

CITY OF ANDERSON

SEWER USE ORDINANCE

ORDINANCE NO 19-02



ANDERSON CITY CODE

ARTICLE II - SEWERS AND SEWAGE DISPOSAL

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**ANDERSON CITY CODE
ARTICLE II
SEWERS AND SEWAGE DISPOSAL**

DIVISION 1 – GENERAL

Sec. 34-08. Definitions and Abbreviations

A. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Act or “The Act” is the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Approval Authority is the South Carolina Department of Health and Environmental Control.

Authorized or Duly Authorized Representative of the User shall mean:

1. If the User is a corporation:
2. 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
 - a. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
3. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
4. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
5. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 34-10. 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.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade, usually expressed as a concentration of mg/L. BOD is also a measure of the degree of polluttional strength of wastes of any nature. BOD when expressed in parts per million by weight, shall mean the calculated pounds of oxygen required to satisfy the five-day oxygen of a million pounds of domestic sewage or industrial wastes, or a combination of both when tested as prescribed by 40 CFR Part 136. BOD is one measure of the polluttional value of wastes of any nature.

Categorical Standards or Categorical Pretreatment Standards. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and SC R.61-9.403 Appendix C.

Categorical Industrial User (CIU) shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Chemical Oxygen Demand or COD shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City shall mean the City of Anderson, its city manager, any agent or employee, or any duly authorized representative acting in its behalf.

City-County Sewer Agreement shall mean the agreement signed March 6, 1984 and November 23, 1987 and subsequent amendments to these agreements signed by the City and Anderson County in which service area boundaries are defined and terms and conditions for interaction of sewer service between the two entities are defined.

City-Homeland Park Sewer District Agreement shall mean the agreements signed July 22, 1974 and November 23, 1987 and subsequent amendments to these agreements signed by the City and the Homeland Park Water District in which terms and conditions for interaction of sewer service between the two entities are defined.

Collector Lines shall mean those sanitary sewer lines constructed for the purpose of collecting sewage from individual users or within the development and transporting such sewage to the trunk, main, submain, and interceptor lines. Collector lines shall be 8-inches in size. Collector lines also include lines commonly referred to as local or lateral lines 8-inches in size and the internal collection system of a development.

Color shall mean the "true color" due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in parts per million.

Combined Sewer shall mean a sewer receiving both storm water runoff and sewage.

Commercial shall mean all structures not covered by residential definitions, including all eleemosynary, governmental, industrial, and non-profit structures.

Composite Sampling shall mean a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The samples shall be composited as a flow proportional composite sample collected either as a constant sample volume at time intervals proportion to stream flow or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. Time proportional composite sampling may be used upon approval by the City.

Contact Cooling Water is cooling water that has come into contact with the product or chemicals used in the manufacturing process.

Control Authority means the City of Anderson, its city manager, any agent or employee, or any duly authorized representative acting in its behalf.

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

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

Discharge or Indirect Discharge shall mean the introduction of pollutants into the POTW from any nondomestic source.

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

Environmental Protection Agency or EPA shall be the U.S. Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

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

Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab Sample is an individual discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not to exceed 15 minutes and retained separately for analysis. Instantaneous flow measured at the time of grab sample collection

shall be used to calculate quantity.

Holding Tank Waste is any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Industrial User Permit shall mean a permit issued by the City to all industries regardless of physical location which discharge non-domestic wastes to the sewerage system that are being controlled through a pretreatment program. The Industrial User Permit shall designate terms, conditions, and limits for discharge into the sewerage system. Where the term "discharge permit" appears in the ordinance, it shall mean Industrial User Permit.

Industrial or Non-Domestic Wastes shall mean the liquid, solid, and gaseous wastes, including the suspended solids, resulting from the processes employed in industrial establishments. Industrial waste includes the cooling waters and unpolluted process waters discharged to the sewerage system.

Industrial User shall be a source of non-domestic waste regulated under Section 307 (b) and (c) of the Act and shall be a discharger into the sewerage system.

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

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

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

Local Limit shall mean the specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in SC R.61-9.403.5(a)(1) and (b).

Medical Waste shall mean Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average shall mean the sum of all "daily discharges" measured during a calendar month

divided by the number of “daily discharges” measured during that month.

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

Multi-Unit Residential Structure shall mean all structures occupied or proposed to be occupied by two (2) or more living units such as duplexes, apartment complexes, condominiums, motels, hotels, mobile home parks, rooming houses and similar places of abode.

NPDES Permit or Permit means a permit including a Land Application permit issued to a POTW pursuant to Section 402 of CWA or Section 48-1-100 of the Pollution Control Act (See R.61-9.122 or R.61-9.505).

National Pretreatment Standard, Categorical Pretreatment Standard or 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 Industrial Users and includes prohibitive discharge limits established pursuant to paragraph 403.5.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New Source means

1. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of CWA which 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 subsections (1)(ii), or (1)(iii) of this section 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 on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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.

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

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

pH is the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance, expressed in standard units. A pH value of 7.0 is considered neutral. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH below 7.0 is acid, above 7.0 is alkaline.

Pollutant is any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, Medical Wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural wastes, and certain characteristics of wastewater such as pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor discharged into water.

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

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 34-31. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might

interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 403.6(f) of R61.9.

Pretreatment Requirements are any substantive or procedural requirements related to pretreatment imposed on a User, other than a National Pretreatment Standard.

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

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions are set forth in this ordinance.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any dimension.

Public Authority shall mean any legally designated public entity or public corporation that has a charter or by-laws authorizing it to own, operate, maintain, treat, and transport sewage from areas within its service area. A private corporation or individual cannot be classified as a Public Authority under this definition.

Public Sewer shall mean a sewer in which all owners of abutting properties shall have equal rights, and is controlled by a Public Authority.

Publicly Owned Treatment Works (POTW) means treatment plants owned or operated by the City of Anderson. 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. This does not include other systems and conveyances that feed the City of Anderson system but are not owned by the City of Anderson.

Receiving Stream shall mean that body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

Sanitary Sewer shall mean a sewer which carries sewage or polluted industrial wastes and to which storm, surface and ground waters or unpolluted industrial waste are not intentionally admitted.

Septic Tank shall mean a private domestic sewage treatment system consisting of an underground tank, distribution box and drain field designed and constructed in accordance with any or all existing local and state requirements.

Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service Lines shall mean those sanitary sewer lines constructed for the purpose of conveying sewage from individual units to the collector lines. Service lines shall be 4 inches minimum size and shall be owned and maintained by the property owner.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, commercial, recreational and industrial establishments. Sewage includes human excrement and gray water such as household showers, dishwashing operations, etc.

Sewage Treatment Plant or Wastewater Treatment Plant (WWTP) shall mean any arrangement or device and structures for treating sewage and industrial waste.

Sewer shall mean a pipe or conduit for carrying liquid wastes.

Sewer Customer shall be taken to mean each person, firm, corporation and institution, including schools, churches, and governmental agencies, being connected to the sewerage system or such system being available for connection.

Sewer Improvement/Connection Permit shall mean a permit issued by the City to any person prior to improving, extending, connecting onto, or otherwise using the sewerage system. Such permit shall establish conditions for these actions.

Sewerage System shall mean those facilities, including those which are the responsibility of the developer as well as those which are the responsibility of the City, designed for collecting, conveying, pumping, treating and disposing of sewage, which discharge effluent for treatment to the City's wastewater treatment plants.

Shall is mandatory. May is permissive.

Significant Industrial User shall mean any Industrial User of the sewerage system who

1. is subject to Categorical Pretreatment Standards under SC R.61-9.403.6 and 40 CFR Chapter I, Subchapter N and SC R.61-9.403 Appendix C, or
2. discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater), or
3. contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant, or
4. is designated by the Control Authority as defined in SC R.61-9.403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with SC R.61-9.403.8(f)(6). Upon finding that a User meeting the criteria in this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in SC R.61-9.403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance shall mean a violation of discharge limitations that meets one or more of the following criteria or a violation of compliance schedule milestone as follows. Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User

that violates paragraphs 3, 4, and 8 of this Section.

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) of more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in this ordinance;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by in this ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Single-Unit Residential Dwelling shall mean all individual residences occupied or proposed to be occupied by a one family unit.

Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW'

Standard Industrial Classification (SIC) is a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and

Budget, 1987.

State shall mean the State of South Carolina.

Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

Subdistrict shall mean any residential subdivision, real estate development, commercial, industrial or institutional complex.

Superintendent shall mean the person designated by the City to supervise the operation or the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

Suspended Solids or Total Suspended Solids shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Toxic Pollutant shall be any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307 (a) or other Acts.

Trunk, Main, Submain, and Interceptor Sewer Lines shall mean those lines intended to accept sewage from collector lines and transport such sewage to pump stations and/or treatment plants for eventual treatment. Trunk, main, submain, and interceptor sewers shall be 8 inches minimum size.

User or Industrial User is any person who contributes causes or permits the contribution of wastewater into the City's system. A User is a source of indirect discharge.

User Categories shall mean the three user categories set forth to determine the amount charged for each person's sewer service.

1. Group I shall include all domestic and non-domestic dischargers to the sanitary sewer system.
2. Group II shall include all non-domestic dischargers. The following dischargers are considered as non-domestic: airports, automobile repairers, automobile washing, barber shops, beauty salons, foundries, funeral homes, furniture finishers, hospitals and clinics, industries, laundries, manufacturers, meat packers, nursing homes, pest control, photographic developing, platers, printers and publishers, and restaurants. The City shall add dischargers to this group at their discretion.
3. Group III shall include all non-domestic dischargers who are participants in the pretreatment program. A discharger may belong to more than one group, and shall be charged for sewer service according to the group(s) to which he belongs.

Wastewater shall mean liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether

treated or untreated, which are contributed to the POTW.

B. Abbreviations

The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
BMR	Baseline Monitoring Report
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	United States Environmental Protection Agency
gpd	gallons per day
IU	Industrial User
l	Liter
mg/l	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Public Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SCDHEC	South Carolina Department of Health and Environmental Control
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
TSS	Total Suspended Solids
USC	United States Code
WWTP	Wastewater Treatment Plant

Sec. 34-09. Permissive Use of Public Sewers

A. General.

All persons who make proper application and satisfy the requirements of this Sewer Use Ordinance shall be allowed to connect onto the sewerage system.

B. Permissive Discharge of Domestic Sewage.

Subject to the provisions of Section 34-10, any person may discharge domestic sewage to the sewerage system so long as that person and the discharge meet all requirements of the City and comply with all provisions of this Sewer Use Ordinance.

C. Permissive Discharge of Non-Domestic Sewage.

Subject to the following provisions, any person may discharge non-domestic sewage to the sewerage system so long as that person and the discharge meet all requirements of the City and comply with all provisions of this Sewer Use Ordinance.

1. Any sewage discharged by any person which has an average working day flow greater

than 100,000 gallons may be admitted into the sanitary sewers provided such sewage is discharged at equalized rates which will not overload the sewerage system.

2. Any person who, upon adoption of this ordinance, is discharging any non-domestic waste into the City's public sewers may be required to make written application to the control authority giving complete information as to the nature and characteristics of the sewage as determined by an analysis of a composite sample of the waste made by an independent laboratory.

3. Any person having been granted authority by the control authority to discharge sewage into the sewerage system and who shall change or cause to be changed the nature or quantity of such sewage shall, before making such change, receive the approval of the control authority of such change and may be required to furnish the control authority with a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

4. Any person who should wish to make connection and discharge non-domestic waste to the sewerage system, shall make written application to the control authority and may be required to furnish the control authority with a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other articles of this chapter.

5. Grease, oil and sand separators or traps shall be provided for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private living quarters or dwelling units, but shall be required for industrial or commercial establishments, public eating places, hospitals, hotels, schools or other institutions. Such separators shall be readily accessible for inspection by the control authority and shall be maintained and cleaned by the person at no expense to the City and maintained in a continuously efficient operation at all times.

6. Any person presently discharging non-domestic wastes into the public sewers shall be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or if pretreatment is not required, at the point upstream of where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible at all times to the control authority and shall be constructed in such a manner as required by the control authority to facilitate inspection or measuring as may be necessary for proper sampling and/or control of the waste discharge.

7. Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of Section 34-10 or where necessary in the sole opinion of the control authority, the person discharging sewage shall construct or cause to be constructed at no expense to the City a pretreatment system as is specified in Division IV, Pretreatment of Non-Domestic Wastewater.

Sec. 34-10. Prohibited Use of Public Sewers

A. Stormwater, Groundwater, and Surface Runoff

It shall be a violation for any person to discharge or allow to be discharged to the public sewerage system or to private service lines, either directly or indirectly, storm water, groundwater or surface runoff from property owned by that person. All existing service lines, both private and public, found to be allowing the entrance of storm water, groundwater or surface runoff into the sewerage system shall be repaired by the owner to the satisfaction of the City within 30 days.

B. General Prohibitions.

No User shall introduce or cause to be introduced into the POTW and pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

C. Specific Prohibitions.

It shall be a violation for any person to discharge or cause to be discharged any of the following described waters or wastes to any part of the sewerage system.

1. Any clothing, rags, textiles, remnants or wastes, cloth, scraps, lint, fibers, paper towels, and all other materials that in the opinion of the control authority may cause operational problems in the sewerage system.
2. Wastewater having a temperature greater than 150 degrees F, or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).
3. Any water or waste containing more than two hundred (200) parts per million by weight of animal or vegetable fats, oils or grease, and any water containing more than one hundred (100) parts per million mineral fats, oil, or grease. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that cause interference or pass through concentrations above those previously stated shall be prohibited.
4. Any 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 sewerage system or to the operation of the sewerage system. Prohibited materials and hazards include, but are not limited to wastestreams with a closed cup flashpoint below 140 degrees Fahrenheit (60 degrees C) and any other substances which the City, the state or EPA has notified the user is a fire hazard or a hazard to the system. Examples of materials which may contribute to a wastestream with a closed cup flashpoint below 140°F are gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
5. Any liquid wastes in which the concentration of pollutants exceeds those listed in Division 4, Sec. 34-28 except as otherwise specified in an industrial wastewater discharge permit.
6. Any liquid wastes prohibited by or exceeding any published local, State, or Federal

pretreatment Standard, or Federal Categorical Standards.

7. Any waters or wastes having a stabilized pH lower than 6.0 or higher than 10.0 or having other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewerage system.

8. Any waters or wastes containing a hazardous or toxic substance or any other materials in sufficient quantity to either injure or interfere with any sewage treatment process; constitute a hazard to humans or animals, create any hazard in the receiving stream at the sewage treatment plant; or exceed any local, State or Federal standards.

9. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage treatment plant in a quantity that may cause acute worker health and safety problems, shall also be prohibited.

10. Any waters or wastes which in the opinion of the control authority may contain material of such character and quantity that unusual attention or expense may be required to handle such materials in the sewerage system.

11. Any wastes from grease traps or other similar devices.

12. Any septic tank waste, hauled or trucked pollutants, except at designated discharge points named by the Control Authority. Discharge of septic tank waste, hauled or trucked pollutants at designated points shall be in compliance with all rules and regulations specified by the Control Authority.

13. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

14. Any garbage that has not been properly shredded.

15. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, grease, or any other solid or viscous substances cause obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.

16. Any materials which form excessive amounts of scum or other material that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.

17. Any waters or wastes containing dyes or other color which cannot be removed by biological processes and cause SCDHEC cited violations which require additional treatment in order for the POTW to meet NPDES permit limits.

18. Any substance released at a flow rate (slug discharge) or concentration which, in the opinion of the control authority, may cause interference at the sewage treatment works or may cause the sewage treatment works to contravene the NPDES limits for its discharge or may cause contamination of the sludge and prevent its usual method of disposal.

19. Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.
20. Solid or viscous substances in amounts which will cause obstruction of the flow of the POTW resulting in Interference but in no case solids greater than ½ inch in any dimension.
21. Pollutants, including oxygen-demanding pollutants (BOD, etc) released in a discharge at a flow rate and / or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
22. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
23. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City.
24. Sludge, screenings, or other residues from the pretreatment of industrial wastes.
25. Medical Wastes, except as specifically authorized by the City in an individual wastewater discharge permit.
26. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
27. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 34-11. Sewer Improvement/Connection Permits

The City shall require all persons to obtain a "Sewer Improvement/Connection Permit" from the City prior to improving, extending, connecting onto or otherwise using the sewerage system and reserves the right to inspect and approve all improvements and/or connections to the system. Connections to the sewerage system, either direct or indirect made without an approved permit shall be immediately disconnected.

- A. Prior to issuing said permit, the applicant must submit a completed Data Sheet Form to be provided by the City, showing pertinent information including, but not limited to, projected volume, strength, temperature, flow patterns, pH, BOD, and other characteristics of the wastewater.
- B. Where the City has contracted or agreed with any person to receive into its sewerage system, sewage for treatment in the City's waste treatment plants, then that person shall provide the City with an itemized listing of all connections into the system which have

occurred or do occur under the contract or agreement. This shall be done on a monthly basis, unless a different period or reporting is mutually acceptable.

- C. All connections to the sewerage system within the City service area shall be required to pay to the City a tap fee before permission to connect can be granted to any person.
- D. Tap fees charged by the City of Anderson for connecting to the sewerage system may be amended from time to time.
- E. All permitting requirements for discharge into sewer lines that interconnect between the City and Anderson County shall be in accordance with the City/County Sewer Agreement and shall be subject to the provisions thereof.
- F. Connections made to the sewerage system that are not in compliance with all terms of the permit shall be subject to immediate disconnection from the sewerage system.

Sec. 34-12. Operation and Control

- A. The control authority and duly authorized representatives of the City shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing of sewage in accordance with the provisions of this article and to inspect and copy records. The City shall notify, if available, the person or a representative of the person prior to entering the premises.
- B. In the interest of the public health and safety, and in the operation of the sewerage system, the control authority and duly authorized representatives, shall be permitted to take such action as may be deemed necessary in the operation of the sewerage system including, but not limited to, the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations or repairs.
- C. All test and analyses of the character of wastewater or sewage to which reference is made in this article shall be made in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Such tests and analyses shall be determined from samples taken at the control manhole provided for in Section 34-09, or at suitable points prior to the discharge into the public system.
- D. The volume of flow used in determining the total discharge of sewage shall be based upon metered water consumption as shown in the records of meter readings maintained by the applicable water company. In the event that a commercial or individual unit discharges sewage into the public sewers produces evidence, acceptable to the control authority, that more than ten (10) percent of the total volume of water used for all purposes does not reach the public sewers, then an estimated percentage of total water consumption to be used in determining sewage discharge may be agreed upon between the control authority and the person discharging such sewage into the public sewers. The City may take into consideration waterline breaks and filling swimming pools to decrease the volume of water used to determine discharge of sewage. If the facility installs and maintains a sewer flow meter, then the City may use this for sewage billing if preapproved.
- E. All sewer line extensions, connections, taps or other alterations to the sewerage system

shall conform to the requirements of the control authority in location, size, type, materials and method used and shall be accomplished only by a regularly licensed plumber or general contractor authorized by the city, an agency approved by the city or by representatives of the City. It shall become the responsibility of each person requesting connection to the public sewer to notify the control authority and arrange for final inspection.

In no event shall connections be utilized until written approval of the improvements has been given by the City. All sewer line extensions, connections, taps or other alterations to the City's sewerage system shall comply with the requirements as set forth in Sections 34-13 to 34-16 and shall be subject to the penalties of Section 34-45 of the Code of Laws of the City of Anderson, South Carolina.

- F. Any person using the sewerage system shall be responsible for any stoppage or damage caused by prohibited discharge into the sewerage system and shall be held accountable for all expenses incurred by the City or other property owners as a result of the abuse.
- G. All sewage disposal within the City limits of Anderson shall be regulated by the control authority and disposal shall be by the public sewers and sewerage system except that where no public sewer exists within three hundred (300) radial feet of a building or where connection is impractical for technical reasons. The person owning that property may apply for permit to construct and operate an approved septic tank system or similar system approved by the control authority provided that the quantity of sewage to be so disposed of does not exceed one thousand (1,000) gallons per day, and further provided that the septic tank system is properly maintained so as to eliminate any hazard to the public health or cause a public nuisance. In no case shall outdoor privies be allowed.
- H. Within twelve (12) months of the adoption of this article, all persons owning improved property which may be located within three hundred (300) feet of such sewer shall cause connection to be made therewith.
- I. Any person desiring connection to be made with the sewerage system shall make application on an appropriate form to the City stating the name of the owner of the property, the location of the lot, and kind of connection desired. Every such application shall be signed by the owner making the application and shall be accompanied by the appropriate connection fee.
- J. It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with articles of this chapter or any other reason, except where specifically approved in writing by the control authority. Said approval shall be contingent upon satisfaction of all requirements of the Sewer Use Ordinance including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and cost incident thereto.
- K. It shall be unlawful for any person to make or undertake or cause to be made any connection to the sewerage system within the City service area without first having made application, paid fee and received approval from the City.
- L. Wherever property is served by the sewerage system and the discharge from the property increases due to change of land use or intensification of land use or modernization of technology, the costs of all improvements to the system necessary to handle, transmit,

collect and treat the increase in volume shall be borne by the owner(s) of the property causing the increase. This shall include improvements both adjacent to the owner's property as well as improvements physically removed. All such improvements must be deeded to the City prior to connection to the system.

M. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit.

N. Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its Permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the Permit.

DIVISION 2 - SEWER EXTENSION

Sec. 34-13. Conformity with Master Plan

Any person, corporation, incorporation or party proposing to construct, extend or connect directly or indirectly, collectors, mains, submains, and trunk sewers to the City of Anderson Sanitary Sewerage System, shall conform to the existing and/or proposed plans and specifications and to the requirements of the City of Anderson.

- A. Those plans and specifications proposed or otherwise to be integrated into the sanitary sewer master plan shall be prepared by a registered engineer who is licensed and authorized by the laws of the State of South Carolina and such plans and specifications shall be subject to the approval of local, county, state and/or federal authorities having jurisdiction over approval of said registered engineer.
- B. The registered engineer shall meet all requirements demanded by local, county, state and/or federal authorities having jurisdiction over approval of said registered engineer.

Sec. 34-14. Geographic Aspects

The City Sewerage System shall provide service to areas inside the City of Anderson, outside the City of Anderson but adjacent and contiguous to the City's limits, and areas physically removed from the City limits of the City but within the City of Anderson's service area in the following

manner:

- A. Areas within the City. All areas within the City shall be provided with public sewerage. Areas that were in the City and developed prior to January 1, 1974 shall be provided with internal collection systems by the City of Anderson at no cost to the individual property owner except for regular tap-on fees or administrative fees as required by Sec. 34-19.

Where areas were in the City and undeveloped prior to January 1, 1974 or where undeveloped areas have been annexed into the City since January 1, 1974, it shall be the responsibility of the developer to provide the sewage facilities for the internal collection system at no cost to the City. This shall include all aspects of the internal collection system necessary to collect the sewage necessary to transport it to the City's trunk, mains, and submains.

Where areas are annexed into the City of Anderson after their development, it shall be the responsibility of the individual property owners to provide the internal collection system. This shall include all aspects of the internal collection system necessary to transport the effluent from the individual lot to the City's trunk, mains, and submains.

Prior to installation, all plans must be approved by the City as set forth in Section 34-09 (c) and 34-11, above, and said improvements including right-of-way must be deeded in whole to the City prior to connection to the City's system.

- B. Areas within the City Service Area that are Outside the City Limits but Adjacent and Contiguous to the Corporate Limits. All areas within the City service area that are outside the City but physically adjacent and contiguous to the corporate limits of the City shall be required to annex into the City prior to being granted permission to connect onto, improve, or extend the sewerage facilities of the City.
- C. Areas within the City Service Area that are Outside the City but physically removed from the Corporate Limits shall be permitted to connect to the sewerage system of the City upon compliance with the tap fee requirements and all other requirements of Chapter 34 provided, however, that all connections made within the geographical limits of the City's service area as shown on Map A, attached hereto and incorporated by reference into this Ordinance, shall only be made after the property owner(s) has agreed in writing that a petition for annexation will be submitted by the property owner(s) when such property does become adjacent and contiguous to the corporate limits and when requested to do so by the City. Said agreement shall be in the form of a restrictive covenant running with the land, to be imposed by the landowner and delivered to the City in a satisfactory form and shall be recorded with the Clerk of Court for Anderson County with a copy provided to the City. The sewer connection, extension, or improvement shall not be permitted until said copy is provided to the City.
- D. Areas Outside of the City Service Area shall be provided sewer service based upon legal agreements with other entities empowered to provide such service.
- E. Trunk, Mains, and Submains. The installation of all trunks, mains, and submains within the City of Anderson's service area shall be the responsibility of the City of Anderson. Extensions of the City's trunk, mains, or submains necessary to provide service to property

within the City's service area shall be implemented to coordinate with the construction of the internal collection system of the property being developed recognizing realistic funding requirements and limitations of the City.

- F. In all cases, the internal collection system shall be the financial responsibility of the developer, or for developed areas, the financial responsibility of the property owner. All developers must post surety, as required by the City's subdivision regulations, to guarantee the funding of the construction of the internal collection systems.

Sec. 34-15. Requirements for Approval

Approval of sanitary sewerage facilities either inside the corporate limits or outside the corporate limits of the City of Anderson shall be contingent upon the following:

- A. Property owner(s) desiring City sewer system service shall request in writing through the office of the City Manager the extension of City sewer facilities.
- B. The City shall require that all facilities (lines) proposed to be installed, constructed or improved be sized according to projected or "future demands" and the property owner(s) or developer(s) shall incur these costs of installation, construction or improvement. Service connections (stub outs) shall be provided from the collector line in the street to the private property line at the time of system installation.
- C. The property owner(s) shall be subject to subdivision plat review by the Departments of City Planning, Engineering, and Building, and by the City of Anderson Planning and Zoning Commission.
- D. The property owner(s) shall submit to the office of the City Manager all pertinent information that may be necessary to determine the feasibility of proposed sewer installation, construction, or extension plans and specifications. Preliminary construction plans shall include:
 - 1. Location of existing and/or proposed system;
 - 2. System design - cross sections and profiles;
 - 3. Size of lines;
 - 4. Service connections;
 - 5. Flow(s);
 - 6. Character and/or type of sewage (i.e., residential, industrial, etc.);
 - 7. Relationship to City sewerage system;
 - 8. Total development plans and development stages, if phased;
 - 9. Street names, subdivision name, north arrow and location inset in relation to City boundary;
 - 10. Name and seal of registered engineer.
- E. Preliminary approval of proposed subdivision and sewerage plans and specifications from the City, County or other jurisdictional agency shall be required before a certificate of compliance is issued.
- F. City Council shall approve each major extension of sewer facilities.

G. Upon preliminary approval of plans and specifications and the issuance of a certificate of compliance, the City or property owner(s) (as provided below) shall contract for the installation of the required sewer facilities:

1. The City or property owner(s) shall be responsible for obtaining rights-of-way and other associated costs; provided, however, that all rights-of-way and associated land use shall be obtained prior to contract execution.
2. The property owner(s) shall be responsible for obtaining rights-of-way and other associated costs; provided, however, that all rights-of-way and associated land use shall be obtained prior to contract execution.
3. The property owner(s) shall execute all legal documents, in deed and as otherwise required by the City of Anderson.

Sec. 34-16. Extension Options

Two (2) basic options for sanitary sewer service shall be available to the property owner(s) and only one option shall be exercised by the property owner(s). The two (2) options are as follows:

A. Undeveloped Property

1. The developer (property owner) shall pay the total cost of development of the internal collection system.
2. The property owner(s) shall request in writing to the City through the City Manager that City sanitary sewer service facilities be extended to subject property.
3. Submit plans to City Engineer for review and approval.
4. The property owner shall solicit bids for construction, installation, or work required.
5. The property owner(s) shall furnish to the City a certificate of completion, instrument of conveyance, and warranty together with such other legal documents (levy of assessments, acquisition of rights-of-way, state and federal approval of system; etc.) as may be required for annexation and similar special conditions.
6. The property owner(s) shall deed the sanitary sewerage system to the City, whereupon the City, upon acceptance, shall maintain and be responsible for all collector lines and/or pumping system facilities.
7. All service connections shall be applied for in the City Department prior to connection. There shall be an administrative fee charged at the time of each individual residential or commercial connection.
8. All current sewer system "fair user charges" shall apply.

B. Developed Property

1. The property owner(s) shall request in writing to the City through the City Manager that a sanitary sewer service special assessment district be established to extend and provide an internal collection system to the developed area; provided, however, that a minimum of fifty (50) percent of the property owners in the area to be served by sanitary sewer service facilities shall request by petition said sewer extension and assessment district; and, the property owner(s) at the time of petition are in the City or agree to annexation in writing. The property assessment liens to be placed on subject property shall cover the total cost of sanitary sewerage service extension, including construction, engineering, acquisition of rights-of-way, interest, etc.; state and local laws pertaining to assessment liens shall apply thereto.
2. The City shall procure engineering services and solicit bids for construction, installation, or other work required.
3. Prior to awarding the contract, all documents (levy of assessments, acquisition of rights-of-way, state and federal approval of system, etc.) must be obtained and executed by the property owner(s).
4. The City shall levy assessment improvement liens upon the property and the City shall use as collateral the assessment improvement liens.
5. The City shall retain ownership of the system when accepted and responsibility for all collector sanitary sewerage service facilities upon completion of construction, installation, and/or work.
6. Assessments shall be levied against the subject property and shall be paid to the City by the property owner(s) on an annual basis for a period not to exceed ten (10) years; or, the total prior to the end of ten (10) years.
7. All service connections shall be applied for in the City Department prior to connection. There shall be an administrative fee charged at the time of each individual residential or commercial connection.
8. Upon completion of the addition to the City sanitary sewer service system all property owners, with structures thereon, shall be required to connect to the City sewer system within a period of twelve (12) months following said completion.
9. All current sewer system "fair user charges" shall apply.

Sec. 34-17. (Reserved)

Sec. 34-18. (Reserved)

DIVISION 3 - SEWER FEES AND CHARGES

Sec. 34-19. Fee Schedule

All fees and charges required for the administration, operation, and control of the sewerage system and the pretreatment program shall be as set forth on the fee schedule adopted by the City Council. The City Council shall annually review the fee schedule and shall make any revisions and/or additions as deemed necessary by the City.

Sec. 34-20. Pavement Cuts

If during the process of tapping the sewer system within the City limits a cut is made in the street, there shall be a charge to cover cost to the City of making necessary repairs to the street. This charge shall be as shown on the Fee Schedule, set forth by the City Council on an annual basis. If the street is not cut, there shall be no charge for repairs.

Sec. 34-21. Fair User Charge

On all persons discharging to the sewerage system there shall be a monthly fair user charge. The monthly fair user charge shall be based on water consumption. The fair user charge shall be as shown on the Fee Schedule, set forth by the City Council on an annual basis.

Sec. 34-22. Lien on Property for Non-Payment

All unpaid fair user charges shall be considered delinquent and such unpaid charges shall constitute a lien against the property served.

Sec. 34-23. Agreement to Bill and Collect

The City is hereby authorized through the office of the City Manager as approved by City Council to enter into a contract with any public, quasipublic, or private company, corporation, incorporation, or other body for the billing and collecting of fair user charges.

Sec. 34-24. Industrial Pretreatment Charge

In addition to the fair user charges, the City of Anderson shall charge those non-domestic dischargers a fee as set forth in Section 34-33.

Sec. 34-25. (Reserved)

DIVISION 4 - PRETREATMENT OF NON-DOMESTIC WASTEWATER

This article sets forth uniform requirements for discharges to the City's two POTWs and enables the City to comply with all applicable State and federal laws and the Pretreatment Regulations (SC R61-9 403). The objectives of this article are: (1) To prevent discharges to the POTWs which will interfere with the operation of the POTWs or contaminate the resulting sludge; (2) To prevent discharges to the POTWs 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 sludges; (4) To protect City 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 article 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, and provides for the setting of fees for the equitable distribution of expenditures. These Regulations shall apply to the City and to persons who are, by permit or agreement with the City, users of the POTW. Except as otherwise provided herein, the Utilities Director of the City and his duly authorized representative shall administer the provisions of these Regulations.

Sec. 34-26. Federal Categorical Pretreatment Standards

Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The City shall notify all affected Users of the applicable reporting requirements under SC R61-9 403.12.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471 and in SC R.61-9.403 Appendix C.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with this Section. These changes to the permit must be approved by SCDHEC prior to implementation.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the City 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.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City shall impose an alternate limit in accordance with SC R.61-9 403.6 (f).
- D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the City. These changes to the limits must be approved by SCDHEC prior to implementation. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.
 - 1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. 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;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility’s actual average daily flow rate for all waste stream, 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;

- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

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

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the City whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in this Section. Upon notification of a revised production rate, the City will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to this Section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the City:

- a. 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;
- b. 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
- c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to this ordinance. The Industrial User must also be in compliance with this ordinance regarding the prohibition of bypass.

E. The City may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the City and must be approved by SCDHEC prior to implementation.

F. Once included in its permit, the Industrial User must comply with the equivalent limitations

developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

- G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly 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.
- H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City 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 City 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.

Sec. 34-27. Modifications of Federal Categorical Pretreatment Standards

When the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the EPA Administrator for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system for 95 percent of the samples taken when measured according to the procedure set forth in Section 403.7 (c) (2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in SC R.61-9.403.7 are fulfilled and prior approval from the Approval Authority is obtained.

Sec. 34-28. Specific Pollutant Limitations

The City is authorized to establish Local Limits pursuant to SC R.61-9.403.5 (c). The City will establish local limits during each pretreatment program update. When DHEC approves the local limits, then they will sign and date them. The approved local limits are then set forth for public comment with the pretreatment program update. Upon completion of the public notice, the local limits become an enforceable part of the pretreatment program until the next update is completed. A copy of the latest local limits can be obtained from the City.

Surcharges are set forth in this ordinance to address higher-than-domestic concentrations for BOD, COD, and TSS.

The local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations.

The City may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement the local limits and the requirements of this Section.

Sec. 34-29. State Requirements

User must comply with the State of South Carolina Pretreatment Standards. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

Sec. 34-30. City's Right of Revision

The City reserves the right to establish by ordinance or in individual wastewater discharge permits local prohibitive limits for pollutants that are more stringent than State or Federal regulations when deemed necessary to protect the treatment systems, the receiving stream, or the public health.

Sec. 34-31. Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.

The City may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

Sec. 34-32. Accidental Discharges / Slug Discharge Control Plans

A. Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided prior to initial discharge from User, and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing Users shall complete such a plan with 180 days of adoption of this Ordinance. No User who commences contribution to the system after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the treatment plant of the incident. The notification shall include location of discharge, type waste, concentration and volume, and corrective actions.

Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, clean-up, fish kills, or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

B. Slug Control Plans

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

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

Sec. 34-33. Fees

A. Purpose.

It is the purpose of this section to provide for the recovery of costs from Users of the City's wastewater treatment system for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

B. Excess Loading Surcharge.

The City has established excess loading surcharges for the reimbursement of costs associated with excess loading to the treatment plant which include:

1. A surcharge program for Biochemical Oxygen Demand (BOD) will impose surcharges for excess industrial loading over 400 mg/l. The rate of the BOD surcharge will be \$XX.XX per pound of excess BOD. The surcharge rate will be established with the annual budget for each fiscal year covering July 1st through June 30th.
2. A surcharge program for Chemical Oxygen Demand (COD) will impose surcharges

for excess industrial loading over 1,200 mg/l. The rate of the COD surcharge will be \$XX.XX per pound of excess COD. The surcharge rate will be established with the annual budget for each fiscal year covering July 1st through June 30th.

3. A surcharge program for Total Suspended Solids (TSS) will impose surcharges for excess industrial loading over 400 mg/l. The rate of the TSS surcharge will be \$XX.XX per pound of excess TSS. The surcharge rate will be established with the annual budget for each fiscal year covering July 1st through June 30th.
4. The following formula will be used for calculating the surcharges:
Monthly Average for each Monitoring Parameter – Surcharge Threshold x 8.34 x
Total Flow for the Month x Surcharge Rate = Surcharge Amount

The total surcharge amount will be calculated to include surcharges for all parameters over the threshold. An industry will not be charged both BOD and COD, the surcharge will be calculated for both BOD and COD and the industry will be charged the higher rate.

C. Charges and Fees.

The City shall adopt charges and fees which may include:

1. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, including personnel, operating costs, and capital expenditures;
2. Fees for monitoring, inspections and surveillance;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for permit applications;
5. Fees for filing appeals;
6. Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards; and
7. Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City.

Sec. 34-34. Administration - Industrial User Permits

A. General Permits

All significant industrial Users, as identified by the City through its pretreatment program, proposing to connect to or to contribute to the system shall obtain an Industrial User Permit before connecting to or contributing to the system.

The City may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

B. Permit Application

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing individual wastewater discharge permit.

Users required by the control authority to obtain an Industrial User Permit shall complete and file with the City an application in the form prescribed by the City and accompanied by a fee as shown on the Fee Schedule. Existing Users shall apply for an Industrial User Permit within 30 days after the effective date of this Ordinance, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the system.

1. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment shall be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards.

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in paragraph (a) shall exceed 9 months.
- c. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the City including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the City.

The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue an Industrial User Permit subject to terms and conditions provided herein.

2. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The City may require Users to submit all or some of the following information as part of a permit application:
 - a. Identifying Information.
 - i. The name and address of the facility, including the name of the operator and owner.
 - ii. Contact information, description of activities, facilities, and plant production processes on the premises;
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - c. Description of Operations.
 - i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - ii. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - iii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iv. Type and amount of raw materials processed (average and maximum per day);
 - v. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - d. Time and duration of discharges;
 - e. The location for monitoring all wastes covered by the permit;
 - f. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula.
 - g. Measurement of Pollutants.
 - i. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

- ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated pollutants in the discharge from each regulated process.
 - iii. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.
 - v. Sampling must be performed in accordance with procedures set out in this ordinance.
- h. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on this ordinance [SC R.61-9.403.12 (e)(2)].
 - i. Any other information as may be deemed necessary by the City to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

C. Permit Modification

1. The City may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - b. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, beneficial sludge use or the receiving waters;
 - e. Violation of any terms or conditions of the individual wastewater discharge permit;
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

- g. To correct typographical or other errors in the individual wastewater discharge permit; or
- h. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with this ordinance.

D. Permit Contents

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

1. Individual wastewater discharge permits must contain:
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards. Limits on the average and maximum wastewater constituents and characteristics.;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law. Requirements for submission of technical reports or discharge reports (see Sec. 34-35).
 - e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with this ordinance.
 - f. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law..
 - g. Requirements to control Slug Discharge, if determined by the City to be necessary.
 - h. Any grant of the monitoring waiver by the City must be included as a condition in the User's permit.
 - i. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto.
 - j. Requirements for notification to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
2. Individual wastewater discharge permits may contain, but need not be limited to,

the following conditions:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- h. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- i. Compliance schedules.

E. Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 34-10 and 34-28 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. New conditions or standards established by the City for protection of the system or the environment shall be established by the City based on factual data. Appeal of the new standards must be filed in writing within 30 days of notification by the City.

Continuation of Expired Permits

An expired Permit will continue to be effective and enforceable until the Permit is reissued if:

1. The Permittee has submitted a complete permit application at least one hundred eighty (180) days prior to the expiration date of the user's existing permit.
2. The failure to reissue the Permit prior to the expiration of the previous permit is not due to any act or failure to act on the part of the permittee. No permit duration can exceed 5 years.

F. Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the City and the City approves the individual wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

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

G. Wastewater Analyses

When requested by the City, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The City is authorized to prepare a form for this purpose and may periodically require Users to update this information.

H. Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the City for an individual wastewater discharge permit in accordance with this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the City.

I. Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with this ordinance, must be filed at least ninety (90) days prior to the date upon

which any discharge will begin or recommence.

J. Application Signatories and Certifications

1. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 34-35 N.
2. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

K. Individual Wastewater Discharge Permit Decisions

The City will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the City will determine whether to issue an individual wastewater discharge permit. The City may deny any application for an individual wastewater discharge permit.

L. Permit Issuance Process

1. Public Notification. The City will publish in a newspaper of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, a notice to issue a pretreatment permit, at least thirty (30) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted. Normal public notice of the City's pretreatment program is performed by SCDHEC during the approval process for a pretreatment program update. This section will be utilized to change permits as needed in between the pretreatment program update submittals.
2. Permit Appeals. The City shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the User, may petition the City to reconsider the terms of an individual wastewater discharge permit within ten (10) days of notice of its issuance.
 - a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - b) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.
 - c) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
 - d) If the City fails to act within thirty (30) days, a request for reconsideration shall be

deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- e) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the Court system for proper jurisdiction within the State of South Carolina.

M. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with a Permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

Sec. 34-35. Reporting Requirements for Permittee

A. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the City a report containing the information described in subparagraph B of Section 34-34. For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in R61-9 Section 403.6(d), this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with the certification section of this ordinance. All sampling will be done in conformance with this ordinance.

B. Periodic Compliance Reports

1. All Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.
2. The City 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 waiver of pollutant(s) must be approved by SCDHEC prior to implementation. [see SC R.61-9.403.12(e)(2)] 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 in accordance with certification section of this ordinance, and include the certification statement in SC R.61-9.403.6 (b)(2)(ii).
 - 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 or at the lowest Practical Quantitation Limit specified by SCDHEC, whichever is lower..
 - f) Any grant of the monitoring waiver by the City 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 City for 3 years after expiration of the waiver.
 - g) Upon approval of the monitoring waiver and revision of the User's permit by the City, the Industrial User must certify on each report with the statement in the certification section 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 indicated above, or other more frequent monitoring requirements imposed by the City, and notify the City.
 - i) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
3. All periodic compliance reports must be signed and certified in accordance with the certification section of this ordinance.

4. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
5. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

C. Notification of Change

Each User must notify the City of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

1. The City may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application covered under this ordinance.
2. The City may issue an individual wastewater discharge permit under this ordinance or modify an existing wastewater discharge permit under this ordinance in response to changed conditions or anticipated changed conditions.

D. Report of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
2. Within five (5) days following such discharge, the User shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure
4. Significant Industrial Users are required to notify the Director immediately of any changes

at its facility affecting the potential for a Slug Discharge.

E. User Records

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

F. Baseline Monitoring Reports

1. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under SC R.61-9.403.6(b)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the City a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
 - a) All information required in SC R.61-9.403.12(b)(1)-(7).
 - b) Measurement of pollutants.
 - i. The User shall provide the information required in the Permit Application Section of this ordinance.
 - ii. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - iii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in SC R.61-9.403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with SC R.61-9.403.6(f) this adjusted limit along with supporting data shall be submitted to the Control Authority;

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

G. Compliance Schedule Progress Reports

The following conditions shall apply to any compliance schedule required by this ordinance:

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

H. Reports from Unpermitted Users

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

I. Notice of a Violation / Repeat Sampling and Reporting

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

J. Notification of the Discharge of Hazardous Waste

1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and SC R.61-79 Section 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261 and SC R.61-79 Section 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under this section of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of this ordinance.
2. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
3. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
4. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable Federal

or State law.

K. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA. Any facility reporting wastewater data for the industrial wastewater discharge permit must be certified for the parameters analyzed under Lab Certification with DHEC under SC R.61-81. Lab Certification applies to all wastewater pollutants except flow.

L. Sample Collection

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

1. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in this ordinance, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by SC R.61-9.403.12(e) and SC R.61-9.403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

M. Date of Receipt of Reports

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

N. 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 in accordance with this ordinance; Users submitting baseline monitoring reports under this ordinance; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under this ordinance; Users submitting periodic compliance reports required by this ordinance, and Users submitting an initial request to forego sampling of a pollutant on the basis of SC R.61-9.403.12(e)(2)(iii). The following certification statement must be signed by an Authorized Representative as defined in this ordinance:

“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. Certification of Pollutants Not Present

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

“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.”

O. Upset

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

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and the User can identify the cause(s) of the upset;
 - b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

P. Bypass

1. For the purposes of this ordinance,
 - a) Bypass means the intentional diversion of waste stream from any portion of a User's treatment facility.
 - b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of section 3 and 4 of this Section.

3. Bypass Notifications

- a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the City, at least ten (10) days before the date of the bypass.
- b) A User shall submit oral notice to the City of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

4. Bypass

- a) Bypass is prohibited, and the City may take an enforcement action against a User for a bypass, unless
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate 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 preventive maintenance; and
 - iii. The User submitted notices as required under paragraph (3) of this section.
- b) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (4)(a) of this Section.

Sec. 34-36. Monitoring Facilities

The City shall require to be provided and operated at the User's own expense, monitoring facilities in a form and design as approved by the City to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by traffic, landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate 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 user.

All devices used to measure wastewater flow and quality shall be calibrated annually by an outside contractor to ensure the accuracy of the measurements.

Sec. 34-37. Inspection and Sampling (Right of Entry)

A. Inspection and Sampling

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

1. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city personnel or their authorized representative shall be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The City shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
3. The City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the User.
5. Unreasonable delays in allowing the City access to the User's premises shall be a violation of this ordinance.

B. Search Warrants

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

Sec. 34-38. Pretreatment

Whenever the wastewater characteristics of a non-domestic discharger exceed the discharge limits as listed in this Ordinance and/or on his discharge permit, the discharger shall be required to design and construct a pretreatment system so that his wastewater characteristics meet all requirements of the pretreatment program and this Sewer Use Ordinance. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be approved by the City before construction of the facility. The review 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 City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the City prior to the User's initiation of the changes. A permit to construct must be obtained from SCDHEC before any pretreatment facilities can be constructed or modified.

Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste stream from industrial waste stream, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

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

The City shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. This public notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or DHEC upon request.

Sec. 34-39. Confidential Information

Information and data on a User obtained from reports, surveys, wastewater discharge permit

applications, individual wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the User.

Sec. 34-40. Harmful Contributions

The City may suspend the wastewater treatment service and/or an Industrial User Permit when such suspension is necessary, in the opinion of the City, 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, to the environment, cause interference to the Sewerage System or causes the City to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the Industrial User Permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Sewerage System or endangerment to any individuals. The City shall reinstate the Industrial User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, and upon payment of any costs incurred by the City associated with reconnection of the service.

Sec. 34-41. Revocation of Permit

Any User who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of this Ordinance.

- A. Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal to allow the City timely access to the User's premises and records for the purpose of inspection or monitoring;

- D. Violation of conditions of the permit;
- E. Failure to pay User fees or permit fees as required by the City;
- F. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- G. Falsifying self-monitoring data, reports, and certification statements;
- H. Tampering with monitoring equipment;
- I. Failure to meet effluent limitations;
- J. Failure to pay fines;
- K. Failure to meet compliance schedules;
- L. Failure to complete a wastewater survey or the wastewater discharge permit application;
- M. Failure to provide advance notice of the business ownership transfer of a permitted facility;
- N. Failure to provide prior notification to the City of changed conditions pursuant to this ordinance; or
- O. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

DIVISION 5 – ENFORCEMENT AND PENALTIES

Sec. 34-42. Notification of Violation

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

Sec. 34-43. Administrative Enforcement Remedies

A. Consent Orders

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

B. Show Cause Hearing

The City may order a User which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

C. Compliance Orders

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

D. Cease and Desist Orders

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

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or

terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

E. Emergency Suspensions

The City may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

Sec. 34-44. Legal Action

If any person discharges domestic or non-domestic wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief.

Injunctive Relief

When the City finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition the Court System of the Jurisdiction through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a

User.

Sec. 34-45. Penalties for Violating the Provisions of Section 34

Where any person connects, extends, or otherwise improves the system without following and complying with the provisions of Section 34, as stated above, that person shall be subject to and must pay and meet the following penalties, fees, conditions and requirements as they apply to the particular violation:

- A. All costs necessary to verify the extent and integrity of the improvements and their compliance with City standards.
- B. All costs necessary to upgrade the improvements in order to make them comply with City standards.
- C. Twice the tap fee that would normally be required for the improvements.
- D. Double the user fee for all months that no user fee was collected by the City.
- E. All administrative and legal fees of the City associated with the particular violation.
- F. Deed over to the City all required improvements at no charge to the City.
- G. Must agree in writing to hold the City harmless for any damages, expenses, or injuries resulting from action necessary to upgrade the improvements to City standards.
- H. Other fines and charges as may be issued by a Court of law.

The City reserves the right to appeal to the courts for relief of all violations and failure on the part of any person to comply with the provisions of this Section. (Ord. No. 80-15, 9-23-80)

Sec. 34-46. Damages by Dischargers

Any User whose discharge causes damage to the sewerage system or treatment plant shall be financially responsible to the City for the repair and clean-up of all damages.

Sec. 34-47. Civil Penalties

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a civil penalty of up to two thousand dollars (\$2000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the

magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 34-48. Falsifying Information

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Industrial User Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months; or by both.

Sec. 34-49. Disconnection of Sewer Service

When a person violates a condition of this ordinance, upon ten (10) days written notice, the City reserves the right to prevent or discontinue sewer connection by any person until such time as the articles of this Ordinance have been fully completed to the satisfaction of the control authority. In the event of a public health hazard, the City reserves the right to disconnect immediately without notice.

In addition to the provisions in this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under this ordinance why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the User.

Sec. 34-50. Criminal Prosecution

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or

Requirement shall, upon conviction, be guilty, punishable by a fine of not more than two thousand dollars (\$2000) per violation, per day, or imprisonment as set forth in the state law, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty and be subject to a penalty of not more than two thousand dollars (\$2000) per violation, per day, or be subject to imprisonment as set forth in the state law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2000) per violation, per day, or imprisonment as set forth in the state law, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than two thousand dollars (\$2000) per violation, per day, or imprisonment as set forth in the state law, or both.

Sec. 34-51. Remedies Nonexclusive

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

Sec. 34-52. Payment of Outstanding Fees and Penalties

The City may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

Sec. 34-53. Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

Sec. 34-54. Severability

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

Sec. 34-55. Conflict

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

DIVISION 6 - FATS, OILS, AND GREASE (FOG) CONTROL

Sec. 34-56. Purpose

This ordinance sets forth requirements to aid in the prevention of sanitary sewer blockages, obstructions, and overflows due to the contribution and accumulation of fats, oils, and grease (FOG) into the City's wastewater collection and transmission system (WCTS) from commercial, industrial, religious, and institutional food service establishments. The objective is to eliminate FOG related sanitary sewer overflows and sewer line blockages to protect the area streams, prevent residential and commercial property damage, decrease sewer maintenance costs, and to improve environmental quality.

Sec. 34-57. Authority

It shall be unlawful for any food service establishment to operate without approved grease control device as required in this division.

Sec. 34-58. Effective Date of the Division

The provisions of this division shall be effective on and after July 1, 2016.

Sec. 34-59. Definitions

The definitions found in Section 34-08 shall apply to the provisions of this division, provided; however, that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Representative of the Food Service Establishment: A person who may be

1. The Owner, or
2. General Manager, or
3. Manager, or
4. Duly authorized representative of the individual designated in this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

Best Management Practices (BMPs): The widely accepted means and methods of preventing or reducing FOG from entering the WCTS are referred to as Best Management Practices.

Black Water or Domestic Sanitary Sewage: Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

Brown Grease: Fats, oils, and grease that is discharged to the grease control device. Brown grease can be discharged from kitchen fixtures and appliances (i.e., 3-compartment sinks, pre-rinse sinks, automatic dishwashing machines, mop sinks, floor drains, water cooled wok stoves, soup kettles, etc.) or other locations where the grease has been contaminated in some fashion.

Certified: Having met the City's requirements. In respect to the Grease Waste Hauler/Plumber certification, meaning passed the City's Certified Grease Waste Hauler/Plumber test and having been issued a City of Anderson Grease Waste Hauler/Plumber certification card.

Director: Shall mean the Director of the City's Utilities Division or his designee.

Flow Control Device: An integral part of a hydro-mechanical grease interceptor (HGI) installed on the inlet side that controls the wastewater flow through the grease trap and entrains air bubbles in the wastewater stream via the vent to facilitate grease removal. See Section 34-69.

FOG (fats, oils, and grease): Organic non-polar compounds derived from animal and/or vegetable or plant sources. For the purposes of this Ordinance, the terms "grease" and greases may be used in lieu of FOG.

FOG Program Coordinator: Person employed or designated by the Wastewater Department who is charged with the responsibility of administering the provisions of the grease management program to ensure compliance by users with applicable laws, rules, regulations, policies, and ordinances.

Food Service Establishment (FSE): Any establishment, business or facility engaged in preparing, serving or making food available for consumption. Single family residences are not a FSE; however, multi-residential facilities may be considered a FSE at the discretion of the Director. Food Service Establishments will be classified by the City's FOG Program as follows:

1. *Class 1*: Delis—engaged in the sale of salads, cold cut and microwaved/ convection oven warmed sandwiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serving ware with very limited culinary washing; Meat Markets with meat preparation such as slicing and grinding as defined by NAICS 445210; Coffee Shops (small) as defined by NAICS 7222135; Ice Cream Shops as defined by NAICS 7222131; Frozen Yogurt Shops as defined by NAICS 7222132; Retail Bakeries (small) with no on premise frying or preparation of other non-bakery foods as defined by NAICS 311811; Doughnut Shops with baking only as defined by NAICS 7222133; Beverage Bars with limited on premise food preparation that can be classed as a deli as defined by NAICS 722515; Day Care facilities (minimum classification-depending on menus, food preparation, culinary cleaning, and number of meals served) as defined by NAICS 624410; Religious Organizations (minimum classification-depending on menus, food preparation,

culinary cleaning, number of meals served, and frequency meals are served) as defined by NAICS 813110; and Mobile Food Vendors as defined by NAICS 722330.

2. *Class 2:* Limited Service Restaurants (a.k.a. fast food facilities, drive-in, carry-out) as defined by NAICS 722513; Day Care facilities (maximum classification–depending on menus, food preparation, culinary cleaning, and number of meals served) as defined by NAICS 624410; Religious Organizations (maximum classification–depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served) as defined by NAICS 813110; Full Service Restaurants (minimum classification–seating capacity less than 65) as defined by NAICS 722511; Buffet and Cafeteria facilities (minimum classification–seating capacity less than 65) as defined by 722514; Doughnut Shops with on premise frying as defined by NAICS 7222133; Coffee Shops (large) as defined by NAICS 7222135; Caterers as defined by NAICS 722320; Convenience Stores without fuel pumps as defined by NAICS 445120; Convenience Stores with fuel pumps as defined by 447110; and Supermarkets/Grocery Stores as defined by NAICS 445110.
3. *Class 3:* Full Service Restaurants (maximum classification–seating capacity greater than 65) as defined by NAICS 722511.
4. *Class 4:* Buffet and Cafeteria Facilities (maximum classification–seating capacity greater than 65) as defined by NAICS 722514.
5. *Class 5:* Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc) which include NAICS classifications 611110, 611310, 623110, 623311, 623312, 722310, and 922140, but not to exclude self-run operations.

General FOG Permit: A fats, oils, and grease permit in which all food service establishments are grouped and is valid for a period of five (5) years.

Gravity Grease Interceptor (GGI): See Grease Interceptor - these terms are synonymous.

Gray Water: Refers to all other wastewater other than black water as defined in this section.

Grease Control Device (GCD): A device that is designed and constructed for separating and retaining food service establishments' wastewater fats, oils, and grease (FOG) prior to entering the City's sewer system. Devices include grease interceptors (gravity grease interceptors), grease traps (hydro-mechanical grease interceptors), grease recycling containers or other FOG remediation devices approved by the City.

Grease Interceptor: A Grease Control Device identified as a large underground vault, usually 500 to 2,000-gallon in capacity, which provides FOG control for a FSE. Grease interceptors will be located outside the FSE, and be approved by the City.

Grease Recycle Container (Bin): Container used for the storage of yellow grease (see yellow grease).

Grease Trap: A grease trap or hydro-mechanical grease interceptor is a Grease Control Device

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

Grease Waste Hauler (GWH)/Plumber: A company that pumps, cleans, and maintains grease control devices, to include Grease Control Device Certification. All grease waste haulers and plumbers performing these duties within the City shall be GCD certified by the City’s FOG Program.

Grease Waste Line (GWL): The wastewater plumbing that conveys grease-laden wastewater from fixtures and appliances to the Grease Interceptor or other GCD. This GWL shall be separate from any plumbing conveying sanitary wastewater.

Hydro-Mechanical Grease Interceptor: See Grease Trap - these terms are synonymous.

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

Noncompliance Notice (NCN): A notice generally issued by the City’s FOG Program Coordinator or FOG Program Inspector, informing the noncompliant user that it is in noncompliance with the FOG Ordinance. The NCN is issued for any identified problems with grease control device operation, maintenance, or components. The specific noncompliance will be noted.

Notice of Violation (NOV): A notice generally issued by the City’s Utilities Director or his designee to a FSE, informing the noncompliant user of violations of the City’s Sewer Use Ordinance and FOG Ordinance. The specific violation will be noted.

Series: (Grease Interceptors Installed in Series): Grease interceptor tanks are installed one after another in a row and are connected by plumbing pipe to increase the effective volume of the grease control device.

Tee or T (Influent & Effluent): A T-shaped pipe fitting extending from the ground surface below grade into the grease interceptor to a depth allowing recovery (discharge) of the water layer located under the layer of FOG.

User: Any person, corporation, or company who contributes, causes or permits the contribution of wastewater into the City’s WCTS.

Wastewater Collection and Transmission System (WCTS): A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. 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.

Yellow Grease: Fats, oils, and grease that has not been in contact or contaminated from other

sources (water, wastewater, solid waste, etc.) and can be recycled. Most “yellow grease” is used deep fat fryer grease. Yellow grease is normally stored in a grease recycle container or bin for beneficial reuse.

Sec. 34-60. General Requirements

- A. All existing and proposed Food Service Establishments (FSEs) are required to have grease control device (GCD) installed, maintained and operating properly, in accordance with this FOG Ordinance.
1. Existing Food Service Establishments in operation prior to adoption of this FOG Ordinance are required to have GCD properly installed, maintained and operating in accordance with this FOG Ordinance in no later than 365 days.
 2. All new FSE construction required by the City to have grease trap (hydro-mechanical grease interceptor) FOG remediation shall comply with Section 34-64 and Section 34-69 (1) through (9) immediately upon the effective date of this Ordinance.
 3. All new FSE construction required by the City to have gravity grease interceptor FOG remediation shall comply with Section 34-63 and Section 34-67 immediately upon adoption of this FOG Ordinance.
 4. After adoption of this FOG Ordinance, any change of ownership of an existing FSE or FSE applying for a new business license having an existing gravity grease interceptor and/or required by the City to have a gravity grease interceptor and not meeting the requirements of Section 34-67, must comply immediately with Sections 34-63 (1) through (6) or at the discretion and approval of the City, rebuild/modify the existing interceptor in accordance with Section 34-63 (7) or install a gravity grease interceptor in compliance Section 34-67.
 5. After the effective date of the ordinance, any change of ownership of an existing FSE or FSE applying for a new business license having an existing hydro-mechanical grease interceptor (grease trap) and/or required by the City to have a hydro-mechanical grease interceptor, must comply immediately with Section 34-69 and Section 34-64 as determined by the FOG Program.
- B. All FSEs will be required to maintain records of cleaning and maintenance of GCD. GCD maintenance records will be maintained on-site of the FSE and include, at a minimum, the date of cleaning/maintenance, company or person conducting the cleaning/maintenance, volume (in gallons) of grease wastewater removed and the final disposal location. In addition, grease waste haulers shall comply with the City’s Utilities Division manifest documentation requirements for all disposal of FOG waste.
- C. GCD maintenance records shall be available at the FSE premises and available for inspection by the City FOG Program personnel or their representative, and/or the SCDHEC. The FSE shall maintain GCD maintenance records for a minimum of three (3) years. As-built drawings and GCD manuals should be available for inspection and remain on premises for the life of the GCD at the FSE.

- D. No FSE will discharge oil and grease in concentrations that exceed the City's limits stated in Section 34-10 of 200 parts per million by weight.
- E. Owners of commercial property will be held responsible for installation of City approved grease control devices and shall ensure that lease agreements identify the responsible party for proper maintenance to control wastewater discharges from their property. A copy of the responsible party information shall be provided to the FOG Program Coordinator.
- F. Grease Control Device Certification Requirement: All food service establishments with grease control devices must have their gravity grease interceptor or grease trap inspected and certified at least annually by a City "certified" grease waste hauler or City "certified" licensed plumber. Annually is defined as a period from January 1 through December 31. Grease control device certification requirements shall commence the following calendar year the FOG Control General Permit is issued. Any FSE that does not provide an annual grease control certification by December 31 of each year following the General FOG Permit issuance will be considered to be in noncompliance. If a gravity grease interceptor or grease trap "Passes" the certification requirement, no further action is required. If a grease interceptor or grease trap "Fails" the certification requirement, a corrective action response is required from the FSE user/owner or authorized representative to the City (refer to Section 34-60 (7)). Completed certification forms (Gravity Grease Interceptor Certification Form A or Grease Trap Certification Form B) must be completed and signed by the City "certified" grease waste hauler or City "certified" licensed plumber, signed by the FSE owner or authorized representative, and submitted to the City. The original certification form must be submitted to the City at the following address:

FOG Program Coordinator
Utilities Division
City of Anderson
309 Kirkwood Drive
Anderson, South Carolina 29624

- G. Failure of a Gravity Grease Interceptor Certification or Grease Trap Certification: The FSE owner or authorized representative is responsible for including detailed "Corrective Action Response" information on the Gravity Grease Interceptor Certification form or the Grease Trap Certification form that is submitted to the City. If necessary, additional pages may be attached to the certification form. At a minimum, the Corrective Action Response information must include the reason for the failed certification, what corrective action will be taken, and the date the corrective action will be completed. The FSE user/owner or authorized representative shall notify the FOG Program by phone or email within one business day (Monday – Friday) of failing the certification. Any additional enforcement action will utilize the City of Anderson Food Service Establishment Enforcement Response Guide.
- H. FSEs shall dispose of yellow grease in an approved container, or recycle container/bin, and the contents shall not be discharged into any grease control device, sanitary sewer line, grease waste line, storm water grate, drain, plumbing fixture, or into the environment whereas to be conveyed to a stream, creek, or river. Yellow grease and oils disposed of

in any manner other than an approved container or recycle container/bin is a violation of this FOG Ordinance.

- I. It shall be a violation of this FOG Ordinance to leave the lid open on any outdoor grease recycle bin/container.
- J. It shall be a violation of this FOG Ordinance to allow spilled yellow grease to remain around the recycle container/bin. Refer to Section 34-70 (7) for cleanup.
- K. It shall be a violation of this FOG Ordinance to push or flush the non-water portion of GCD into the public sewer.
- L. Mop basins located outside the building and drained to the sanitary sewer shall be covered with a canopy or roof whereas to prevent storm water from being introduced into the sewer.
- M. Dumpster pads that drain to the City's sanitary sewer shall be covered whereas to prevent stormwater from being introduced into the sanitary sewer. Dumpster pad drains are prohibited from connection to storm water conveyances.
- N. Outdoor grated cleanouts are prohibited from use. Cleanouts shall be solid whereas to prevent storm water from being introduced into the sanitary sewer.
- O. The FSE user/owner or authorized representative shall notify the FOG Program by phone or email within one business day (Monday-Friday) of any noted deficiencies encountered while performing GCD pumping, cleaning, or maintenance, including annual GCD certification.

Sec. 34-61. Fees and Permits

- A. The City may adopt and add charges and fees to the FSE's utility bill, from time to time, which may include:
 - a. Fees for monitoring and inspections;
 - b. Fees for permit applications;
 - c. Surcharges, assessments and impact fees;
 - d. Fees for filing appeals;
 - e. Other fees required to carry out the requirements of this Division 6 of the Sewer Use Ordinance.
- B. An additional compliance inspection fee of at least \$150 will be charged to each food service establishment for each re-inspection due to noncompliance issues.
- C. The City will issue General FOG Permits for food service establishments. All new FSEs shall complete and submit the City's Fats, Oils, and Grease Questionnaire which will serve as the FSE's General FOG Permit application. General FOG Permits shall be issued for a period or duration of 5 years. Additional fees may be implemented by the City for food service establishment wastewater treatment and impacts to the WCTS.

Sec. 34-62. Approved Grease Waste Haulers/Plumbers

To ensure proper maintenance of grease control device (GCD) and proper disposal of the FOG waste, the City will maintain an “Approved Grease Waste Haulers/Plumbers List”. Within six months of the effective date of this Ordinance, food service establishments (FSEs) shall only utilize City of Anderson certified grease waste haulers and plumbers to perform any GCD pumping, cleaning, maintenance, and GCD Certification. Criteria for the grease waste hauler or plumbing company to be placed on the “Approved Grease Waste Haulers/Plumbers List” include, but are not limited to the following:

- A. The grease waste hauler or plumber employees that will be performing any GCD pumping, cleaning, or maintenance within the City, including completing the food service establishment grease control device certification forms must attend a City of Anderson Grease Control Device Certification Class and pass the GCD certification class test. Upon passing the Grease Control Device Certification Class, the grease waste hauler or plumber employee will be issued a certification card in their name. Grease waste hauler or plumber employees performing the aforementioned GCD work shall be in possession of a valid City Grease Waste Hauler/Plumber certification card issued in their name. Grease waste hauler employees shall present this card and other proof of identification to City personnel upon request. Additional information, including the scheduling of a class may be obtained at the FOG Program Coordinator’s office.
- B. The grease waste hauler or plumber performing any plumbing work associated with the GCD must have a valid plumber’s license issued by the State of South Carolina.
- C. Grease Waste Hauler Companies and Plumbing Companies must maintain all required City business licenses.
- D. Grease waste haulers and plumbers that pump gravity grease interceptors or grease traps must comply with the requirements of the City’s FOG Ordinance.
- E. The City maintains the right to modify the grease waste hauler/plumber agreement.
- F. Signature of the grease waste hauler/plumber company’s authorized representative and submittal to the City of a completed “City of Anderson Approved Grease Waste Hauler/Plumber Agreement” form are required. “Approved Grease Waste Hauler/Plumber Agreement” form will include reporting requirements to the City and making records available to City personnel. A monthly GWH/Plumber summary report for all FSE or commercial Grease Trap/GGI waste shall be submitted to the City in accordance with this policy. Failure to meet any portion of the grease waste hauler agreement will result in removal of the grease waste hauler/plumber company from the “City of Anderson Approved Grease Waste Haulers/Plumbers List” and/or enforcement action.

Sec. 34-63. Existing Gravity Grease Interceptor Design/Installation and Requirements

Any existing FSE, upgrading of an existing FSE, change of ownership of existing FSE or FSE applying for a business license, having an existing gravity grease interceptor (GGI), will be

required to have the interceptor completely pumped and inspected by the City's FOG Program personnel for suitability to perform its intended duties, for acceptable inlet and outlet plumbing components, for proper access openings over all chambers, and for acceptable baffle configuration/plumbing. The aforementioned pump out inspection will be waived if the existing GGI passed an inspection in compliance with Section 34-74 (1) within a previous 12 month time period. As part of the inspection, the City's FOG Program personnel may conduct a video inspection of the inside of the interceptor. Existing gravity grease interceptors installed prior to the adoption of this FOG Ordinance and not in compliance with Section 34-67 but able to meet the requirements of Section 34-63 (1) through (6), at the discretion and approval of the City may be modified in accordance with Section 34-63 (7). Food service establishments required by the City to have gravity grease interceptor FOG remediation, but having none or an interceptor deemed insufficient by the City and not allowed to be rebuilt/modified in place, shall meet the requirements of Section 34-67. Under certain circumstances, the required interceptor size and location may necessitate special exceptions. Allowances for alternative GCD may be approved, provided prior approval of unit type, size, location, etc. is obtained from the City's FOG Program Coordinator. Any gravity grease interceptor(s) installed after the adoption of the FOG Ordinance shall comply with design and installation requirements of Section 34-67.

Criteria for consideration by the City as an acceptable gravity grease interceptor existing or installed prior to adoption of this FOG Ordinance and not meeting the requirements of Section 34-67 of the FOG Ordinance is as follows:

- A. Capacity and Condition – Existing gravity grease interceptors installed prior to the adoption of this FOG Ordinance shall have a minimum of 1000-gallons capacity and shall be found to be in proper working order as determined by the City's FOG Program Coordinator or their designee. Any existing gravity grease interceptor in this category not meeting these conditions shall require the installation of a gravity grease interceptor meeting the requirements of Section 34-67.

- B. Piping
 - 1. The inlet piping shall enter the receiving chamber a minimum of 3 inches above the invert of the outlet piping.
 - 2. On the inlet pipe inside the receiving chamber, a sanitary tee of the same size pipe in the vertical position with the top unplugged shall be provided as a turndown. A pipe (nipple) of the same size as the tee shall be installed in the top of the tee with the top of the nipple open. A pipe installed in the bottom of the tee shall extend to a point of 2/3 the depth of the water level. The inlet tee shall be made of Schedule 40 PVC or equivalent material.
 - 3. The outlet piping shall be no smaller than the inlet piping, but in no case smaller than 4" diameter.
 - 4. The outlet piping shall contain a tee installed vertically with a pipe (nipple) installed in the top of the tee, with the top of the nipple open. A pipe installed in the bottom of the tee shall be made of a non-collapsible material and extend to 12" above the tank floor. Minimum materials requirement for the outlet piping is Schedule 40 PVC.

C. Baffles

1. The interceptor shall have a non-flexing (i.e. concrete, steel, etc.) baffle extending from the floor to a level above of the outlet piping. An existing gravity grease interceptor having no baffle(s) present or hanging baffle(s) that are open or baffle(s) not attached at the bottom will not be acceptable.
2. If inverted 90 degree sweeps or tees are used to convey liquid from the inlet to outlet side of the interceptor, the baffle shall have an inverted 90 degree sweep(s), or schedule 40 PVC tee(s), fitting at least equal in diameter size to the inlet piping, but in no case less than 4 inches. The bottom of the sweep(s) or tee(s) shall be placed in the vertical position of the inlet compartment 12 inches above the floor. If a tee is used in lieu of a sweep, a pipe nipple of the same size as the tee shall be installed in the top of the tee and extend to the same height reached by the top nipple installed on the inlet and outlet tee. The nipple shall remain open. A pipe installed in the bottom of the tee shall extend to 12" above the tank floor.
3. In lieu of a sweep or tee through the baffle, slotted designs will be acceptable for existing gravity grease interceptors to convey liquid from the inlet to outlet side of the interceptor.
4. The inlet compartment shall be 2/3 of the total liquid capacity with the outlet compartment at 1/3 liquid capacity of the interceptor.

D. Access Openings (Manholes)

1. Access to gravity grease interceptors shall be provided by a minimum of one manhole per interceptor division (baffle chamber/compartment) and be of 24-inch minimum dimension terminating 1 inch above finished grade with cast iron frame and cover. One manhole shall be located above the inlet tee hatch and the other manhole shall be located above the outlet tee hatch. A minimum of 24" of clear opening above each manhole access shall be maintained to facilitate maintenance, cleaning, pumping, and inspections.
2. Access openings shall be mechanically sealed and gas tight to contain odors and bacteria, to exclude vermin and ground water, and in a manner that permits regular reuses.
3. The manholes shall be accessible for inspection by the City.

E. Location – Gravity grease interceptors shall be located so as to be readily accessible for cleaning, maintenance, and inspections. They should be located close to the fixture(s) discharging to the interceptor. Grease interceptor access manholes shall never be paved over, covered by landscaping, or have any other hindrances not allowing access.

F. Construction Material – Grease interceptors shall be constructed of sound durable materials, not subject to excessive corrosion/decay, and shall be water and gas tight.

G. Rebuilding/Modifying in Place

1. An existing gravity grease interceptor having a minimum of 1000-gallons capacity and found by the City's FOG Program personnel to be functional, but having unacceptable access openings, baffle configuration, or plumbing, may be modified in place to an acceptable configuration as outlined in Section 34-63 (2) through (4) by rebuilding/modifying it in-place as set forth in Section 34-63 (7). The FOG Program Coordinator reserves the right to require additional gravity grease interceptor capacity and/or the installation of a gravity grease interceptor(s) meeting the requirements of Section 34-67.
 2. If the gravity grease interceptor's baffle is not acceptable (no baffle or hanging baffle), the baffle may be modified in-place to an acceptable configuration, generally as given in Section 34-63 (3) or an interceptor meeting the requirements of Section 34-67 shall be installed. The baffle shall extend above level of the outlet pipe.
 3. If the interceptor does not have compliant access openings over each compartment, these shall be added in compliance with Section 34-63 (4).
- H. All new FSEs in existing buildings applying for a business license and having an existing gravity grease interceptor shall meet the requirements of Section 34-63 or Section 34-67 as required by the City prior to securing the signature of the FOG Program Coordinator for issuance of a business license.

Sec. 34-64. Existing Grease Trap (Hydro-Mechanical Grease Interceptor) Requirements

- A. Any existing FSE, upgrading of an existing FSE, change of ownership of existing FSE, or FSE applying for a business license, that is required by the City to have FOG remediation by grease traps, and having an existing grease trap, shall be required to have the grease trap completely cleaned followed by inspection from the City's FOG Program personnel.
- B. The inspection shall be a determination for proper size, for acceptable functional installation including a properly sized/installed flow control device, and for proper access to the grease trap. Existing grease traps installed prior to the adoption of this FOG Ordinance must meet the requirements of Section 34-69 (1) through (9) or receive a variance from the City.
- C. With the consent of the Director, an FSE with an existing grease trap installed prior to the adoption of this Ordinance may receive a waiver from the design requirements in Section 34-69 (1) through (9) only if the grease trap is approved as an alternative grease control device. The alternative grease control device must control FOG discharges from a FSE and be maintained as outlined in this FOG Ordinance. Any alternative grease control equipment must be approved by the City's FOG Program.
- D. If a required current grease trap is not adequate or approved, a grease trap meeting the requirements of Section 34-69 (1) through (9) shall be installed. The City reserves the right to require FOG remediation or additional remediation of FOG laden fixtures or appliances in accordance with this FOG Ordinance.

- E. All new FSEs in existing buildings required by the City to have FOG remediation by a grease trap and having an existing grease trap shall meet the requirements of Section 34-64 as required by the City prior to securing the signature of the FOG Program Coordinator on a business license application.

Sec. 34-65. Grease Control Device Requirements for any New FSE Construction

- A. Any new FSE will be required to install and maintain a GCD approved by the City. FSEs in this category must submit a Food Service Establishment FOG Inquiry Form to the City for approval and this form will serve as the application for the General FOG Permit.
- B. The City will review the Food Service Establishment FOG Inquiry Form and approve or recommend changes as necessary. In addition, any new FSE shall obtain a business license application and satisfy the requirements of this Ordinance prior to securing the signature of the FOG Program Coordinator on the business license application.
- C. Prior to installation of any required GCD, all proposed GCD shall meet the City FOG Program Coordinator's or Building Official's approval as stated in this FOG Ordinance. Only specifically FOG Program approved GCD and fixtures can be installed or connected to the grease waste line.
- D. All of the FSEs internal plumbing shall be constructed to separate sanitary (restroom) flow from kitchen process flow. Sanitary flow and kitchen process discharges shall be approved separately by the City and shall discharge from the building separately. Kitchen process lines and sanitary lines may combine prior to entering the public sewer; however, the lines cannot be combined until after the GCD. No sanitary wastewater (black water) or storm water shall be plumbed to the GCD.
- E. Gravity grease interceptors or grease traps will be installed and connected whereas to be easily accessible for inspection, cleaning, and removal of grease at any time.
- F. Any newly constructed FSE applying for a business license must satisfy the requirements of Section 34-65, as verified by inspection from the City's FOG Program personnel, prior to securing the signature of the FOG Program Coordinator for issuance of a business license.
- G. All new FSE construction shall meet the applicable requirements of Section 34-67 or Section 34-69 (1) through (9) for GCD as required by the City. All GCD must be approved by the City's FOG Program Coordinator or Building Official. All new gravity grease interceptors must be purchased only from City of Anderson approved manufacturers and constructed in accordance with design specifications as set forth in Section 34-67 of this FOG Ordinance.
- H. New Multi-Unit (Strip Mall) Facilities: New strip malls or strip centers must have two separate sewer line connections at each unit within the strip mall or strip center. One sewer line will be for sanitary wastewater and one grease waste line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, grease waste line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other food service establishment kitchen fixtures and appliances, such as but not limited to: 3-compartment sink, 2-compartment sink, pre-rinse sink, mop sink,

dishwasher, and hand wash sink.

1. New multi-unit facility, or new “strip mall” facility, owners shall contact the FOG Program Coordinator prior to conducting private plumbing work at the multi-unit facility site. Multi-unit facility owners, or their designated contractor, shall have plans for separate private grease wastewater lines for kitchen and sanitary wastewater for each “individual” unit. In addition, the plans shall identify “stub-out” locations to accommodate a minimum 1,000-gallon gravity grease interceptor for each unit of the multi-unit facility, or provide a larger capacity grease interceptor that could be shared by multiple FSEs in the strip mall. Proposals for multiple FSEs connected to one gravity grease interceptor or series of gravity grease interceptors must be approved by the FOG Program Coordinator prior to construction. A copy of the maintenance agreement shall be filed with the FOG Coordinator for any GCD that isn’t owned AND operated by the same entity. New multi-unit facility, or new “strip mall” facility owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground gravity grease interceptor when determining the building location.
 2. FSEs located in a new multi-unit facility shall have a minimum of a 1,000-gallon gravity grease interceptor installed, unless that FSE is identified as a Class 1 facility. Sanitary wastewater, or black water, shall not be connected to GCD.
 3. Upon installation, the sanitary wastewater line and grease wastewater line “stub-outs” for each separate unit shall be identified (marked). The sanitary wastewater line “stub-out” shall be painted green and the grease wastewater line “stub-out” shall be stenciled with the letters “GWL”.
- I. Alternative Grease Control Device: On a case by case basis, at the discretion of the Director, alternative grease control device may be considered and approved for installation at a FSE. The alternative grease control device must control FOG discharges from a FSE and be maintained as outlined in this FOG Ordinance. Alternative grease control device will not be considered for new building construction.
 - J. Final Approval of Grease Control Device: All new FSEs and FSEs that have upgraded their facilities must contact the City for final approval of the grease control device. This will include onsite inspection of the grease control device by the City’s FOG Program, or the City’s authorized representative. No work shall be hidden or covered prior to approval by the FOG Program. Failure of the FSE to contact the FOG Program Coordinator to conduct the inspection of the new GCD will result in enforcement action.

Sec. 34-66. Grease Control Device Sizing

- A. Minimum acceptable size of grease control device for each FSE Classification (see Food Service Establishment Section 34-59 (11) for class details) will be as follows:
 1. Class 1: 20-gpm/40 pound grease trap
 2. Class 2: 500 gallon gravity grease interceptor (GGI)
 3. Class 3: 1,000 gallon gravity grease interceptor (GGI)
 4. Class 4: 1,500 gallon gravity grease interceptor (GGI)

5. Class 5: 2,000 gallon gravity grease interceptor (GGI)
 - B. To calculate the appropriate size GCD, the FSE's engineer, architect, licensed plumber, or contractor should use a formula that considers all kitchen plumbing fixture units, the discharge plumbing pipe diameter for each fixture unit, storage capacity, type of facility, and an adequate retention time. The grease control device minimum acceptable size for the above listed FSE classifications (Class 1 through 5) shall be met.
 - C. The City will review information received from the completed Food Service Establishment FOG Inquiry Form. The City will make a decision to approve, or require additional grease interceptor volume, based on the type of FSE, the number of fixture units, additional calculations and considerations. Each gravity grease interceptor tank capacity shall not exceed 2,000 gallons. In the event that the gravity grease interceptor calculated capacity needs to exceed 2,000 gallons, the FSE shall install any additional interceptor(s) of the appropriate size in series.
 - D. Gravity grease interceptors that are installed in series shall be installed in such a manner to ensure positive flow between the tanks at all times. Therefore, tanks shall be installed so that the inlet invert of each successive tank shall be a minimum of 2 inches below the outlet invert of the preceding tank or a 1% downstream slope, whichever is greater.
 - E. Grease control device must remove fats, oils, and grease at or below the City's prohibited concentration level stated in Section 34-10 of 200 parts per million by weight. Failure to comply will require enforcement action.

Sec. 34-67. New Gravity Grease Interceptor Design and Installation

Design and installation specifications are available from the FOG Program Coordinator's office.

Sec. 34-68. Gravity Grease Interceptor Cleaning and Maintenance Requirements

- A. Partial pump of interceptor contents or on-site pump and treatment of interceptor contents will not be allowed due to reintroduction of fats, oils, and grease to the interceptor. In no way shall the pumped material be returned to any private or public portion of the City's WCTS.
- B. Gravity grease interceptors must be pumped-in-full (total pump of all contents) when the total accumulations of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the grease interceptor's inlet liquid depth. At no time shall the cleaning frequency exceed 90 days unless approved in writing by the City. Failure to meet these requirements shall result in enforcement action. Approval will be granted on a case by case situation with submittal by the FSE documenting proof that a reduced cleaning frequency will meet the requirements of this FOG Ordinance. Some FSEs may need to consider a more frequent pumping schedule to meet this requirement. A City approved manifest of gravity grease interceptor cleaning/maintenance, and an FSE gravity grease interceptor self-monitoring checklist shall be maintained onsite at the FSE and provided to the City upon request. These documents need to be provided to the City for review before consideration for approval can be granted for a cleaning frequency to exceed

90 days.

- C. The gravity grease interceptor's influent tee and effluent tee will be inspected during cleaning and maintenance and the condition noted by the grease waste hauler's company or individual conducting the maintenance. Influent and effluent tees that are loose, defective, or not attached must be repaired or replaced immediately. Grease waste haulers or individuals conducting any maintenance or pumping will use caution to not damage or dislodge tees, or cause other grease interceptor component damage. Any repairs to the grease interceptor shall be documented and kept on file at the FSE.
- D. All gravity grease interceptors must have access manholes over the influent tee and effluent tee for inspection and ease of cleaning/maintenance. Access manholes will be provided for all separate compartments of interceptors for complete cleaning (i.e. interceptor with two main baffles or three compartments will have access manholes at each compartment). The manholes are to be readily accessible for inspection by the City.
- E. Gravity grease interceptor waste must be hauled offsite and disposed of, processed, or recycled at an approved location in accordance with applicable laws. All disposal of grease interceptor waste must meet the requirements of the City and the SC Department of Health and Environmental Control. City approved manifests must be used and properly completed.
- F. Gravity grease interceptors must be "certified" annually by a City certified grease waste hauler or City certified plumber. A Gravity Grease Interceptor Certification (Form A) must be properly completed and submitted to the City annually.
- G. The City may mandate the FSE to require the grease waste hauler to contact the City's FOG Program by telephone at least 24 hours prior to any cleaning, pumping, maintenance, inspection, or certification of the grease interceptor. The City reserves the right to be present to inspect all maintenance.
- H. Responsibility – Maintaining the gravity grease interceptor(s), including complete pumping of contents at the required frequency and insuring proper components are installed, is the responsibility of the user/owner. Commercial property owners shall ensure that lease agreements identify the responsible party for proper maintenance to control wastewater discharged from their property.

Sec. 34-69. Grease Trap (Hydro-Mechanical Grease Interceptor) Sizing, Installation, and Maintenance

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

- D. At the discretion of the FOG Program Coordinator, alternative grease control device may be considered for installation. The alternative grease control device must control FOG discharges and be maintained as outlined in this FOG Ordinance.
- E. No automatic dishwasher shall be connected to a grease trap unless it has been specifically sized and approved by the FOG Program. Grease traps approved by the City for dishwasher connection must be provided with a City approved and properly sized/installed flow control device to the inlet side of the grease trap to prevent overloading of the grease trap and allow for proper grease trap operation.
- F. No waste food grinder shall be connected to a grease trap.
- G. No automatic drip or feed systems for additives are allowed to be connected to a grease trap.
- H. A single grease trap device shall be installed for each significant kitchen fixture unit (i.e. each 3 compartment sink), unless the FOG Program Coordinator provides written approval for multiple fixtures to be connected to the grease trap. The City must approve the number of grease traps and connections to the grease trap.
- I. Grease traps must have the Plumbing Drainage Institute (PDI) certification, and be installed as per manufacturer's specifications and this FOG Ordinance.
- J. The flow control device orifice(s) shall not be removed, enlarged, or modified.
- K. Grease traps will be completely cleaned of fats, oils, and grease and food solids at a minimum of every thirty (30) days. If the FOG and food solids content of the grease trap are greater than 25%, the grease trap must be cleaned as frequently as needed to prevent 25% of capacity being occupied with FOG and food solids. A written record of grease trap cleaning and maintenance shall be maintained onsite at the FSE and provided to the City upon request.
- L. Grease trap waste shall be sealed or placed in a container to prevent leachate from leaking, and then disposed of in the solid waste or hauled offsite by a grease waste hauler or plumber to an approved disposal location. In no way shall the pumped material be returned to any private or public portion of the sanitary sewer collection system or disposed of in the environment.
- M. Grease trap waste shall not be mixed with yellow grease in the grease recycle container.
- N. Grease traps must be "certified" annually. See Section 34-59 (6).
- O. The City may mandate the FSE to require the grease waste hauler/plumber or FSE owner to contact the City's FOG Program by phone at least 24 hours prior to any cleaning, pumping, maintenance, inspection, or certification of the grease trap. The City has the right to be present to inspect all maintenance

Sec. 34-70. Best Management Practices and Accidental Discharge Prevention

Food service establishments shall implement Best Management Practices (BMPs) to prevent the discharge of fats, oils, and grease from their facility to the City sanitary sewer system. Food service establishments shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge of fats, oils, and grease into the sewage collection system. Failure to implement and comply with BMPs and Accidental Discharge Prevention is in violation of this FOG Ordinance. Examples of BMPs include, but are not limited to:

- A. Supervise all waste hauler servicing and cleaning activities.
- B. Use three-sink dishwashing system.
- C. Recycle waste cooking oil; dispose in grease recycle bin or container. DO NOT pour any grease into sinks, floor drains, or mop sinks, lavatories, or environment. Cover oil/grease storage containers at all times.
- D. Post “NO GREASE” signs above all kitchen sinks and dishwashers. These signs are available at the FOG Program office.
- E. “Dry wipe”, scraping into a trash container as much food particles and grease residue from pots, pans, and plates, etc. as possible.
- F. Use strainers in sink drains and floor drains to prevent large food particles, containers, and other elicit materials from going into the sewer line. Remove free-floating FOG and food solids prior to draining the sink.
- G. Have spill clean-up kits readily available. If an oil or grease spill occurs, clean up using “dry” oil absorbent material or use ice to make grease solidify. Scoop up material and dispose of it into a trash container. DO NOT wash oil or grease into drains.
- H. Dispose of food items in the trash. Food waste grinder use is prohibited in wastewater discharging to hydro-mechanical grease interceptors (grease traps) due to buildup of solids in the GCD, stoppages, decreased efficiency, and the need to increase pumping frequency of the GCD. Food waste grinder use is discouraged in wastewater discharging to gravity grease interceptors.
- I. Clean kitchen exhaust filters routinely.
- J. Post “BMPs signs” in the kitchen areas, educate, and train all employees on grease control and preventing sewer pipe clogs and sewer overflows. These signs are available at the FOG Program office.

Sec. 34-71. “Additives” Prohibitions for Use

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

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

Sec. 34-72. Private Sewer Line Cleaning of FOG Requirement

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

Sec. 34-73. In Ground Grease Interceptor Abandonment

The property owner or authorized representative of a building utilizing an in ground gravity grease interceptor or hydro-mechanical grease interceptor (grease trap) shall notify the City's FOG Program within 30 days whenever a FSE meets the criteria for temporary or permanent abandonment of said interceptor as set forth in Section 34-73 (1) (a) or 34-73 (2) (a).

A. Temporary Abandonment

1. An in ground grease interceptor is considered to be temporarily abandoned if a FSE temporarily closes for business and the property owner intends to utilize the interceptor for another FSE in the same location.
2. At the property owner's expense, the interceptor shall be completely pumped and the grease waste properly disposed of by a City certified grease waste hauler.
3. Once conditions of Section 34-73 (1) (a) through (b) have been met, the City's FOG Program personnel shall be contacted to complete a pumping inspection for the temporary abandonment of an in ground interceptor. The completed grease waste hauler's manifest shall be available onsite for verification during the pumping inspection.
4. Any noted noncompliant functional or plumbing components shall be repaired or replaced, followed by re-inspection from the City's FOG Program personnel.
5. Once the in ground grease interceptor has passed inspection, it shall be filled with water to prevent possible floatation.

B. Permanent Abandonment

1. An in ground grease interceptor is considered to be permanently abandoned when the building is remodeled such that the grease interceptor will not be used; or the building is replaced with a type of business that will not be required to utilize the grease interceptor; or when the property is condemned. An in ground grease interceptor considered to be permanently abandoned, shall be properly removed in accordance

with Section 34-73 (2) (b) through (c), or demolished in place in accordance with Section 34-73 (2) (d).

2. The in ground grease interceptor may be removed. Prior to removal, the interceptor shall be completely pumped and the waste properly disposed of by a City certified grease waste hauler. Once the interceptor has been completely pumped, the City's FOG Program personnel shall be contacted to complete an in ground grease interceptor pumping verification inspection. The grease waste hauler's manifest shall be available onsite for verification during the in ground interceptor pumping verification inspection. Service components remaining in place are not exempt from meeting the plumbing codes.
3. After the interceptor has passed the pumping verification inspection by the City's FOG Program personnel, if no replacement is intended, the interceptor may be removed and the hole left by the removal of the grease interceptor shall be back filled with suitable backfill material. Once back fill requirements have been met, the City's FOG Program personnel shall be contacted to complete an in ground grease interceptor abandonment final inspection.
4. Alternatively, in lieu of removal, the interceptor can be demolished in place. The interceptor shall be completely pumped and the waste properly disposed of by a City certified grease waste hauler. Once the interceptor has been completely pumped, the City's FOG Program personnel shall be contacted for an in ground grease interceptor pumping verification inspection. The grease waste hauler's manifest shall be made available onsite during the in ground grease interceptor pumping verification inspection. Demolition of the interceptor shall not commence until the interceptor has passed the pumping verification inspection. The top cover over the interceptor shall then be crushed into the empty tank or removed. The bottom of the tank shall be ruptured. The sides of the interceptor shall then be crushed into the tank. The inlet and outlet plumbing shall be disconnected and the lines capped if not to be used.
 - a) Upon completion of crushing the interceptor in place, the FOG Program shall be contacted for an in ground grease interceptor abandonment semifinal inspection.
 - b) After passing the in ground grease interceptor abandonment semifinal inspection, the interceptor shall be back filled with suitable fill material.
 - c) Once backfill requirements of Section 34-73 (2) (d) (ii) have been met, the FOG Program shall be contacted for an in ground grease interceptor abandonment final inspection.

Sec. 34-74. Right of Entry, Inspections, and Monitoring

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

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

Sec. 34-75. Violations and Enforcement Action

- A. Enforcement action against the food service establishment may result from, but is not limited to, failure to clean or pump grease control device, failure to maintain grease control device including installation of a properly functioning influent/effluent tees and baffle(s), failure to install grease control device, failure to control FOG discharge from the FSE, failure to certify the gravity grease interceptor or grease trap, FSE responsible for sewer line obstruction, FSE responsible for a sanitary sewer overflow, and FSE use of additives so that FOG is diluted and pushed downstream of the FSE.
- B. Whenever City personnel, or their authorized representative, determine that a gravity grease interceptor or grease trap is in need of installation, pumping, repairs, maintenance, or replacement, a Noncompliance Notification (NCN) or a Notice of Violation (NOV) will be issued stating the nature of the violation(s) and timeframe for corrective measures.
- C. If the FSE fails to initiate corrective action in response to a NCN or NOV, a second notice will be issued and additional fees assessed. Fees may include compliance inspection fees, costs associated with service calls for sewer line blockages, line cleaning, camera trucks, line and pump repairs, including all labor, material and equipment. Further noncompliance will result in escalation in enforcement action provided in Article II Division 5 of Chapter 34.
- D. Immediate discontinuance of City utility services may be issued if the facility presents an imminent endangerment to the health, welfare of person or to the environment, causes stoppages or excessive City maintenance of the sanitary sewer system, causes significant interference with the wastewater treatment plant, or causes the City to violate any

condition of its NPDES Permit. Service shall be reinstated when such conditions have been eliminated and after payment of reconnection fees or other assessed fees.

- E. In addition to any inspection or violations fees, any user who is found to have violated this FOG Ordinance shall be subject to the penalties and fines provided in Article II Division 5 of Chapter 34.
- F. If inspections and field investigations determine that any fats, oils, and grease interference or blockage in the WCTS (including the sewer system, a sewage pumping station, or the wastewater treatment plant) is caused by a particular user, or food service establishment, then that user, or FSE, may be required to reimburse the City for all labor, equipment, supplies and disposal costs incurred by City to clean the interference or blockage. The charges will be added to the user's or FSE's utility bill. Failure to reimburse the City may result in termination of utility services.
- G. For all other violations not specifically mentioned above, the City will use its *FSE Enforcement Guide* for enforcement action.

Sec. 34-76 – Variances to the FOG Program

- A. If an existing food service establishment is housed in a structure that because of its architectural or historical restrictions the owner will suffer extreme economic hardship in order to upgrade the existing FOG interceptor, then the establishment may keep the current FOG interceptor provided the FOG interceptor is at least fifteen (15) feet from the last fresh-air fixture. Additionally, the FOG interceptor must be cleaned every thirty (30) days by a City certified grease waste hauler. In the event that any remodeling of such a food service establishment is undertaken or if the food service establishment changes ownership, then a FOG interceptor that complies with all applicable requirements of this Ordinance shall be installed.
- B. A variance to the design, maintenance, and/or sizing requirements contained herein may be requested when compliance creates an undue hardship or if a grease trap is sufficient. Hardships caused by space availability, minimal anticipated FOG production, cost, etc., may be grounds for a variance. The FSE must submit sufficient documentation, as required by the Director, which explains the need to vary from design, maintenance and/or size requirements, along with an Application for Variance. A minimum of four months of data should be submitted for maintenance cleaning frequency modifications or similar requests.
- C. If a FSE has limited potential for FOG in the discharge, an establishment may request a variance for required equipment by submitting an Application for Variance on a form provided by the City. If a variance of equipment is approved, the FSE's owner shall pay a variance registration fee. The variance registration is valid for a period of three years. If there is a change of ownership then the establishment's new owner must submit a new Application for Variance and pay the associated fee.
- D. After review of the documentation, the City will notify the FSE in writing of acceptance or denial of the variance request. The City may also request further study pursuant to or as a condition of the variance. Certain conditions may be imposed by the Director for

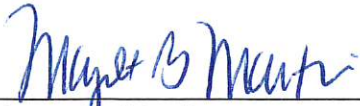
installations that have received a variance.

- E. If a variance is granted and the FSE subsequently increases anticipated food service production or the City later determines that the discharge adversely impacts the sanitary sewer collection system or treatment works, the variance may be revoked.
- F. A variance application fee of \$250 will be paid to the City upon submission of the variance request and prior to City review. Variance application fees may be waived at the discretion of the Director for follow up modifications of the same variant issue contained in the original application. (For example, if a variance had been granted to allow maintenance cleaning every two months and, subsequently it can be shown that a three-month maintenance frequency is acceptable, then the fee may be waived.)

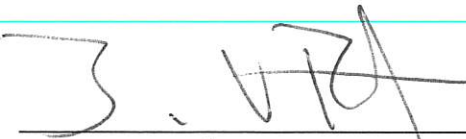
The City will waive variance application fees for existing facilities until January 1, 2017.

ADOPTED THIS 14TH DAY OF JANUARY, 2019.


ATTESTED TO:




Margot B. Martin
City Clerk/Treasurer



Terence V. Roberts, Mayor

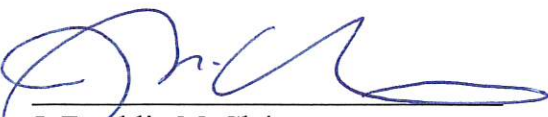


Donald G. Chapman

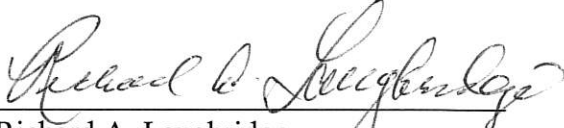


Matthew C. Harbin


APPROVED AS TO FORM:



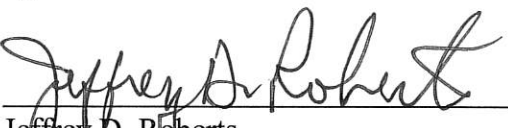
J. Franklin McClain
City Attorney



Richard A. Laughridge



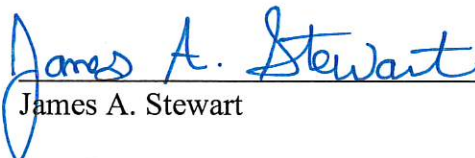
Kyle L. Newton



Jeffrey D. Roberts

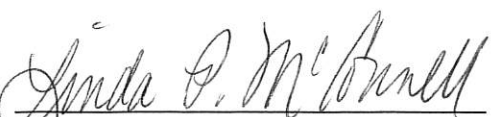


John M. Roberts




James A. Stewart

REVIEWED BY:



Linda P. McConnell
City Manager



Beatrice R. Thompson, Mayor Pro Tem

COUNCIL MEMBERS