

## 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 wastewater treatment facilities.

This Regulation sets forth uniform requirements for discharges to the POTW and enables ReWa to comply with all applicable State and Federal laws and the 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 shall apply to ReWa and to persons who are, by permit or agreement with ReWa, users of the POTW. Except as otherwise provided herein, the Director 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** shall mean 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.* (1976 as amended)]

**ReWa** shall mean Renewable Water Resources

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

1. If the User is a corporation:
  - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit 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 company, and the written authorization is submitted to ReWa.

**Best Management Practices or BMPs** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.1 and 4.2. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Billable Biochemical Oxygen Demand** shall mean the discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/l or as otherwise might be changed and shown on Exhibit “B”.

**Billable Chemical Oxygen Demand** shall mean the discharge in pounds of COD calculated using the billable flow and concentration of COD in the wastewater in excess of three times the BOD concentration, or as otherwise might be changed and shown on Exhibit “B”.

**Billable Flow** shall mean 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** shall mean 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 as otherwise might be changed and shown on Exhibit "B".

**Billable Total Suspended Solids** shall mean the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 250 mg/l, or as otherwise might be changed and shown on Exhibit "B".

**Billable Total Phosphorus** shall mean 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 as otherwise might be changed and shown on Exhibit "B".

**Biochemical Oxygen Demand** shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C.

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

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

**Categorical Pretreatment Standard or Categorical Standard** shall mean 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 Appendix C.

**Categorical Industrial User** shall mean An Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.

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

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

**Collector Sewer System** shall mean 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** shall mean the water value obtained by the ADMI colorimetric method as approved in 40 CFR 136 or equivalent methods approved by EPA.

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

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

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

**Daily Maximum** shall mean the arithmetic average of all effluent 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** shall mean the discharge of wastewater directly to the waters of the State.

**Director** shall mean the Executive Director or his duly authorized representative, designated by ReWa to manage the activities and responsibilities of ReWa.

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

**Existing Source** shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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

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

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

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

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

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

**Industrial User** shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act.

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

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

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

**Interference** shall mean the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the POTW’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 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** shall mean a more stringent local standard imposed by SCDHEC or ReWa.

**Low Volume Discharger** shall mean any Industrial User of the POTW who (1) is not subject to National Categorical Pretreatment Standards; (2) discharges an average of less than 25,000 gallons per day of process wastewater to the POTW; (3) discharges less than 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.

**Medical Waste** shall mean 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 Limit** shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**National Categorical Pretreatment Standard** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of Industrial Users.

**National Pollutant Discharge Elimination System Permit** shall mean a permit issued for discharge to the navigable waters of the United States.

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

**New Source** shall mean:

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** shall mean 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** shall mean an Industrial User as determined by the Director that discharges no more than 100 gallons per day of total categorical wastewater to the POTW as defined in 40 CFR Parts 9, 122, and 403 and SC R61-9 Section 403.

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

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

**Pass Through** shall mean a discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of ReWa's NPDES permit (including an increase in the magnitude or duration of a violation).

**Person** shall mean 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** shall mean 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** shall mean that point determined by ReWa to be the site where a User, if authorized, may connect to a ReWa trunk line.

**Pollutant** shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, commercial, 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** shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater 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 Section 403.6(e).

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

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

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

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

**Public Sewer** shall mean a sewer which is owned and controlled by ReWa or a Subdistrict and is separate from and does not include sewers owned by other governmental units.

**Public Utility** shall mean any utility owned by a governmental entity.

**Publicly Owned Treatment Works (POTW)** shall mean 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 treatment plant, but does not include pipes, storm sewers or other conveyances not connected to a facility providing treatment.

**Qualified Laboratory** shall mean laboratories currently certified by the State to perform wastewater analyses.

**Satellite Sewer System** shall mean 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 Section 505.8.

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

**Significant Industrial User** shall mean any Industrial User of the POTW who (1) is subject to National Categorical Pretreatment Standards; (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** shall mean 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 Daily Maximum Limit, Daily Average Limit, or Instantaneous Limit; 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 Daily Maximum Limit, Daily Average Limit, or Instantaneous Limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH). Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 and SC R61.9 Section 403.3 (Daily Maximum, Daily 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); any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in ReWa's exercise of its emergency authority to halt or prevent such a discharge; 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; 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; failure to accurately report noncompliance; and any other violation or group of violations which ReWa determines will adversely affect the operation or implementation of the local pretreatment program.

**Slug Discharge** shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4.1 Prohibited Discharges of this

ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

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

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

**State** shall mean the State of South Carolina.

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

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

**Subdistrict** shall mean 1) a sewer Subdistrict or municipality with a geographical area within the boundaries of ReWa, having a separate governing Board with responsibilities for ownership and maintenance of sanitary sewers, but which is subject to regulation by ReWa as to sewer use, and 2) any governmental unit that is a party to an intergovernmental contract under which ReWa is to provide wastewater treatment or facilities.

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

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

**Total Kjeldahl Nitrogen** shall mean 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** shall mean 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** shall mean any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities, may tend to interfere with any wastewater treatment process, or to constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include, but are not limited

to, those 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** shall mean a line owned, operated, and maintained by ReWa that transports the wastewater stream to a treatment plant.

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

**User** shall include 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** shall mean the system of charges levied on Users for the operation and maintenance costs of the wastewater disposal system.

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

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

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

### **Section 1.3 - 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>POTW</b>	- Publicly Owned Treatment Works
<b>RCRA</b>	- Resource Conservation and Recovery Act
<b>SC R61-9</b>	- SC DHEC Water Pollution Control Permits: R61-9
<b>SIC</b>	- Standard Industrial Classification
<b>SIU</b>	- Significant Industrial User
<b>SWDA</b>	- Solid Waste Disposal Act
<b>TKN</b>	- Total Kjeldahl Nitrogen
<b>TSS</b>	- Total Suspended Solids
<b>USC</b>	- United States Code
<b>ReWa</b>	- Renewable Water Resources

## **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 that 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 is planning to discharge wastewater in excess of 1,000 gallons per day, or planning a direct connection to ReWa sewer, the application must be also approved by ReWa. All new industries discharging industrial wastewater shall complete the application and obtain approval 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 the Director at least 180 days prior to expiration of the current permit. The Industrial Discharge Permit Application shall be provided by the Director. Facilities to be deeded to and accepted by ReWa or a Subdistrict shall be completed, construction requirements for engineering standards or regulations shall be met, and be inspected and approved 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 the Director.

### 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

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

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

### Section 2.6 - Certain Connections Prohibited

1. Connection Not Allowed To Sewer

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

## 2. Connection Not Allowed To Storm Sewers

No Person shall make any connection or discharge of sanitary wastewater into a storm sewer under the jurisdiction of ReWa.

### 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

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, the County or Subdistrict. In cases of conflict and in absence of other provisions, materials and procedures set forth in ASCE-WPCF Manual of Practice No. 9 shall govern. All joints of the building sewer shall be tight and waterproof. The Director shall establish an infiltration rate for building sewers based upon the overall permissible infiltration for each plant and sewer system. One of two tests may be used: Infiltration shall not exceed 200 gallons/mile/inch/diameter/day, or the building sewer shall pass a low pressure air test as specified in ASTM C828. The Director reserves the right to determine which testing procedure shall be used for a given installation.

### 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 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 the Director 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:

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. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to ReWa. Construction shall comply with the provisions of PL 91-596, the Occupational Health and Safety Act of 1970.

### Section 2.12 - Special Pretreatment Devices

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

Connection to the ReWa’s system shall constitute consent and agreement by the User to be bound by and to abide with all of ReWa’s rules and regulations.

## **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 the requirements of the County 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 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 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 the Director. The discharge of such wastes shall be subject to the procedures and limitations established by the Director, to the provisions of Attachment A – Hauled Waste Regulation, Attachment F – Grease Control Regulation, applicable permits and to 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 the remediation or increased operating 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, the Director may grant approval to accept hauled waste from locations outside of Greenville County or the ReWa service area. Such approval shall 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 causes pass through or interference. These general prohibitions apply to all such Users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State, or Local regulations. When the Director determines that a User is discharging such wastewater, the Director shall advise the User of the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW. A User shall not discharge the following substances to the POTW:

1. Uncontaminated cooling water is prohibited in the ReWa system, but may be discharged to the storm sewer under the jurisdiction of ReWa in accordance with applicable SCDHEC requirements.
2. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious

in any other way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup 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.

3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference, such as, but not limited to: floatable oil, garbage with particles greater than one-half (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 or polishing wastes.
4. Wastewater having a pH less than 5.0 standard units or greater than 11.5 standard units, unless other limits are approved by the Director, or wastewater having any other property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW or cause a violation of ReWa's NPDES permit.
6. Noxious liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
7. Wastewater, liquid, or vapors having a temperature higher than 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 result in interference.
8. Wastewater containing radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable State or Federal regulations.
9. Wastewater which constitutes a slug discharge as defined herein.
10. Wastewater with color which causes interference or prevents the POTW from complying with NPDES permit or other State and Federal regulations.
11. 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.

12. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
13. Any pollutants which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
14. Any trucked or hauled pollutants, except as permitted by ReWa at discharge points designated by ReWa.
15. Wastewater which includes excessive infiltration and inflow which shall be defined as a flow which exceeds the applicable Babbitt equation for the pipe in question during a 10 year rain event. For purposes of this regulation, excessive wet weather flows for any 3 consecutive rain events above 1" shall be considered non-compliant. 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.

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

#### Section 4.2 - Conditionally Prohibited Discharges

Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, or receiving stream, or that the discharge will endanger lives, limbs, public property, or constitute a nuisance. The Director may revise the limitations established in this section if, in his opinion, 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 the Director.

##### 1. 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 at a temperature between 32° and 150°F.

- 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.
2. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
  3. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
  4. Holding tank waste.
  5. Wastewater with a pH less than 6.0 standard units or greater than 10.0 standard units.
  6. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating ReWa's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.
  7. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.
  8. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
  9. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit or a general permit.
  10. Any wastewater causing the POTW's effluent to fail a toxicity test.
  11. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

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

Upon the promulgation of National Categorical Pretreatment Standards for an industrial subcategory, each National Categorical Pretreatment Standard, if more stringent than the corresponding limitation imposed under this Regulation for sources in that subcategory, shall immediately supersede the limitations imposed under this Regulation. The Director shall notify all affected Users of the applicable reporting requirements under 40 CFR 403.12 and SC R61-9 Section 403.12. Compliance with categorical pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is

specified in the standard. Specific pollutant limitation and compliance schedules shall be developed by the Director 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 pollutant 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.

The Director may allow for a Categorical User to request a variance from an applicable Categorical Standard or local limitation. The request may be allowed when factors relating to a Categorical User are fundamentally different from the factors considered during the development of a categorical Pretreatment Standard applicable to the Categorical User. A revised standard may be allowed as follows:

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director 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, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e) and SC R61-9 Section 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 the Director. 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 categorical Pretreatment Standards during the period, at least three years, prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- iii. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 4.3(4)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- 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, the Director:

- 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 discharger 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. The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits [SC R61-9 Section 403.6 (d)(5)] for purposes of calculating limitations applicable to individual Industrial Users. When converting such limits to concentration limits, the concentrations in the applicable subparts of 40 CFR Parts 414, 419, and 455 shall be applied. Also, documentation shall be provided that dilution is not being substituted for treatment as prohibited under Section 4.6 of this Regulation. The conversion is at the discretion of the Director.
6. Once included in its permit, the Industrial User must comply with the equivalent limitations in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived
7. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 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 the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.
9. The Director, at his discretion may reduce or waive categorical Pretreatment Standards if an Industrial User subject to the categorical Pretreatment Standards is determined to be a Non-Significant Categorical User. The Director may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - a. The Industrial User, prior to the Director's finding, has consistently complied with all applicable categorical and Pretreatment Standards and Requirements;

- b. The Industrial User annually submits the required certification statement and any necessary supporting information; and
- c. The Industrial User never discharges any untreated, concentrated wastewater.

#### 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. The Director 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, the Director may impose mass limitations on a discharge.

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

#### Section 4.5 - Revision of Limitations

The Director may impose limitations more stringent than the National Categorical Pretreatment Standards in wastewater discharge permits or a general permit where it is necessary to comply with the objectives of this 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 the limitations developed by ReWa or the State. This provision may be waived for National Categorical Pretreatment Standards or Local Limitations only if the standard or requirements specifically allow dilution and the Director determines the discharge would otherwise comply with the provisions of this Regulation.

#### Section 4.7 - Accidental Discharge/Slug Control Plans

The Director may require an Industrial User to develop and implement an accidental discharge/slug control plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner. When required, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved before construction of the facility. No person who commences discharge to the POTW after the effective date of this Regulation shall be permitted to discharge until accidental discharge procedures have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of this Regulation. In the case of an accidental

discharge or a slug load, it is the responsibility of the User to immediately notify the Director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

1. Within five days following an accidental discharge or slug load, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater disposal system, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Regulation or other applicable law.
2. The accidental discharge/slug control plan, when required, shall be submitted to the Director 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.

The Director 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 categorical pretreatment standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

##### 2. Effect of an Upset

An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) 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 Section 403.16 if the User seeks to establish an affirmative defense of Upset. The following information must be given to the Director 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 conditions 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 categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

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

Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations of the industry as identified by the industry in its permit application will be interrupted for 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

##### 1. Pretreatment Measures

Users shall provide pretreatment as required to comply with this Regulation or discharge permit or a general permit, and shall achieve compliance with this Regulation and all pretreatment standards within the specified time limitations. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the Owner. A permit to construct pretreatment facilities shall be obtained from SCDHEC. Detailed plans showing the pretreatment facilities and operating procedures shall be

submitted to the Director for review. Submittal of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this Regulation. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director prior to the initiation of the changes.

## 2. Additional Pretreatment Measures

- a. Whenever deemed necessary, the Director may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate 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 Significant Industrial 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 the Director. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater discharge permit or a general permit may be issued solely for flow equalization.
- c. Grease Interceptors, Grease Traps, oil separators and grit interceptors shall be provided when, in the opinion of the Director they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such devices shall not be required for residential users. All devices shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such devices shall be inspected, cleaned, repaired and replaced, as needed, by the owner at his expense.
- d. 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, Affirmative Defense

Any User which bypasses treatment facilities as defined in 40 CFR 403.17 and SC R61-9 Section 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 the Director, 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 the Director within 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. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The Director may take enforcement action against an Industrial User for a bypass, except where the User establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property 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 Industrial User submitted notices as required in this section.

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

#### Section 4.12 - Recovery of Preventative Expenses

When any discharge, in the opinion of the Director, appears to be in violation of Section 4, Prohibitions and Limitations on Wastewater Discharges, to the extent that the discharge may cause an interference with, 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 preventative measures shall be charged to and paid by the discharger.

## **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 no less frequently than biennially 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 purposes:

1. Industrial monitoring, inspections, and surveillance procedures;
2. Reviewing accidental discharge procedures and construction;

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

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 or a general permits

#### 1. Application Requirements

Any person desiring to discharge industrial wastewater shall complete an official application and file it with ReWa. Approval shall be evidenced by written notice from the Director. The person shall provide all data required by the current official application, copies of which shall be obtained from the Director. The Director shall evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the Director may grant permission to discharge subject to the terms and conditions provided herein. The Director may issue a permit with specific limitations different from those listed in this Regulation if he determines that the discharge will otherwise comply with the remaining provisions in this Regulation. All Significant Industrial Users shall obtain a permit to discharge to the POTW. Authorized representatives of Users shall sign the permit application.

Users which, through changes in the use of the premises or water usage, cause a substantive change in wastewater volume, strength, or characteristic shall notify ReWa of anticipated changes and may be required to submit a new application prior to making the change or alterations.

Applicable persons and Users shall complete and submit an application, accompanied by any application fee in the amount prescribed, including the following information:

- a. Name, address, and location (if different from the address) of the facility, name of the operator and owner;
- b. Applicable SIC/NAICS number(s) and a list of any environmental control permits held by or for the facility;
- c. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in this Regulation;
- d. Time and duration of discharges;
- e. Average daily wastewater discharge rates, including daily maximum, monthly average and any seasonal variations in gallons per day;
- f. Schematic site, floor, mechanical, and plumbing plans, with details to show all drains, sewers, sewer connections, and appurtenances by the size, location and (if available) elevations including location for monitoring all discharges (these must show point of discharge to the POTW);
- g. Description of activities, facilities and plant processes on the premises unless subject to the confidentiality provisions of Section 6.4;
- h. The nature and concentration of any pollutants in the wastewater which are limited by any Local Limitations, or National Categorical Pretreatment Standards, a statement regarding whether or not the person is complying or will comply with National Categorical Pretreatment Standards on a consistent basis and, if not, whether additional pretreatment or operational modifications are required to comply with applicable limitations or National Categorical Pretreatment Standards, or Local Limitations;
- i. If additional pretreatment or operational modifications will be required to comply with limitations or National Categorical Pretreatment Standards or Local Limitations, the shortest schedule by which the person will comply;
- j. Where required to develop pretreatment standards, a brief description of each product produced by type, amount, process or processes and rate of production;
- k. Where required to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
- l. Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
- m. Any other information as may be deemed by the Director to be necessary to evaluate the permit application; and
- n. 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.

The Director shall review the application, conduct an on-site inspection of the plant and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the permit. If the tentative determination is to issue the permit, the Director shall draft the permit in accordance with the Regulation and State regulations. A synopsis of the application shall be prepared by the Director for submission to the applicant, the SCDHEC, and to the public upon request. The contents of such shall include a sketch or detailed description of the process, if not in violation of Section 6.5 on confidentiality, and pretreatment facilities including the location of all points of discharge to the POTW and all compliance monitoring points. This shall also include the rate or frequency of the proposed discharge, average daily flow, average daily discharge in pounds of any limited pollutant and any pollutant identified in the application as known or suspected present, and the basis for the pretreatment limitations including the documentation of any calculations in applying National Categorical Pretreatment Standards 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. The Director shall issue the final permit at the end of the comment period.

At the discretion of the Director, the Director may use general permits to control SIU 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;
4. Require the same or similar monitoring; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.2 for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. 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 the Director has provided written notice to the SIU that such a waiver request has been granted.

The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU 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.

An SIU subject to production-based categorical Pretreatment Standards or categorical

Pretreatment Standards expressed as mass of pollutant discharged per day or an IU whose limits are based on the Combined Wastestream Formula as allowed in 40 CFR 403.6 and SC R61-9 Section 403.6(f) shall not be allowed to be covered by a general permit.

## 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 and the ReWa Enforcement Management Strategy, Attachment C mutatis mutandis, 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

Within nine months of the promulgation of a National Categorical Pretreatment Standard, 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, 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. 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.

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 the Director under the Regulations.

### 4. Permit Conditions

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

- a. a statement of duration (in no case more than five years);
- b. a statement of non-transferability;
- c. applicable effluent limits, including Best Management Practices, based on National Categorical Pretreatment Standards 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, 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 the Director:
- f. notification requirements for slug discharges as defined by 40 CFR 403.5(b) and SC R61-9 Section 403.5 (b) ;
- g. a statement of applicable 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. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the permit.

#### 6. Permit Transfer

Wastewater discharge permits 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 application shall be submitted with full information. This application will be expedited if the new owner or operator certifies (1) that 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, or 180 days after the final administrative decision is made upon a category determination submission under 40 CFR 403.6 and SC R61-9 Section 403.6 (b), whichever is later, existing Categorical Industrial Users subject to such National Categorical Pretreatment Standards shall be required to submit to the Director a report which contains the information required in 40 CFR 403.12 and SC R61-9 Section 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, shall be required to submit to the Director a report which contains the information required in 40 CFR 403.12 and SC R61-9 Section 403.12 (b). The Director shall require appropriate reporting from those Significant Industrial Users not subject to National Categorical Pretreatment Standards. 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 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 the Director a report containing the information required in 40 CFR 403.12 and SC R61-9 Section 403.12 (b).
3. Any User subject to a National Categorical Pretreatment Standard, after the compliance date of such National Categorical Pretreatment Standard, or, in the case of New Source, after commencement of the discharge into the POTW, shall submit to the Director, no less than twice per year, unless required more frequently in the National Categorical Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such National Categorical Pretreatment Standards. 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 the Director or the applicable Pretreatment Standard to determine compliance with the standard. At the discretion of the Director and in consideration of such factors as local high or low flow rate, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted. The Director 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 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 the Director, of pollutants contained therein which are limited by the permit or applicable National Categorical Pretreatment Standard.
4. The Director may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the

Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. 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 the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
- g. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in 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 the Director, and notify the Director.
- i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards 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 the Director 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 Sections 403.12(b) and 403.12(d). 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 the Director within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to ReWa within 30 days after becoming aware of the violation, except the User may not be required to resample if ReWa performs sampling of the discharge at a frequency of at least once per month, or ReWa performs sampling between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

Where ReWa has performed the sampling and analysis in lieu of the User, ReWa will repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if ReWa performs sampling at the User at a frequency of at least once per month, or ReWa performs sampling at the User between the time when the initial sampling was conducted and the time when the User or ReWa receives the results of this sampling.

8. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) designated in the discharge permit or a general permit more frequently than required by the Director, the results of this monitoring shall be included in the report.
9. The Director shall require appropriate reporting from those Users with discharges that are not subject to National Categorical Pretreatment Standards. Significant Industrial Users shall submit to the Director at least once every six months (on dates specified by the Director) a description of the nature, concentration, and flow of the pollutants required to be reported by the Director. 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 the Director or the applicable Pretreatment Standard to determine compliance with the standard.

10. Significant Industrial Users shall promptly notify the Director 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 Significant Industrial User has submitted initial notification under 40 CFR 403.12 and SC R61-9 Section 403.12. Significant Industrial Users shall notify the Director, 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 Significant 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 Significant 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. Significant 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 Significant 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 Significant Industrial User shall notify the Director, 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 Categorical Pretreatment Standard 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 the Director 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 the Director:

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.

---

---

### 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 – User Records

Users shall maintain and retain for three years all records as specified by the Director and afford ReWa access thereto. These records include but are not limited to wastewater self-monitoring records, records associated with Best Management Practices and records related to compliance with National Categorical Pretreatment Standards, Local Limitations and other State and EPA required records.

#### Section 6.5 - Confidentiality

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

## **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 Users for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, or testing in the area of the control structure. Any User

completing and filing an application to discharge wastewater shall thereby grant ReWa 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 with its security guards so that upon presentation of suitable identification, ReWa 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. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by ReWa, as appropriate.
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, the Director 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 Qualified Laboratory. In the event that there is no approved method in CFR 136 for a particular parameter, testing shall be performed in accordance with Standard Methods, herein defined, or a method approved by the Director.

#### Section 7.4 - Sampling Frequency

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done at such intervals as the Director may designate. However, it is the intention of ReWa to conduct compliance sampling or to cause such sampling to be conducted for all Significant Industrial Users and other Industrial Users at least twice in every one year period and more frequently as required in Attachment E.

#### Section 7.5 - Control Structure

When determined by the Director 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 his premises just prior to the entrance of the building sewer into the public sewer suitable for sampling and measuring his wastewater. Plans for this structure shall be approved by the Director. 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

The Director shall enforce the provisions of this regulation in accordance with the current ReWa Enforcement Management Strategy, Attachment C.

#### Section 8.2 - Administrative Remedies

##### 1. Notification of Violation

Whenever the Director 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, the Director may serve upon such a User an appropriate written notice stating the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The Director may 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 the Director. 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 as follows: Warning of Minor Violation (WOMV), Notice of Violation (NOV), Notice of Significant Noncompliance (NOSN), and Notice of Revocation (NOR). Reference is made to Attachment C as to these procedures.

## 2. Administrative Consent Order

The Director is empowered to enter into Administrative Consent Orders, assuring of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall include specific action to be taken by the person to correct the violation within a time period 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.

## 3. Notice to Show Cause at Adjudicatory Hearing

The Director may order any User who causes or is responsible for an unauthorized discharge or other violation to show cause at an Adjudicatory Hearing why a proposed enforcement action should not be taken. A notice shall 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 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 Show Cause 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 Show Cause Hearing may be made by a User but not to delay the hearing date. If the request is granted, an Informal Conference may be held by the Director or 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 the Director to preside over the Adjudicatory Hearing. The hearing officer may be an employee of ReWa or be specially

appointed for such purpose. He shall have no connection with the preparation or presentation of the evidence at the hearing.

#### 8. Procedure

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

When the hearing officer finds that a User has violated or is violating the provisions, prohibitions or limitations of this Regulation, or those contained in any permit issued hereunder, he may issue an order to cease and desist, and may direct those persons in violation to:

- a. comply forthwith;
- b. comply in accordance with a compliance time schedule set forth in the Order; or
- c. take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- d. prohibit or reduce the discharge;
- e. provide wastewater storage or flow equalization;
- f. make payment by the User to cover added costs of handling and treatment costs and the administrative costs of the enforcement action;
- g. post performance bonds;
- h. act to take other steps to achieve compliance;
- i. pay fines and penalties;
- j. pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses Incurred by ReWa for the hearing or enforcement procedure.

#### 10. Administrative Penalties

A User may be fined up to two thousand dollars (\$2,000.00) for each violation. The Director 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.

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

The Director may suspend or revoke a User's permission to discharge when such action is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or causes interference. Any User notified of revocation of permission to discharge shall immediately stop or eliminate its discharge. A hearing shall be held within 15 days of the notice of revocation to determine whether the suspension may be lifted or the User's permit terminated. The User shall submit a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations to the Director prior to the date of the hearing. In the event of a failure of the person to comply voluntarily with the order, the Director shall take such steps as deemed necessary including immediate severance of the sewer connection. The Director may reinstate the permission to discharge upon proof of the elimination of the violations.

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. The Director 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, the Director may commence an action for appropriate legal or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

### Section 8.4 - Injunctive Relief

The Director 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.

### Section 8.6 - Performance Bonds

The Director 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 the Director 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

The Director may decline to issue or reissue an individual wastewater discharge permit or a 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

The Director 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 a newspaper of general circulation that provides 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 shall mean 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 same Daily Maximum Limit, Daily Average Limit, or Instantaneous Limit.
  - 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 Daily Maximum Limit, the same Daily Average Limit, or Instantaneous Limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
  - c. Any other violation of a Pretreatment Standard or Requirement including Daily Maximum Limit, Daily Average Limit, Instantaneous Limit, or narrative standard that 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