responses as in its discretion may serve the best interest of ReWa.]

### A. UNAUTHORIZED DISCHARGES (NO PERMIT)

| <u>Noncompliance</u>                         | <u>Circumstances</u>   | <u>Range of Response</u>   | <u>Significant Non-Compliance</u> | <u>Personnel</u>                         |
|--|--|--|-----------------------------------|--|
| 1. Discharge without a permit, or approval.  | One time when discharger is unaware of permit requirement, no known POTW damage.   | NOV  | No                                | Coordinator, Regulatory Services Manager |
| 2. Non-permitted discharge (expired permit). | Failure to apply for permit <u>renewal</u> within ten (10) days of due date.   | NOV  | No                                | Coordinator, Regulatory Services Manager |
| 3. Discharge without a permit or approval.   | Which results in interference or pass through of POTW or continuing violation of categorical or local limitations.               | NOSN, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages). | Yes                               | CEO or authorized representative         |
| 4. Dilution in lieu of treatment.            | Deliberately increase the use of process or other water to dilute a discharge as a partial or complete substitute for treatment. | NOSN, Show Cause Hearing, (Enforcement Order).   | Yes                               | CEO or authorized representative         |

**A. UNAUTHORIZED DISCHARGES (NO PERMIT) (CONTINUED)**

| <b><u>Noncompliance</u></b>                 | <b><u>Circumstances</u></b>  | <b><u>Range of Response</u></b>                   | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>          |
|---|--|---|--|----------------------------------|
| 5. Recurring dilution in lieu of treatment. | Continue to deliberately increase the use of process water or other water to dilute a discharge as a partial or complete substitute for treatment. | NOSN, NOR Show Cause Hearing (Enforcement Order). | Yes                                      | CEO or authorized representative |

**B. APPLICABLE PRETREATMENT LIMITATIONS**

| <b><u>Noncompliance</u></b>                            | <b><u>Circumstances</u></b>   | <b><u>Range of Response</u></b>   | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>                  |
|--|---|---|--|--|
| 1. Exceeding final limitations (categorical or local). | Infrequent or isolated violation greater than applicable pretreatment standards or less than TRC. | WOMV, NOV   | No                                       | Coordinator, Regulatory Services Manager |
| 2. Exceeding final limitations (categorical or local). | Violation(s) which place an Industrial User in SNC.   | NOSN, Show Cause Hearing (Enforcement Order).   | Yes                                      | Regulatory Services Manager, CEO         |
| 3. Exceeding interim limitations.                      | Without known interference or pass through but which places Industrial User in SNC with limit.    | NOSN, Show Cause Hearing (Enforcement Order).   | Yes                                      | Regulatory Services Manager, CEO         |
| 4. Exceeding interim limitations.                      | With interference or pass through.  | NOSN, NOR, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages). | Yes                                      | CEO or authorized representative         |

**C. SAMPLING, MONITORING AND REPORTING**

| <b><u>Noncompliance</u></b>  | <b><u>Circumstances</u></b>   | <b><u>Range of Response</u></b>               | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>                  |
|--|---|---|--|--|
| 1. Failure to sample, monitor or report (routine reports, BMRs).   | Isolated or infrequent.   | WOMV, NOV                                     | No                                       | Coordinator, Regulatory Services Manager |
| 2. Failure to provide reports for compliance schedules, self-monitoring data or categorical standards or to resubmit incomplete, inaccurate or improper reports returned to User by the Authority within 45 days from the due date or the date the report was returned to the User for resubmission. | Reports not submitted or properly resubmitted for 45 days or more after their due date.   | NOSN, Show Cause Hearing (Enforcement Order). | Yes                                      | Regulatory Services Manager, CEO         |
| 3. Failure to sample, monitor, report, or notify.  | User does not respond to letters, does not follow through on verbal or written agreement. | NOSN, Show Cause Hearing (Enforcement Order). | Yes                                      | Regulatory Services Manager, CEO         |

**C. SAMPLING, MONITORING AND REPORTING (CONTINUED)**

| <b><u>Noncompliance</u></b>  | <b><u>Circumstances</u></b>                              | <b><u>Range of Response</u></b>               | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>                  |
|--|--|---|--|--|
| 4. Failure to notify of applicable pretreatment standard violation as a result of self-monitoring within 24 hours of becoming aware. | Isolated or infrequent. No interference or pass through. | WOMV, NOV requiring report within 10 days.    | No                                       | Regulatory Services Manager, CEO         |
| 5. Minor sampling, monitoring or reporting deficiencies (computations or typographical errors).                                      | Isolated or infrequent.                                  | WOMV, NOV                                     | No                                       | Coordinator, Regulatory Services Manager |
| 6. Major or gross sampling, monitoring or reporting deficiencies (missing information, late reports).                                | Isolated or infrequent.                                  | NOV   | No                                       | Regulatory Services Manager              |
| 7. Major or gross reporting deficiencies.  | Continued. Remains uncorrected for 30 days or more.      | NOSN, Show Cause Hearing (Enforcement Order). | Yes                                      | Regulatory Services Manager, CEO         |
| 8. Failure to notify of slug discharge.  | Isolated or infrequent. No interference or pass through. | NOV   | No                                       | Regulatory Services Manager              |

|   |   |  |     |                                  |
|---|---|--|-----|----------------------------------|
| 9. Failure to notify of slug discharge. | Known interference or pass through or threat to human safety. | NOSN, NOR, Show Cause Hearing, (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages). | Yes | CEO or authorized representative |
|---|---|--|-----|----------------------------------|

**C. SAMPLING, MONITORING AND REPORTING (CONTINUED)**

| <b><u>Noncompliance</u></b>              | <b><u>Circumstances</u></b>  | <b><u>Range of Response</u></b>   | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>                  |
|--|--|---|--|--|
| 10. Reported slug load.                  | Isolated or infrequent without known interference or pass through.                           | NOV   | No                                       | Regulatory Services Manager              |
| 11. Reported slug load.                  | Isolated or infrequent with known interference, or pass through with threat to human safety. | NOSN, Show Cause Hearing (Enforcement Order).   | Yes                                      | Regulatory Services Manager, CEO         |
| 12. Reported slug load.                  | Recurring with known interference or pass through or threat to human safety.                 | NOSN, NOR, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages). | Yes                                      | CEO or authorized representative         |
| 13. Failure to report changed discharge. | Isolated or infrequent with no interference or pass through.                                 | NOV   | No                                       | Coordinator, Regulatory Services Manager |
| 14. Failure to report changed discharge. | With known interference and/or pass through or threat to human safety.                       | NOSN, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or seek injunctive relief and damages).      | Yes                                      | CEO or authorized representative         |
| 15. Reporting false information.         | Any instance.  | NOSN, NOR, Show Cause Hearing (Termination of Service).   | Yes                                      | CEO or authorized representative         |

**D. COMPLIANCE SCHEDULES AND INTERIM LIMITS FOUND IN PERMITS**

| <b><u>Noncompliance</u></b>                  | <b><u>Circumstances</u></b>  | <b><u>Range of Response</u></b>                    | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>                  |
|--|--|--|--|--|
| 1. Missed Interim Date.                      | Will not cause late final or other interim dates.                                      | NOV, WOMV  | No                                       | Coordinator, Regulatory Services Manager |
| 2. Missed Interim Date.                      | Will result in other missed interim dates. Violation for good and valid cause.         | NOV  | No                                       | Regulatory Services Manager              |
| 3. Missed Interim Date.                      | Will result in other missed interim dates. No good or valid cause.                     | NOSN, Show Cause Hearing (Enforcement Order).      | Yes                                      | Regulatory Services Manager, CEO         |
| 4. Missed Final Date.                        | Violation due to <u>force majeure</u> (beyond control of User).                        | Letter   | No                                       | Regulatory Services Manager              |
| 5. Missed Final Date.                        | 30 days or more outstanding. Failure or refusal to comply without good or valid cause. | NOSN, NOR, Show Cause Hearing (Enforcement Order). | Yes                                      | Regulatory Services Manager, CEO         |
| 6. Failure to install monitoring facilities. | Failure to or refusal to comply with requirements of Regulation.                       | NOSN, NOR, Show Cause Hearing (Enforcement Order). | Yes                                      | Regulatory Services Manager, CEO         |

**E. NONCOMPLIANCE DETECTED THROUGH SAMPLING AND/OR FIELD INSPECTIONS AND INVESTIGATIONS.**

| <b><u>Noncompliance</u></b>             | <b><u>Circumstances</u></b>                                   | <b><u>Range of Response</u></b>  | <b><u>Significant Non-Compliance</u></b> | <b><u>Personnel</u></b>                  |
|---|---|--|--|--|
| 1. Minor violation of permit condition. | No evidence of negligence or intent.                          | WOMV   | No                                       | Coordinator, Regulatory Services Manager |
| 2. Minor violation of permit condition. | Evidence of negligence or intent.                             | NOSN, Show Cause Hearing (Enforcement Order).  | Yes                                      | Regulatory Services Manager              |
| 3. Major violation of permit condition. | Evidence of negligence or intent.                             | NOSN, Show Cause Hearing (Enforcement Order, Cease and Desist Order, and/or suit for injunction for relief and damages). | Yes                                      | CEO or authorized representative         |
| 4. Entry Denial.                        | Failure or refusal to comply with requirements of Regulation. | NOSN, obtain search warrant, Show Cause Hearing (Enforcement   | Yes                                      | CEO or authorized representative         |

## 11.8

**RESPONSE REQUIREMENTS**

- A. ReWa will respond to violations of the Regulation in accordance with the following:
1. All violations shall be identified and documented within 10 days of receiving compliance information.
  2. Initial Enforcement responses involving contact with the Industrial User, and requesting information on corrective or preventative action(s), shall occur within 30 days of violation detection.
  3. Follow up action for continuing or reoccurring violation shall be taken within 60 days of the initial enforcement response. For all continuing violations the response will include a compliance schedule.
  4. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
  5. All violations meeting the criteria for Significant Noncompliance shall be addressed with an enforceable Order within 30 to 60 days of the identification of Significant Noncompliance.
- B. Industrial User response to noncompliance:
1. Any instance of Industrial User noncompliance must be reported within 24 hours of knowledge of the noncompliance to the CEO or his authorized representative followed by a written report, when required, within five working days.
- The report of noncompliance shall include:
- a. A description of the characteristics of the noncompliance.
  - b. A statement of the cause of noncompliance.
  - c. An account of the time and duration of noncompliance including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
  - d. For noncompliance of permit limitations repeat sampling event and submit test results to ReWa within 30 days. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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 article or other applicable law.

**Attachment C – Enforcement Management Strategy**

2. Industrial dischargers requiring a permit, but found to be unpermitted, shall submit a completed industrial application within 15 days of receipt.
3. All Enforcement Orders shall be implemented upon receipt by the industry.
4. All schedules of compliance shall be implemented upon receipt of the final schedule by the industry.
5. Notice of Violation (NOV) and Notice of Significant Noncompliance (NOSN) shall be responded to within 15 days of the receipt of the Notice.
6. All other activities required of the Industrial User in accordance with the Regulation shall be implemented as specified.

## ATTACHMENT D

### SEWER USE REGULATION

#### ALLOCATION METHODOLOGY (Effective January 25, 2021)

**PURPOSE:** To allocate technically determined Pollutants of Concern (POC) capacity to Users while complying with the NPDES Permits issued to Renewable Water Resources (ReWa).

**OBJECTIVE:** To control the introduction of pollutants which can cause an adverse impact on the operation of a POTW, which may cause: a violation of NPDES Permits; personnel health problems; inhibition of process; pass through to the receiving stream; and/or interference with the disposal or use of biosolids.

#### DEFINITIONS AND TERMS:

**Current Methodology:** means the determination of permit limitations in accordance with this policy.

**Monthly Average Permit Limitation:** means the average concentration (mg/l), mass (lbs/day) or flow (gpd) for permitting determined from an allocation of the POC or flow capacity.

**Daily Maximum Permit Limitation:** means the maximum concentration (mg/l), mass (lbs/day) or flow (gpd) for permitting determined from an allocation of the POC or flow capacity.

**Average Daily Industrial Flow:** means the average daily flow from all Industrial Users determined by dividing the total flow from the Industrial Users over a period of days by the number of days in the period.

**Average Daily Treatment Plant Flow:** means the average daily flow into the influent of the treatment plant determined by dividing the total flow into the plant over a period of days by the number of days in the period.

**Conventional Pollutants:** includes BOD, TSS, and COD for the purpose of this methodology.

**Non-Industrial User:** means a residential or commercial User discharging domestic wastewater to the treatment plant.

**Non-Permitted Flow:** means the flow not allocated by ReWa discharge permits (including residential, commercial, and Industrial Users).

**Non-Permitted Loading:** means the mass (lbs/day) of a POC in the wastewater discharged by Users not permitted for the POC. This should only include background amounts of the POC.

**Pollutant of Concern (POC):** means the pollutants identified present from a review of POTW influent, effluent, and biosolids monitoring data which are in amounts that can cause an adverse impact on the POTW if not controlled. Additionally, those pollutants identified by EPA to necessitate inclusion in the headworks analyses.

**Practical Quantitation Limits (PQLs):** means the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure assuming that all of the method-specific sample weights, volumes, and processing steps have been followed.

**PROCEDURES:**

**Determination of Capacity:**

- Step 1      The Headworks Analyses will be performed on a site- specific basis for each wastewater treatment plant receiving industrial wastewater, or as required by the NPDES Permit. A daily average mass (lbs/day) allowable into the influent of the treatment plant will be calculated using the design flow of the treatment plant.
  
- Step 2      Before determining the capacity which can be allocated to Industrial Users for permitting purposes, the non-permitted loading of each POC has to be calculated. The non-permitted flow (MGD) will be calculated for each POC by subtracting the Average Daily Industrial Flow of industries with the POC in their permit from the average allocated treatment plant influent flow.
  
- Step 3      The available capacity of each POC that can be allocated to Industrial Users for permitting purposes will be determined by subtracting the determined non-permitted loading from the total allowable loading of a POC to the influent of the treatment plant minus any safety factor. The safety factor will be determined and approved by ReWa, after reviewing the performance of the wastewater treatment plant and the current percentage of hydraulic capacity being utilized.

**Determination of Permit Limitations:**

- Option 1      Monthly Average Permit Limitation (mg/l) for conventional and non-conventional POC's will be determined by dividing the allowable lbs/day to be permitted to Industrial Users by the Monthly Average Permitted Flow (MGD) x 8.34 (lbs/gal), which is a contributory flow approach. Alternatively, ReWa may approve using the Average Daily Industrial Flow which is a uniform concentration approach. Unless approved by ReWa, the allowable concentration will not exceed the current Sewer Use Regulation limitations. This will appear in the allocation worksheet as the Monthly Average Permit Limitation by Current Methodology (mg/l). When the Monthly Average Permit Limitation (mg/l) is determined to be less than Practical Quantitation Limits (PQLs), then the Monthly Average Permit Limitation (mg/l) will become the PQL.

Attachment D – Allocation Methodology

Option 2 When capacity is available and at ReWa’s discretion, ReWa reserves the right to exercise a mass (lbs/day) only option for a local limitation or applicable categorical pretreatment standard. The following conditions shall apply:

1. The I.U. shall submit a request for mass (lbs/day) only limitations.
2. A Waste Minimization and/or Water Conservation Plan shall be submitted and ReWa approval of the plan obtained.
3. A Slug Control Plan and/or, as required by ReWa, Spill Prevention Control Plan must be submitted and ReWa approval of the plan obtained.

When the mass (lbs/day) only option is applied, then the Monthly Average Permit Limitation (lbs/day) to be permitted will be determined by multiplying the average permitted flow (MGD) x the Monthly Average Permit Limitation by Current Methodology (mg/l) x 8.34 (lbs/gal). However, when greater than eighty percent of the WRRF capacity has been allocated, a more stringent mass (lbs/day) limitation may be determined based on removal efficiency.

Option 3 On a case-by-case situation, and at ReWa’s discretion, it may be advantageous to ReWa and the Industrial User to allow for a mass (lbs/day) only limitation for BOD, COD and TSS which is higher than that determined as stated above. The following conditions shall apply:

1. Capacity must be available.
2. Items 1, 2 and 3 as outlined in Option 2 for a mass (lbs/day) only option shall be completed.
3. Documentation and/or a treatability study which demonstrates that the wastewater is readily biodegradable shall be performed by the Industrial User and approved by ReWa.

Option 4 When capacity is available and at Rewa’s discretion, an Industrial User subject to an enforcement action such as a Compliance Schedule in a permit or Administrative Order may have a mass (lbs/day) only limitation higher than the mass (lbs/day) limitation determined by applying the above options. This mass (lbs/day) limitation will be called an interim limitation which will be effective in accordance with the Compliance Schedule deadline.

Option 5 For Industrial Users with a Monthly Average Permit Limitation of 10,000 (gpd) or less, the Montly Average Permit Limitation (lbs/day) to be permitted will be determined by multiplying the Monthly Average Permit Limitation by Current Methodology (mg/l) x 8.34 (lbs/gal) x .01 MGD.

Applies to All Options:

- A. The Daily Maximum Permit Limitation (mg/l) for conventional and non-conventional POC's will be determined by multiplying the Monthly Average Permit Limitation by Current Methodology (mg/l) times one of the following factors.
  - 1. A factor of one and a half (1.5) or less will be applied when in the opinion of ReWa a more stringent limitation is needed to protect the treatment system. Capacity must be available.
  - 2. A maximum factor of two (2) will be applied when capacity is available. A request and demonstration of need must be submitted.
  
- B. The Monthly Average Permit Limitations (lbs/day) and Daily Maximum Permit Limitations (lbs/day) for conventional and non-conventional POC's will be determined by multiplying the Monthly Average Permit Flow (MGD) by the respective determined limitations (mg/l) by current methodology x 8.34 (lbs/gal).
  
- C. The Daily Maximum Permit Flow (gpd) will be limited to not exceed 1.3 times the Monthly Average Permit Limitation (gpd) for the month permitted flow for Industrial Users discharging greater than or equal to 25,000 (gpd). For Industrial Users discharging less than 25,000 (gpd), the Daily Maximum Permit Flow (gpd) will be limited to not exceed 1.5 times the Monthly Average Permit Limitation (gpd) for the month permitted flow. This will better assure a consistent flow from the Industrial User.
  
- D. On a case-by-case basis, and at ReWa's discretion, the Daily Maximum Permit Flow Limitation (gpd) may be waived. The following conditions shall apply:
  - 1. The I.U. shall submit a request for waiver of the Daily Maximum Flow Limitation (gpd).
  - 2. A Slug Control Plan and/or, as required by the Director, Spill Prevention Control Plan must be submitted and ReWa approval of the plan obtained.
  - 3. The Monthly Average Permit Flow Limitation (gpd) shall not exceed five (5) percent of the POTW design hydraulic capacity.
  - 4. A Waste Minimization and/or Water Conservation Plan shall be submitted and ReWa approval of the plan obtained.
  
- E. The COD limitations will be calculated by multiplying the determined BOD limitation by a factor of three (3) which has been an accepted ratio in the wastewater profession for sanitary wastewater.

**Attachment D – Allocation Methodology**

NOTE: The peak Monthly Average Flow (gpd) during a review period plus five percent will become the Monthly Average Permit Flow Limitation (gpd). The review period will be the most current calendar year or ReWa Fiscal Year. For new Industrial Users, and for those Industrial Users wanting higher permitted flows, the requested flow from the Industrial User Permit Application plus five percent will become the Monthly Average Permit Limitation (gpd).

The more stringent of the categorical limitation or the local limitation will be applied for Categorical Users.

Monitoring and analysis will be performed in accordance with 40 CFR methodology by a SCDHEC Certified Laboratory. In the event that there is no approved method in 40 CFR 136 for a particular parameter, testing shall be performed in accordance with Standard Methods, herein defined, or a method approved by ReWa.

**SUPPLEMENT TO ATTACHMENT D - ALLOCATION METHODOLOGY**

Amended as of January 25, 2021

**RENEWABLE WATER RESOURCES**

**LOCAL LIMITATIONS**

Purpose:

Local limitations have been determined in accordance with Section 4.3 - National Categorical Pretreatment Standards or Local Limitations and Attachment D - Allocation Methodology. The specific limitations for the POTW's requiring Local Limitations are as follows:

POTW:

NPDES NO.  
POLLUTANT  
OF CONCERN

|             | DURBIN              | GILDER              | LOWER               | MAULDIN             |
|-------------|---------------------|---------------------|---------------------|---------------------|
|             | CREEK               | CREEK               | REEDY               | ROAD                |
|             | SC0040002           | SC0040525           | SC0024261           | SC0041211           |
|             | MONTHLY AVG.        | MONTHLY AVG.        | MONTHLY AVG.        | MONTHLY AVG.        |
|             | <u>LIMIT (mg/l)</u> | <u>LIMIT (mg/l)</u> | <u>LIMIT (mg/l)</u> | <u>LIMIT (mg/l)</u> |
| ANTIMONY    | 0.5                 | 1.5                 | 1.0                 | 2.0                 |
| ARSENIC     | --                  | 0.8                 | 0.2                 | 0.2                 |
| CADMIUM     | 0.5                 | 0.1                 | 0.5                 | 0.4                 |
| T. CHROMIUM | 1.5                 | 1.5                 | 1.5                 | 3.0                 |
| COPPER      | 1.2                 | 1.5                 | 1.5                 | 2.0                 |
| CYANIDE     | 0.4                 | 0.5                 | 0.2                 | 0.4                 |
| LEAD        | 0.5                 | 0.5                 | 0.2                 | 0.5                 |
| MERCURY     | 0.0017              | 0.002               | 0.0053              | 0.012               |
| NICKEL      | 1.0                 | 2.5                 | 1.5                 | 4.0                 |
| SILVER      | 0.1                 | 0.1                 | 0.2                 | 0.08                |
| THALLIUM    | 0.037               | --                  | --                  | --                  |
| ZINC        | 1.5                 | 3.0                 | 1.5                 | 4.0                 |

POTW:

NPDES NO.  
POLLUTANT  
OF CONCERN

|             | GEORGES             | PELHAM              | PIEDMONT            | SLATER-             |
|-------------|---------------------|---------------------|---------------------|---------------------|
|             | CREEK               | ROAD                | REGIONAL            | MARIETTA*           |
|             | SC0047309           | SC0033804           | SC0048470           | SC0026883           |
|             | MONTHLY AVG.        | MONTHLY AVG.        | MONTHLY AVG.        | MONTHLY AVG.        |
|             | <u>LIMIT (mg/l)</u> | <u>LIMIT (mg/l)</u> | <u>LIMIT (mg/l)</u> | <u>LIMIT (mg/l)</u> |
| ANTIMONY    | 2.0                 | 0.5                 | 1.0                 | --                  |
| ARSENIC     | 0.5                 | 0.4                 | 0.5                 | --                  |
| CADMIUM     | 0.4                 | 0.5                 | 0.5                 | --                  |
| T. CHROMIUM | 2.0                 | 1.5                 | 1.5                 | --                  |
| COPPER      | 0.5                 | 1.5                 | 1.5                 | --                  |
| CYANIDE     | 0.4                 | 0.4                 | 0.4                 | --                  |
| LEAD        | 0.5                 | 0.4                 | 0.5                 | --                  |
| MERCURY     | 0.025               | 0.0008              | 0.025               | --                  |
| NICKEL      | 2.0                 | 1.5                 | 1.5                 | --                  |
| SILVER      | 0.2                 | 0.5                 | 0.5                 | --                  |
| ZINC        | 2.0                 | 1.5                 | 1.5                 | --                  |

NOTE: Limitations for all facilities:

Grease And Oil; HEM - 200 mg/l  
Polar Material - 200 mg/l  
Non-polar Material - 100 mg/l  
pH: 6.0-10.0 su

**ATTACHMENT E**

**SEWER USE REGULATION  
SELF-MONITORING FREQUENCY  
(Effective May 20, 2019)**

All Users subject to self-monitoring requirements shall sample at a minimum as indicated in the following monitoring schedule. The self-monitoring frequency will be based upon total permitted flow. However, ReWa may modify the sampling frequency based on factors including compliance history and risk to ReWa WRRF facilities and products.

| <b>Total Permitted Flow<br/>Gallons per Day</b> | <b>Frequency of<br/>Monitoring</b> |
|---|------------------------------------|
| 0 - 1,000                                       | Semi-annually                      |
| 1,001 - 10,000                                  | Quarterly                          |
| 10,001 - 50,000                                 | Twice Quarterly                    |
| 50,001 - 100,000                                | Monthly                            |
| 100,001 - 500,000                               | Twice Monthly                      |
| Over 500,000                                    | Weekly                             |

**ATTACHMENT F**  
**SEWER USE REGULATION**  
**GREASE CONTROL REGULATION**  
**(Effective January 25, 2021)**

Renewable Water Resources (ReWa) desires to protect the public health, safety, and welfare of the citizens in the service area and to eliminate the deleterious impact of grease discharges on the wastewater collection and treatment facilities.

**1. Purpose**

This Grease Control Regulation has been developed in accordance with Section 2.12, Special Pretreatment Devices of the Sewer Use Regulation and in support of the ReWa Fats, Oils and Grease (FOG) Control Program. The purpose of this document is to provide for the regulation of the collection, control and transportation of non-hazardous FOG of animal or vegetable origin generated by Food Service Establishments (FSEs). The regulation contains requirements for sizing and maintenance of grease control devices, permitting, inspections, monitoring, reporting, and recordkeeping. All FSEs must comply with established grease limits (200 mg/l Polar Material) as contained in the ReWa Sewer Use Regulation 4.1.17B Prohibited Discharges.

Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on the following criteria:

- a. Properly sized and approved grease control device (s);
- b. Implementation of Best Management Practices (BMPs);
- c. Regularly scheduled maintenance of grease control device(s);
- d. Documentation of maintenance and proper disposal;
- e. Employee education and training and/or
- f. Demonstrated adherence to established quantitative limit(s), concentration or mass, as measured at the nearest accessible point prior to Generator's connection to the public sewer.

**2. Definitions**

The following are supplemental to the definitions given in Section 1.2 of the Sewer Use Regulation:

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

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

**Disposer** shall mean a person who operates a facility at which grease waste is intentionally placed for final disposition.

**FOG** shall be the acronym used to describe fats, oils and grease of animal or vegetable origin.

**FOG Control Program** shall describe the ReWa regulatory, educational and customer service activities that support elimination of the deleterious impact of grease discharges on the wastewater collection and treatment facilities.

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

**Food Service Establishment** shall mean restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens, assisted living facilities, ice cream shops, coffee shops, Food Courts, butcher shop operations, and mobile food units. A Food Service Establishment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food; or which disposes of food related wastes.

**Garbage Grinder** shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for discharge into the sanitary sewer.

**Generator** shall mean any FSE which produces fats, oils, and grease waste.

**Grease Interceptor** shall mean a device so constructed, typically in the ground, as to separate and hold fats, oils and grease (FOG) from the wastewater in order to reduce the fats, oils and grease (FOG) entering the sanitary sewer. Grease interceptors are often called “grease traps”. Under-the-sink grease traps shall not be construed as meeting this definition.

**Grease Trap** shall mean a device placed inside a Food Service Establishment for removal of FOG from the waste stream. These devices shall be connected to a drain immediately following a sink or wash basin. A grease trap is often referred to as a “grease interceptor” but should not be confused with a grease interceptor as defined above.

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

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

**Hauled Waste** shall mean transported Holding Tank Waste including waste from vessels, chemical toilets, campers, trailers, septic tanks, grease traps, grease interceptors, and vacuum pump tank trucks.

**Hazardous Material** shall mean a substance or combination of substances which, because of its quantity, concentration, or characteristics, may (1) due to human exposure, cause or significantly contribute to mortality, illness, or incapacitation; (2) pose a substantial hazard to human health or the environment if improperly handled; or (3) be defined to be a hazardous waste under the Resource Conservation and Recovery Act, under regulations promulgated pursuant to said Act, or under any other Local, State or Federal law.

**Mobile Food Unit** shall mean a self-propelled or vehicle mounted unit intended to be used as a food service facility. Mobile food units must have an approved location to discharge used oil and grease waste.

**Regulation** shall mean the ReWa Sewer Use Regulation and any attachments, or supplements thereof.

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

**Tank Truck Content Disposal Form** shall mean a multi-part reporting form required by ReWa to document the point of generation, transportation, and disposal of grease waste as outlined in Attachment A – Hauled Waste Regulation.

**Transporter** shall mean a person who owns or operates a vehicle for the purpose of transporting liquid waste.

### **3. Duties**

The Chief Executive Officer (CEO) has been empowered to enforce compliance with permits and regulations. Acting under the CEO is the Regulatory Services Manager or designated representative, who shall be responsible for implementing this regulation. The Regulatory Services Manager or his assigned representative shall be responsible for all administrative actions such as inspections, plan review, analyses, and records maintenance. Any reference to ReWa within this Regulation as the responsible or authoritative party shall mean the designated and assigned ReWa representative. ReWa shall annually review the requirements contained herein to ensure that it is effective and reasonable. Duties regarding the enforcement of these requirements are outlined in Attachment C - Enforcement Management Strategy.

### **4. Applicability**

This Regulation is applicable to transporters and generators of Fats, Oils and Grease (FOG). Generators include, but are not limited to, FSEs such as restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens cafeterias, child or adult daycare facilities, assisted living facilities, ice cream shops, coffee shops, Food Courts, butcher shop operations, event spaces, breweries, industrial employee food service, catering services and mobile food units, or any establishment involved in the preparation or service of food for commercial purposes. The Regulation also applies to Transporters of the FOG waste generated from these, and other facilities. All FSEs shall provide approved grease control devices necessary to meet limits established in the ReWa Sewer Use Regulation or any permit issued by ReWa. This Regulation

does not apply to grease waste removed from pumping stations owned and maintained by ReWa or its Subdistricts or from public sewers.

All FSEs which are proposed, constructed, expanded, renovated, reconstructed, or change ownership shall meet the requirements included herein prior to opening, expanding, or reopening the FSE. All grease control devices must be approved by ReWa prior to installation. FSEs may be required to upgrade and/or modify grease control devices to comply with the ReWa Regulation and performance standards.

A compliance schedule shall be developed and issued to Food Service Establishments found to be in violation of this Regulation or in need of the addition, repair, removal or replacement of a grease control device. Accelerated compliance shall be required for FSEs which are found to be discharging FOG in sufficient quantities to cause blockages or necessitate maintenance on the wastewater collection system to prevent blockages. The Food Service Establishment will be notified in writing of any compliance schedule or date. Compliance schedules shall contain milestones necessary to achieve compliance with the Regulation. Failure to meet a compliance schedule or component of a schedule shall be grounds for enforcement including monetary penalties (Section 9, Enforcement).

Any requests for grease control device variances must be made in writing to ReWa at least thirty days in advance of the compliance date. The request shall include the reasons for failure to comply, additional time required for compliance, and steps taken to avoid further delays.

## **5. Inspections**

Provisions in the Sewer Use Regulation regarding monitoring, inspection, and right of entry to the Generator's facility and the Transporter's vehicle and facilities are incorporated fully herein and shall be implemented to ensure that maintenance is being completed as recorded. Generators shall provide access to ReWa staff or its agents to inspect records, Grease Traps and Grease Interceptors or obtain representative samples and perform other duties as necessary to ensure compliance with the Regulation. Transporters shall provide ReWa staff or its agents access to inspect records, obtain representative samples and perform other duties as necessary to ensure compliance with the Regulation.

## **6. Permitting**

ReWa may issue a permit or other control document to Transporters and Generators as a condition of use, or continued use, of ReWa facilities and services. A permit may be issued to a single FSE or issued to a group of FSEs with similar processes, practices and wastewater characteristics. Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring requirements and reporting requirements as well as any other conditions or requirements that ReWa determines necessary to ensure compliance of the FSE and protection of the collection and treatment facilities.

## **7. Generator Requirements**

All Generators shall have Best Management Practices (BMPs) in place to control excessive discharges of grease to the public sewer and to ensure proper performance of grease control devices. Examples of BMPs may include, but are not limited to scraping excess food from plates, pans, and food containers into the trash before washing, having proper sink, floor sink, and prewash dishwasher strainers on all drains, disposing of all yellow grease into proper recycling containers and procedures for observing and approving all maintenance activities that require access to the control device. ReWa will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a grease control device, the Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.

Inground Grease Interceptors are necessary and required for most Generators to be in compliance with established limits and standards. In some circumstances, under-the-sink Grease Traps may be allowed if:

- a. it is determined by ReWa that an under-the-sink trap provides adequate control due to site specific conditions or,
- b. it is determined by ReWa that space or size constraints make an inground Grease Interceptor impractical and/or unserviceable.

Grease Traps and Grease Interceptors shall be purchased, maintained, and secured by the Generator at the Generator's expense. It is the Generator's responsibility to ensure that proper maintenance of the grease control device includes removal of all contents including floating materials, wastewater and solids at a maintenance frequency which will allow proper operation of the grease control device. The Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of disposal at ReWa facilities.

It is the responsibility of the Generator, new or existing, to notify ReWa prior to the purchase and installation of any grease control device. Generators required to install new grease control devices shall request and complete a Food Services Establishment Information survey. The survey, along with the Plans and Specifications Fee (Attachment B), should be submitted to ReWa with a plan of the proposed Grease Interceptor that indicates the location of the building drain. Based on the information provided by the Generator, ReWa will provide a written determination of the required grease control device prior to installation. Additionally, the survey will be considered a request to discharge to the ReWa system. Approval must be granted by ReWa prior to discharge.

Prior to installation or modification of an inground Grease Interceptor(s), plans and specifications must be submitted to ReWa for review and approval. The installation shall comply with the requirements of local building codes and regulations. ReWa shall review the plans and specifications within 30 days and shall recommend changes as required. Construction approval shall be evidenced by a letter signed by a ReWa authorized representative. Prior to commencement of construction or installation, the Generator shall secure applicable local building, plumbing, and other permits. The Generator shall notify ReWa at least 48 hours prior to backfilling the grease

interceptor and piping to request a final inspection of the installation. ReWa may halt the completion of the installation or notify the local building inspector if the installation does not meet the requirements of this Regulation. No Generator shall deviate from ReWa approved design specifications without prior approval.

## **8. Grease Control Devices**

No grease control device, Grease Trap or Grease Interceptor shall be installed or replaced without ReWa approval. Grease Traps shall be maintained on a weekly, monthly or quarterly basis as approved by ReWa and Food Service Establishments shall maintain a written log of Grease Trap maintenance.

Discharge or addition of the following materials to an Inground Grease Interceptor or an Under-the-Sink Grease Trap is strictly prohibited:

- Wastewater with a temperature higher than one-hundred forty (140) degrees Fahrenheit;
- Acidic or caustic cleaners, i.e. lye or root killer;
- Fryer oil or grill trap grease waste;
- Biological or chemical additives.

All grease control devices are evaluated and approved in accordance with the requirements listed in the ReWa Technical Specifications Development Manual, number of seats, menu, site plan and location. ReWa reserves the right to make determinations of grease control device sizing and adequacy based on performance and condition and may require repairs to, modifications, or replacement of control devices as such.

## **9. Transporter Requirements**

Transporters shall maintain a current license from the Department of Health and Environmental Control Division of Onsite Wastewater Systems to maintain grease interceptors and haul grease waste. Transporters shall submit a log of all Food Service Establishments maintained by January 15 and July 15 of each year. Transporters shall use only disposal sites or methods approved in the license. Transporters shall request and obtain approval from ReWa to discharge hauled waste at disposal sites designated by ReWa. Approvals shall be limited to a three-year period after which a written request for a renewal must be submitted. Hazardous materials shall not be transported, and the transporter shall not mix septic tank contents or other holding tank waste with grease waste. Trucks/tankers licensed to discharge grease and septage at ReWa facilities shall not be used to pump, contain, or transport any other type of waste.

Grease Interceptor and Trap maintenance shall include the following minimum activities:

- 1) Complete removal of all Grease Interceptor or Grease Trap contents rather than skimming the top grease layer.
- 2) Thorough cleaning of the Grease Interceptor or Trap to remove grease buildup from inner walls and baffles.

- 3) A completed disposal manifest with Generator representative signature to accompany each load of Grease Interceptor or Grease Trap waste to the disposal site.

Top skimming, decanting or back flushing of the Grease Interceptor or Grease Trap or its contents or septage waste (back into the Grease Interceptor) for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from grease shall not discharge separated water into the Grease Interceptor or into the wastewater collection system.

The Transporter shall be responsible for determining the nature of the waste and completing a manifest before transport. For Disposal at ReWa facilities, a completed Truck Tank Content Disposal Form must accompany each load and be given to the attendant or placed into the receptacle at the facility prior to discharge. The form must contain signatures of the driver and the Generator representative/owner where the waste originated.

## **10. Fees**

Provisions in the Sewer Use Regulation regarding fees and charges are applicable and shall be assessed to Generators and Transporters for services rendered by ReWa. Generators installing new inground Grease Interceptors shall pay the Engineering Plans and Specifications Review and Approval Fee. Generators shall pay an Annual Administrative and Inspection Fee as needed to address non-compliance with the Sewer Use Regulation. Generators shall also pay for any Laboratory Analyses Fees associated with the discharge from the Generator's facility. Additionally, Generators shall pay a Permit Application Processing and Renewal Fee as needed to ensure compliance with, or in response to non-compliance with, the Sewer Use Regulation. Transporters shall pay the Permit Application Processing and Renewal Fee for the approval to discharge grease at ReWa designated receiving site(s). Transporters shall also pay all Laboratory Analyses Fees associated with the Transporter's discharge to ReWa designated receiving site. Additionally, the Transporter shall pay the applicable hauled waste charges. Such fees and charges shall be as established and included in Attachment B-Fees and Charges of the Sewer Use Regulation.

## **11. Enforcement**

Failure on the part of any Generator or Transporter to maintain continued compliance with any of the requirements set forth in this Regulation may result in the initiation of enforcement action. Violations of these provisions are subject to the enforcement provisions contained in the Sewer Use Regulation (Section 8, Enforcement) including fines of up to \$2000.00 for each offense. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement action. In addition, fines assessed for violations involving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance expenses shall include the cost incurred by ReWa or subdistricts for the cleanup or blockage removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation, costs and expenses incurred by ReWa for preventing interference or adverse impact on the public sewer, may be charged to and paid by the discharger upon written notice. ReWa reserves the right to monitor, or require monitoring, of any Generator or Transporter to demonstrate compliance.

## **12. Requests for Variance**

This Regulation and its requirements have been developed with due diligence; utilizing accepted standards, codes, guidance and field knowledge, with the intention of protecting the public sewer from adverse impacts caused by non-compliance with established grease and oil (Polar Material) limits. Requests for a variance to any of the requirements or ReWa implementation of the requirements contained in this Regulation must be submitted in writing to ReWa within thirty (30) days of the Generator or Transporter being notified of a requirement or compliance schedule. The request for variance must specifically state the reason for the request and how the FSE will ensure demonstrated compliance with established limits. Conditional variances may be granted at the discretion of ReWa and will typically require additional control measures be placed on the FSE to ensure compliance. These may include, but are not limited to, additional maintenance requirements, increased BMP facility training, monitoring requirements, permit(s) and/or cost recovery. In no case shall a variance be issued in lieu of compliance with established numerical limits or when damage to the collection sewer is evident.