

## **AN ORDINANCE**

**AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF UNION AND PROVIDING FOR SEWER USE, WASTEWATER DISPOSAL, DISCHARGE LIMITS, PRETREATMENT REQUIREMENTS, SEWER SERVICE CHARGES AND REPORTING, SAMPLING, MONITORING AND ENFORCEMENT.**

Be it ordained by the Mayor and members of Council in Council duly assembled:

### **SECTION 1:**

Chapter 19 of the Code of Ordinances of the City of Union is hereby amended by deleting the present Chapter 19 and substituting therefore the following:

Chapter 19  
**SEWERS AND PLUMBING**  
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## ARTICLE I. IN GENERAL

### Sec. 19-1 Definitions

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

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

*Approval Authority.* South Carolina Department of Health and Environmental Control (SCDHEC) has delegated authority from USEPA to administer the Industrial Pretreatment Program in South Carolina. Therefore, SCDHEC is the Approval Authority for South Carolina.

*Authorized or Duly Authorized Representative of the User.*

(a) If the User is a corporation:

- (1) The president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation; or
- (2) 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 action 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.

(b) If the User is a partnership or sole proprietorship; a general partner or proprietor, respectively.

(c) If the User is a Federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

*Best Management Practices or BMP.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 19-20.2. BMP also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*BOD (Biochemical Oxygen Demand).* The quantity of oxygen utilized in the biochemical oxidation of the organic matter under standard laboratory procedures in five (5) days at 20 degrees Celsius (20°C), expressed in terms of weight as parts per million (ppm) or in terms of concentration as milligrams per liter (mg/l).

**Building Sewer.** The pipe or pipes connecting a building or other facility to the sewer systems of the City of Union.

**Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and SC R61-9 403 Appendix C.

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

**City.** The City of Union, South Carolina.

**COD (Chemical Oxygen Demand).** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

**Color.** The color value obtained by the ADMI Colorimetric method as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

**Control Authority.** The City of Union, South Carolina.

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

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

**DHEC.** The South Carolina Department of Health and Environmental Control.

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

**EPA.** The United States Environmental Protection Agency.

**Existing Source.** Any source of discharge that is not a "New Source".

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

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

**Indirect Discharge or Discharges.** The introduction of pollutants into the POTW from any nondomestic source.

**Industrial User.** A source of the introduction of wastewater into the sewer system of the City of Union from any non-domestic source regulated under § 307(b), (c) or (d) of the Act.

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

*Interference.* A discharge which alone or in conjunction with a discharge from any other sources inhibits or disrupts the City's wastewater treatment plant, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of the City's NPDES permit or the prevention of sewage sludge use.

*Local Limit.* Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

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

*Monitoring Facility.* A manhole or other device giving access to a building sewer at some point before the building sewer connects with the sewer system of the City.

*Monthly Average.* 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.* 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.

*New Source.*

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provide 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 engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building,

structure, facility or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

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

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

*NPDES.* Shall mean National Pollution Discharge Elimination System, which is the source of the permits issued to any direct discharger of water into surface waters of the United States pursuant to § 402 of the Act.

*pH.* A measure of the acidity or alkalinity of a substance represented as the logarithm of the reciprocal of the concentration of the hydrogen ions expressed in gram moles per liter of solution.

*Pass through.* Any discharge which exits the City's treatment plant into the receiving stream in quantities or concentrations which, alone or in conjunction with 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.* Any individual, partnership, corporation, firm, company, association, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The singular shall include the plural where the context so indicates or requires.

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

*Pretreatment.* 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, introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by

diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

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

*Pretreatment Standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the CWA, which applies to industrial users. This term includes prohibitive discharge limits in Section 19-20.2 of this ordinance and local limits.

*Process Wastewater.* The wastewater discharged from manufacturing processes, raw material handling, quality control operations or production activities. This wastewater may or may not be higher in strength than domestic wastewater based on concentrations of BOD and suspended solids.

*Prohibited Discharge Standards or Prohibited Discharges.* Absolute prohibitions against the discharge of certain substance; these prohibitions appear in Section 19-20.2 of this ordinance.

*Publicly Owned Treatment Works or POTW.* 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.

*Sanitary Sewer System.* Shall mean and include all or any part of the lateral sewers, collecting sewers, intercepting sewers, wastewater pumping stations, wastewater treatment facilities, and outfall sewers owned or administered by the City of Union.

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

*Significant Industrial User.* Any user of the sanitary sewer system that:

- (1) All industrial users subject to Categorical Pretreatment Standards under section 403.6 and 40 CFR chapter 1, subchapter N: and either
  - (a) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
  - (c) Is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the City's wastewater sewer or treatment works operation, or quality of treatment works effluent or sludge or for violating any Pretreatment Standard or requirement.

- (2) The City may determine that an Industrial User subject to categorical Pretreatment Standards under South Carolina Regulation 61-9, Section 403.6 and 40 CFR chapter 1, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (a) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in South Carolina Regulation 61.9, Section 403.12(q) together with any additional information necessary to support the certification statement; and
  - (c) The Industrial User never discharges an untreated, concentrated wastewater.
- (3) Upon a finding that an Industrial User meeting the criteria in paragraph (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards 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 South Carolina Regulation 61-9.403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

***Significant Non-Compliance.*** A Significant Industrial User (or any Industrial User which violates Paragraphs (3), (4), or (8) below) is in significant non-compliance if its violation meets one or more of the following criteria:

- (1) Chronic Violations of Wastewater Discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six month period exceed (by any magnitude) a numerical limit, a numerical Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by Section 19-1.0 of this Ordinance;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric limit, Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 19-1.0 of this Ordinance multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (3) Any other violation of a limit, Pretreatment Standard or Requirement as defined by Section 19-1.0 of this Ordinance (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 City personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare 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 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the Local Pretreatment Program.

*Slug Discharge.* Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 19-20.2 of 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's regulations, Local Limits or Permit conditions.

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

*Total Suspended Solids (TSS).* The total suspended matter which floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtration.

*User.* Any person or entity, who contributes, causes or permits the contribution of wastewater into the sanitary sewer system.

*Wastewater.* The liquid and water-carried wastes from residential or commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, cooling water or storm water that may be present, whether treated or untreated. (Ord. of 8-17-93, § 1)

*Wastewater Treatment Plant or Treatment Plant.* That portion of the POTW which is signed to provide treatment of municipal sewage and industrial waste.

### **Sec. 19-1.1.Abbreviations**

The following abbreviations, when used in this ordinance, shall have the designed meaning:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	<i>Code of Federal Regulations</i>
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
DHEC	S.C. Department of Health & Environmental Control
EPA	U.S. Environmental Protection Agency

gpd	gallons per day
IU	Industrial User
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

### **Sec. 19-2 Notice**

When notice is required by this chapter, such notice may be given by the City by delivering the notice to the person to be notified or by depositing the notice in the United States Mail postage prepaid and addressed to the person at the address contained in the records of the City of Union. The giving of notice by mail complete upon the expiration of five (5) days after deposit of the notice in a mail box. A certificate by the Clerk of the City that notice has been given as required hereunder shall be presumptive proof the notice was received. (Ord. of 8-17-93, § 1)

### **Sec. 19-3 Connection to Public Sewer System Required**

(a) The owner of any house, building or property in the City which is used for human occupancy, employment, recreation or other purpose which abuts on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sewer shall, at the owner's expense, install suitable toilet facilities and connect such facilities to the sanitary sewer system. No privies, cesspools, or septic tanks shall be permitted where it is practical to connect to the sanitary sewer system.

(b) In specific cases, this requirement may be waived where the property is located more than three hundred (300) feet from an existing sewer line, the property cannot practically be served by the sanitary sewer system and DHEC approves the installation of alternate measures.

(c) In any case in which the City determines that property must be connected to the sanitary sewer system, written notice shall be given to the property owner requiring such connection within ninety (90) days (Ord. of 8-17-93, § 1)

State Law Reference – Authority of City to require sewer connection, impose connection charges, etc., S.C. Code 1976, § 5-31-2010 et seq.

### **Sec. 19-4 Application and Permits**

(a) All persons desiring to connect to the sanitary sewer system must first make application for a sewer tap to the City. Such application shall be signed by the owner of the property or his duly authorized representative and shall contain all information requested by the City. Industrial and commercial users shall provide such additional information as the City may request.

(b) All permit fees shall be paid to the City at the time the application is filed.

(c) No unauthorized person shall uncover, make connection with, use, alter or disturb any public sewer appurtenance without first obtaining written permission from the City.

(d) It shall be unlawful for any person to contribute or cause to be contributed any wastewater to the sanitary sewer system without having first obtained a sewer tap permit or to continue to contribute or cause to be contributed any wastewater after notification that the sewer tap permit has been suspended or revoked.

(e) All sewer tap permits issued to users located outside the City shall contain the agreement of the user to comply with the requirements of this Chapter to the same extent as if the property was located within the City of Union. (Ord. of 8-17-93, § 1)

#### **Sec. 19-5 Sewer Tap Fees and Permits**

Sewer tap fees shall be charged to all persons connecting to the City's sanitary sewer system. The City shall provide forms for the sewer tap permits. For apartments or buildings with multiple occupancy, a separate tap charge shall be paid for each unit. Permit and tap fees shall be as adopted and amended from time to time by City Council. (Ord. of 8-17-93, § 1)

#### **Sec. 19-6 Building Sewer – Requirements**

(a) Existing building sewers may be used in connection with new buildings only when they are found upon examination to meet all current engineering standards and practices.

(b) The size, slope, alignment, materials and methods of construction for installing building sewers shall conform to all City and DHEC specifications and good engineering practices, including inflow/infiltration limitations.

(c) The owner or his contractor shall notify the City when the building sewer and connection to the public sewer is ready for inspection. The City reserves the right to inspect any tap or connection.

(d) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(e) Every house or building to be connected with the sanitary sewer system shall be separately connected unless a specific permit is granted for a combined connection.

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In any case where the building drain is too low to permit gravity flow to the public sewer, the owner shall install a pump approved by the City.

(g) The City requires that back-flow or check valves be installed on building sewers to protect the owner's property in the event of a main line stoppage.

(h) Any licensed plumber who makes an excavation in a public street to make a connection to the sanitary sewer system or to repair an existing building sewer shall be responsible

for any damage to the street or the sanitary sewer system as well as injury to the person or property of the public. (Ord. 8-17-93, § 1)

#### **Sec. 19-7 Maintenance**

(a) It shall be the responsibility of the property owner to keep and maintain in good repair the building sewer to its point of connection to the sanitary sewer system.

(b) The owner shall maintain the building sewer in good condition so as to prevent leakage of storm water, other surface waters or ground water into the sanitary sewer system.

(c) No roof drain, exterior foundation drain, or other source of storm water, surface water or ground water shall be connected directly or indirectly to the sanitary sewer system unless approved in writing by the City.

(d) If notified by the City that repairs to the building sewer are necessary, the owner shall make such repairs within sixty (60) days after receiving notice that such repairs are necessary. In the event that the required repairs are not made, the City may make the repairs and invoice same to the owner or terminate sewer service until the repairs are made. (Ord. of 8-17-93, § 1)

#### **Sec. 19-8 Installation and Connection Costs**

All costs and expenses incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the City of Union from any and all loss or damage to any third parties caused, directly or indirectly, by the installation of the building sewer. (Ord. of 8-17-93, § 1)

#### **Sec. 19-9. Installation of New Sewer Lines**

A person desiring to connect any subdivision or development to the sanitary sewer system shall comply with city policy regarding such facilities. After construction and approval by the City, ownership of the facilities other than building sewers shall be transferred to the City. (Ord. of 8-17-93, § 1)

#### **Sec. 19-10 Private Lateral Sewers Prohibited**

No privately-owned lateral sewer collection lines shall be connected to or shall discharge, directly or indirectly, into the sanitary sewer system. (Ord. of 8-17-93, § 1)

#### **Sec. 19-11 Reserved**

#### **Sec. 19-12. Discharges from Septic Tanks, Cesspools; Discharges into Storm Sewers**

(a) No septic tank effluent or cesspool overflow shall be discharged into any open drain, storm sewer, ditch, or well penetrating water-bearing formations;

(b) No sanitary wastewater shall be discharged into any storm sewer, open drain, or ditch. (Ord. of 8-17-93, § 1)

### **Sec. 19-13 Construction of Subdistrict Sewers Connecting To City Sewerage System**

Any subdistrict proposing to build local or lateral sanitary sewers or extensions to existing local or lateral sanitary sewers to connect directly or indirectly into the City's sewerage system shall conform its plan and specifications to the requirements of the City. The plans shall be prepared by a registered engineer who is authorized by the laws of the state, with such plans and specifications being approved by all local, county and state authorities having jurisdiction, and submitted to the City for approval.

Construction of the proposed sewers shall be accomplished by a registered, licensed contractor under the laws of the state, and upon completion the engineer employed by the subdistrict shall inspect and furnish to the City, at no cost to the City, his certificate to the effect that the subject sewers have been installed in accordance with the approved plans and specifications.

The City may conduct such inspections of the subdistrict sewers during and following construction as deem necessary.

### **Sec. 19-14 Plumber Qualifications**

(a) Before any person shall engage in the installation, alteration or maintenance of any plumbing work regulated by this chapter, he/she shall be qualified as set forth below:

- (1) Must have a master plumber card from another city approved by the building official;
- (2) Must have a state master plumber card or a state plumbing contractor's license;
- (3) Grandfathered from the City as long as a current license is maintained;
- (4) Nothing contained in this chapter shall prevent any homeowner from installing or maintaining plumbing work with his/her residence only.
- (5) No person qualified under the provisions of this chapter shall allow his/her name to be used by any other person to obtain a permit or obtain a permit for work which he/she himself/herself is not doing.

(Ord. of 5-15-2001, § 17)

### **Sec. 19-15 – 19-19- Reserved**

## **Article II: General Use Regulations**

### **Sec. 19-20.0 Purpose And Policy**

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Union and enable the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owner Treatment Works,
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- (d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works.
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits, provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **Sec. 19-20.1 Administration**

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

### **Sec. 19-20.2 Prohibited Discharges**

No person shall discharge into the sanitary sewer system any wastewater of such volume or strength, which by itself or by interaction with other wastewater may: injure, interfere with or inhibit the City's wastewater treatment processes or facilities; constitute a hazard to persons or animals; or, create a hazard in the receiving waters of the wastewater treatment plant. Specifically, no person shall discharge or cause to allow to be discharged into the sanitary sewer system any wastewater which contains any of the following:

(a) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, or wastewater containing more than 200 mg/L total oil and grease using test methods of 40 CFR 136 or containing more than 100 mg/L hydrocarbon oil or grease measured by procedure EPA 1664 B except as may be allowed under an industrial discharge permit issued by the City.

(b) Any gasoline, benzene, naphtha, acetone, fuel oil or other liquids, solids or gases which by reason of their nature or quality may cause fire or explosion or be in any way injurious to persons, or the sanitary sewer system, including but not limited to wastewater having a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21;

(c) Any paints, oils, lacquers, thinners, or solvents including any waste containing a toxic or deleterious substance which can impair the sewage treatment process, constitute a hazard to persons or cause pass-through to the receiving waters of the City's treatment plant;

(d) Any discoloration such as, but not limited to dyes, inks, or any waste containing chlorides, sulfides or chlorine, in such quantities as to be deleterious to or hazardous to persons, the sanitary sewer system, create a public nuisance, or contribute to NPDES permit violations by the City.

(e) Any noxious, malodorous gas or other substance which, when introduced into the environment which exists in the sanitary sewer system, might cause a malodorous gas or result in the presence of toxic gases, vapors or fumes and thereby create a public nuisance, prevent entry into the sanitary sewer system for maintenance and repair, or cause worker health and safety problems.

(f) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sanitary sewer system such as, but not limited to, grease, garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, meat, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining, or processing of fuel or lubrication oil, mud, glass grinding waste or polishing waste;

(g) Any wastewater having a stabilized pH lower than 5.5 or greater than 12.5 or having properties capable of either causing damage or creating a hazard to equipment or personnel of the sanitary sewer system. Any wastewater having a stabilized pH lower than 6.0 or higher than 10.0 is prohibited, except as may be allowed under an industrial discharge permit issued by the City (In no case will a stabilized pH lower than 5.5 or greater than 12.5 be permitted);

(h) Any wastewaters having a BOD concentration in excess of 300 mg/L, except as allowed by the user's industrial discharge permit;

(i) Any wastewaters having total suspended solids concentration in excess of 300 mg/L, except as allowed by the user's industrial discharge permit;

(j) Any waste, liquid, or vapor having a temperature higher than one hundred sixty (160) degrees Fahrenheit (71.1°C) or which will increase the temperature of the waste treatment

facility influent to greater than one hundred four (104) degrees Fahrenheit (40°C) or having a temperature which inhibits biological activity resulting in interference;

(k) Any wastewater containing substances that may precipitate, solidify, or become viscous at temperatures between thirty-two (32) degrees Fahrenheit (0°C) and one hundred sixty (160) degrees Fahrenheit (71.1°C);

(l) Any wastewater containing radioactive materials which either singly or in combination with other radioactive materials discharged into the sanitary system can cause contamination of the sanitary sewer system, a danger to the health of persons, or in concentration greater than that permitted by the latest regulations published in the Federal Register. (See United States Atomic Energy Commission, Rules and Regulations, Title 10-Atomic Energy, part 20.)

(m) Any hauled wastewater, septage, contents from grease traps or holding tank wastes, unless prior written approval has been obtained from the City and such waste is discharged at the location designated by the City and subject to any conditions imposed by the City.

(n) Any slug discharge without prior written approval from the City.

(o) Any substance which may cause the treatment plant effluent or other products such as residues, sludges or scums, to be unsuitable for reclamation or reuse or to interfere with the reclamation process. In no case shall a substance be discharged to the sanitary sewer system which causes the City to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (SWDA) or any similar state act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method in use.

(p) Any wastewater containing substances in excess of the maximum allowable daily concentrations shown on the Industrial Wastewater Discharge Permit of the user.

(q) Any quantities of rainwater, storm water, groundwater, surface water, cooling water, fountain water, or any other unpolluted water without prior written approval from the City.

(r) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations for any wastewater constituent.

(s) Any water or wastes, which in the opinion of the City contain contaminants of such character or in such quantity as will not be amendable to the waste treatment processes, or will constitute a hazard to persons or animals, or which will cause pass through to the receiving waters of the waste treatment plant.

(t) Any water or wastes that is characteristic hazardous waste as defined by RCRA.

(u) Any substance which will contribute to or cause the City to violate its NPDES permit or the receiving water quality standards.

(Ord. of 8-17-93, § 1)

### **Sec. 19-20.3 Dilution Prohibition**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The 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. 19-21.0 Federal and State Standards**

Upon the promulgation of any National Pretreatment Standard promulgated by EPA in accordance with § 307(b) and (c) of the Act, the Federal Standard, if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and the limitations of this Ordinance. (Ord. of 8-17-93, § 1)

The City reserves the right to establish, by ordinance or in individual wastewater discharge permit, more stringent Standard or Requirements on discharges to the POTW consistent with the purpose of this Ordinance.

National Categorical Pretreatment Standards:

As required by National Categorical Pretreatment Standards, Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 (R61-9 Sec.403,) and as provided below:

(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 paragraphs 5 and 6 of this Section.

(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 40 CFR 403.6(e) and SC R61-9 Section 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. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth as follows:

(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) Current 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 total actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions.
  - (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. 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 paragraphs 19-21.0(d)(1)(a) of 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 concentrations-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 discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 19-20.3 above. The Industrial User must also be in compliance with Section 19-38 regarding the prohibition of bypass.
- (4) 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.
- (5) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
- (6) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (7) 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.
- (8) The City, at its discretion, may reduce or waive Categorical Pretreatment Standards if an Industrial User subject to the Categorical Pretreatment Standards is determined to be a Non-Significant Categorical User. The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (a) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical and Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the required certification statement and any necessary supporting information; and

- (c) The Industrial User never discharges any untreated, concentrated wastewater.

#### **Sec. 19-21.1 Local Limits**

The City shall establish permit limitations on a case by case basis in accordance with DHEC and EPA regulations and an approved headworks analysis. Where appropriate and allowed by applicable regulations, the City may impose mass limitations on a discharge.

#### **Sec.19-22. Control of Prohibited Discharges**

If wastewater containing any substances described in Section 19-20.2 is discharged or proposed to be discharged into the sanitary sewer system, the City shall take appropriate action to eliminate the discharge of such wastewater including but not limited to:

- (a) Requiring the discharger to make such in-plant modifications as will eliminate the discharge of such substances to a degree acceptable to the City; or
- (b) Requiring pretreatment (including storage facilities, and/or flow equalization) as necessary to reduce or eliminate the objectionable characteristics of the wastewater; or
- (c) Requiring the user making, causing or allowing the discharges to pay any added cost of handling and treating excess loads imposed on the sanitary sewer system; or
- (d) Such other remedial action as may be necessary to achieve the purposes of this Chapter including but not limited to revocation of the user's permit to connect to the sanitary sewer system. (Ord. of 8-17-93, § 1)

#### **Sec. 19-23. Grease, Oil And Sand Interceptors**

(a) A user may be required to provide grease, oil, or sand interceptors when, in the opinion of the City, they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units but may be required for all public eating places, restaurants, and all other commercial and industrial establishments from which grease, oil, fat, or sand can be discharged.

(b) Interceptors required by the City shall be readily accessible for inspection by the City and shall be maintained by the operator at his expense and in an efficient condition. The operator shall maintain a log showing the date and location of the disposal of the contents of the interceptor and the name of the company transferring the materials to the disposal site.

(c) All existing eating places, restaurants, and other commercial and industrial establishments discharging grease, oil, fat, or sand in violation of this section at the time of adoption of this Chapter shall have a period of ninety (90) days, after written notification by the City requiring the installation of a grease trap or sand interceptor, to install such device.

(d) All establishments not in compliance with the requirements of this section shall, after fifteen (15) days written notice of intent to disconnect, be subject to immediate disconnection from the sanitary sewer system.

(Ord. of 8-17-93, § 1)

**Sec. 19-24. Inspections**

In order to ascertain whether any user is in compliance with the requirements of this Chapter, the City, DHEC and EPA shall have the right to inspect the facilities of any user. Persons or occupants on premises where wastewater is created or discharged shall allow the City or its authorized agents and employees ready access at all reasonable times to all parts of the premises for the purposes of inspections, examining records, copying records, sampling, or the performing of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City shall be permitted access without delay for the purpose of performing their responsibilities.

**Sec. 19-25 –19-29. Reserved**

## **Article III. Industrial Discharge Permits**

### **Sec. 19-30. Permit Required**

(a) Any significant industrial user proposing to connect to or contribute wastewater to the sanitary sewer system shall first obtain an Industrial Wastewater Discharge Permit from the City.

(b) Permits shall be issued for a specified time period, not to exceed five (5) years. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of an existing permit.

(c) The terms and conditions of the permit may be modified by the City during the term of the permit as Federal or State limitations or requirements are amended or when other just cause exists including imposition of limits more stringent than Federal or State limits. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard. In addition, the User with an existing Industrial Wastewater Discharge Permit shall submit to the City within ninety (90) days after the promulgation of any applicable Federal Categorical Pretreatment Standard the information required for a revised permit. The user shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of any change. Any changed or new conditions in the permit shall include a reasonable time schedule for compliance.

(d) Wastewater Discharge Permits are issued to a specific user for a specific operation at a specific location. An Industrial Wastewater Discharge Permit shall not be assigned or transferred without the written permission of the City. The City shall be notified in advance of any change in the location of the user.

(Ord. of 8-17-93, § 1)

### **Sec. 19-31. Permit Application; Fees**

Users required to obtain an Industrial Wastewater Discharge Permit shall make application on forms provided by the City and shall furnish all required information. The application shall be signed by the authorized agent of the user responsible for the overall operation of the facilities from which the wastewater originates. An application fee shall be paid in accordance with the schedule of fees adopted by City Council as amended from time to time.

(Ord. of 8-17-93, § 1)

### **Sec. 19-32.0 Permit Conditions**

The City may establish conditions on industrial wastewater permits including, but not limited to:

- (1) Limits on the average and maximum wastewater constituents and characteristics in both concentration and mass units.
- (2) Limits on average and maximum flow rates as well as requirements for flow regulations and equalization.

- (3) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (4) Where Best Management Practices (BMP) and Slug Control requirements are required by a Pretreatment Standard, local limits, state or local law, or the City for a user, those requirements shall be in the user's discharge permit, if a permit exists for that user.
- (5) Such other conditions as deemed appropriate by the City to insure compliance with this Chapter.

(Ord. of 8-17-93, § 1)

### **Sec 19-32.1 Certification Statements**

#### **(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver**

The following certification statement is required to be signed and submitted by Users submitting permit applications, baseline monitoring reports, reports on compliance with the Categorical Pretreatment Standard deadlines, periodic compliance reports, and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative as defined in Section 19-1:

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

#### **(b) Certification of Pollutants Not Present**

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

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best off 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.

### **Sec 19-32.2 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 immediately 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.

### **Sec. 19-33.0 Self-Monitoring Requirements**

(a) All significant industrial users shall be required to provide and operate at their expense monitoring facilities acceptable to the City to allow inspection, compliance monitoring and other sampling and flow measurements of the process wastewater discharged by the user. There shall be ample room in or near such monitoring facility to allow accurate sampling. The monitoring facilities shall be located at a site acceptable to the City.

(b) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be made in accordance with 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard.

(c) 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 2. And 3. Below, any user required to perform sampling 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, 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 (if required in 40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be

used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling date are available, the City may authorize a lower minimum. For the reports required by a user permit, the Industrial User is required to collect the number of grad samples as required by the user's permit necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(d) An industrial user is required to report the results of all testing done in accordance with subparagraph (b) hereof including testing done in addition to the monitoring required in the user's industrial wastewater discharge permit.

(e) Within twenty-four (24) hours of becoming aware of a non-emergency violation, the User must notify the City of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days of becoming aware of the violation. Where the City has performed the sampling and analysis in lieu of the User, the City must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

Repeat sampling is not required if:

(1) Sampling is performed (by the User or the City) at a frequency of at least once per month; or

(2) Sampling is performed between the time when the initial sampling was conducted and the time when the User (or City) receives the results of this sampling.

(f) In cases where a Pretreatment Standard, this Chapter, the City, or a User's permit requires compliance with Best Management Practice(s) or pollution prevention alternative, the User must submit documentation as part of the self-monitoring reports required by the City or permit necessary to determine the compliance status of the User.

(g) All self-monitoring reports shall be signed by an authorized representative of the User.

#### **Sec. 19-33.1 Baseline Monitoring Reports**

(a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the 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.

(b) Users described above shall submit the information set forth below.

(1) Measurement of Pollutants.

- (a) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - (b) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to DHEC.
  - (c) 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;
  - (d) The baseline report shall indicate the time, data 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.
- (2) **Compliance Certification.** A statement, reviewed by the User's Authorized Representative as defined in Section 19-1.0 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.
  - (3) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 19-33.2 of this Ordinance.
  - (4) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 19-33.1 of this ordinance and signed by an Authorized Representative as defined in Section 19-1.0.

### **Sec 19-33.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 19-33.1(b)(3) of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans,

executing contracts for major components, commencing and completing construction, and beginning and conducting routine operations);

(b) No increment referred to above shall exceed nine (9) months;

(c) 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 reasons for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City.

### **Sec. 19-33.3 Reports On Compliance With Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City an Individual Wastewater Discharge Permit Application. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 19-21.0, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 19-32.1 of this ordinance.

### **Sec. 19-33.4 Periodic Compliance Reports**

(a) All Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December [or on dates specified]) 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 required 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.

(b) The City may authorize an Industrial User subject to a Categorical Pretreatment Standard to forgo sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [See 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.

- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 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.
- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (4) The request for a monitoring waiver must be signed in accordance with Section 19-1.0, and include the certification statement in Section 19-32.1 (40 CFR 403.6(a) (2)).
- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (6) Any grant of the monitoring waiver by the 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.
- (7) 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 Section 19-32.1 that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 19-33.0, or other more frequent monitoring requirements imposed by the City, and notify the City, as outlined in Section 19-34.0.
- (9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

(c) All periodic compliance reports must be signed and certified in accordance with Section 19-32.1 of this ordinance.

(d) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(e) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, the results of this monitoring shall be included in the report.

### **Sec. 19-33.5 Reports Of Potential Problems**

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the 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.

(b) 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.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **Sec. 19-33.6 Date Of Receipt Of Reports**

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

### **Sec. 19-34.0 Change In Nature Or Quantity Of Discharge Or Facility Operations**

Any Industrial User shall report in writing to the City, any facility expansion, production increases, process modifications, or any facility changes which could result in new, different or increased discharges of pollutants into the sanitary sewer system, or affect the potential for a slug discharge. In such event, the City may require submission of a new wastewater questionnaire, modify the current permit, and/or re-evaluate the need for a slug control plan. Before any such facility or operational changes are implemented, the User shall obtain approval from the City for the resulting changes in wastewater volume and characteristics. In addition, the City may require the development and implementation of a plan or other actions necessary to control slug discharges.

### **Sec. 19-35.0 Pretreatment Regulations**

The City may deny or condition the discharge of any new or increased amounts of pollutants by an Industrial User by requiring pretreatment. All facilities required to pretreat wastewater to acceptable levels shall be provided, operated and maintained at the User's expense. The City, acting through its Utilities Director, may develop a compliance schedule for the construction of a

pretreatment system and shall have the right to enforce the compliance schedule by revocation of the Industrial Wastewater Discharge Permit or by obtaining injunctive relief through the Courts.  
(Ord. of 8-17-93, § 1)

#### **Sec. 19-35.1 Additional Pretreatment Measures**

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

(b) A Significant Industrial User may be required to install and maintain, on its property and at its expense, a suitable storage and flow control facility to insure equalization of flow over a period determined by the City. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the City. A wastewater discharge permit may be issued solely for flow equalization.

#### **Sec. 19-36. Accidental Discharge Requirements**

(a) All Industrial Users shall have in place systems and procedures to prevent accidental discharge into the sewer system of any substances prohibited by this Ordinance, slug discharges or any other circumstances which may inhibit or interfere with the efficiency of the sanitary sewer system or present a danger to human health or the waters of the receiving stream.

(b) In the event of an accidental discharge the User responsible for such discharge shall immediately notify the City by phone (429-1723 or 429-1707) so that corrective action may be taken to protect the sanitary sewer system, human health or the receiving stream. In addition, a written report addressed to the City detailing the location, date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed with the City by the User within five (5) days of the accidental discharge. The conditions for which immediate notification is required include but are not limited to:

1. Slug discharges;
2. Spills of concentrated pollutants;
3. Malfunction in manufacturing operations; or
4. Upset or malfunction in pretreatment systems at the User's premises.

The need for each Industrial User to develop a plan or other action to control slug discharges will be re-evaluated at least once every two (2) years by the City and within one (1) year for any User being newly designated a Significant Industrial User as required by Federal regulations. Any other Industrial User may be required to develop a slug control plan or other actions to control slug discharges. Such requirements shall be made part of User's permit. If a plan is needed, it shall contain as a minimum those elements identified in 40- CFR Section 403.8(f)(2)(vi). The plan shall be submitted to the City for approval and implemented by the User.

(Ord. of 8-17-93, § 1)

## **Sec. 19-37. Records**

Any Industrial User subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including the documentation associated with Best Management Practices.

Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses

Any Industrial User subject to the reporting requirements established in this section (including documentation associated with Best Management Practices) shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the DHEC, USEPA, and the City, or their representatives. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the City's Pretreatment Program or when requested by DHEC, USEPA, or the City.

Any records or information obtained under the provisions of this Chapter shall be available to the public for a minimum of 3 years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the City's Pretreatment Program or when requested by the DHEC, or USEPA. Upon a showing satisfactory to the City that reports or other information, or parts thereof would, if made public, divulge methods or processes entitled to protection as trade secrets, the City shall consider such information confidential and exempt from disclosure. In no event shall effluent data or compliance data (including that with BMP plans) be considered confidential information.

## **Sec. 19-38. Treatment Bypass**

- (a) Bypass of an Industrial User's wastewater treatment facilities shall be controlled.

### **(1) Definitions**

- (a) *Bypass* means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- (b) *Severe property damage* means substantial physical damage to property, damage to 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.

(b) An Industrial 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 provisions (c) or (d) of this section.

(c) Notice of bypass shall be provided:

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible, at least ten (10) days before the data of the bypass.
- (2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the City within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. A 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 recurrence 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.

(d) Enforcement response to bypass.

- (1) Bypass is prohibited and the City may take an enforcement action against an Industrial User for a bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The Industrial User submitted notices as required under subsection (c) of this section.
- (2) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three (3) conditions in subsection (d)(1) of this section.

(Ord. of 10-17-95)

**Sec. 19-39. Reserved**

## **Article IV. Revenue System**

### **Sec. 19-40. Fees and Charges**

Fees shall be charged to all user for discharges to the Sanitary Sewer System and for administering or enforcing the provisions of this Ordinance. The charges shall be as adopted by City Council and amended from time to time in accordance with applicable Federal and State law. Charges may be imposed for the following purposes:

- (1) Industrial monitoring, inspections, and surveillance procedures;
- (2) Reviewing accidental discharge incidents;
- (3) Reviewing permit applications;
- (4) Construction and installation inspections;
- (5) Reviewing appeals;
- (6) Special industrial discharges;
- (7) Recovering capital related expenditures or retiring bonded indebtedness;
- (8) Other charges including User charges based on billable flow and excessive pollutant discharges to the Sanitary Sewer System to recover the operation and maintenance costs of the Sanitary Sewer System.
- (9) Availability, impact, and connection fees or similar fees to recover or provide for the capital costs expended for the system or its expansion.

For the purpose of determining wastewater volume, the User's metered water consumption will be used. For Users that obtain water from an un-metered well, a discharge flow meter approved by the City shall be installed at a location accessible to the City. If a substantial amount of water is used for purposes that do not discharge into the Sanitary Sewer System, the User will be allowed the option of installing and maintaining at his expense a recording meter, of a design approved by the City for determining wastewater volume. Maintenance of such wastewater meter shall include, but not be limited to a minimum annual calibration of the meter by a qualified instrumentation technician and any needed repairs.

(Ord. of 8-17-93, § 1)

### **Sec. 19-41. Sewer Surcharges**

Significant Industrial Users with high-strength wastewater shall pay a surcharge for treatment of their high-strength wastewaters. Surcharge payments will be assessed on sewer customers whose wastewater's concentration exceeds 300 mg/L BOD or 300 mg/L suspended solids. The surcharge will be assessed on each pound of BOD and/or suspended solids in the wastewater in excess of the 300 mg/L limit as determined by analysis of wastewater samples conducted by a certified laboratory and approved by the City.

(Ord. of 8-17-93, § 1)

**Sec. 19-42. Responsibility for Sewer Bills**

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

(Ord. of 8-17-93, § 1)

**Sec. 19-43. Discontinuance of Service for Non-Payment; Late Payment Penalties**

Bills for sewer service charges shall be due and payable in accordance with the terms of the statement provided to the User. If any sewer service charge remains unpaid for ten (10) days after the due date, the City shall have the right to revoke the sewer permit and sewer service to the property may be discontinued.

(Ord. of 8-17-93, § 1)

**Sec. 19-44. Reconnection of Sewer Service**

If sewer service is disconnected from the premises of any User reconnection shall be allowed only after issuance of a new permit, full payment of all past-due sewer bills and a \$300.00 reconnection fee as well as any and all costs incurred by the City as a result of disconnection or reconnection of sewer service. The reconnection shall be made exclusively by the City or a contractor having a current license issued by the City. In all cases the City shall inspect the reconnection prior to resumption of sewer service.

(Ord. of 8-17-93, § 1)

**Secs. 19-45 – 19-49. Reserved**

## **Article V: Enforcement**

### **Sec. 19-50. Damage to Sewer Facilities Unlawful**

It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewer system of the City of Union.

(Ord. 8-17-93, § 1)

Cross reference Malicious destruction of municipal, personal, and real property, § 16-56.

### **Sec. 19-51. Falsifying Information**

Any person who knowingly makes any false statement, representation or certification in any application, report, plan or other document filed or required to be maintained pursuant to this Chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required by this Chapter shall be guilty of a misdemeanor.

### **Sec. 19-52.0 Administrative Enforcement Actions**

(a) The City Utilities of the City of Union shall be responsible for administering this Chapter and shall serve as enforcement office.

(b) The enforcement officer shall:

- (1) Administer and interpret this ordinance and enforce violations of this Chapter in accordance with the City's Enforcement Response Plan and Enforcement Response Guide;
- (2) Prepare appropriate forms for applications and questionnaires needed in connection with the issuance of any permit required hereunder;
- (3) Issue a Notice of Violation (NOV) 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.
- (4) 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 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 disconnected 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, not does a compliance order relieve the User of liability for any violation, including a continuing violation. Issuance of a

compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(5) Issue a notice to show cause before City Council to any User alleged to have committed a significant violation, requiring the User to appear before City Council and show why his sewer use permit should not be revoked and civil penalties imposed.

(6) Issue such rules and regulations as may be necessary or appropriated to insure the proper administration of this Chapter.

(c) Any user who receives a notice of violation or administrative order shall have a right to an administrative conference with the enforcement officer by making a written request therefore with five (5) days or receipt of a notice of violation or an administrative order. The purpose of the administrative conference shall be to review the facts on which the notice of violation or administrative order is based and to review and amend same if necessary. Following the conference, the enforcement officer shall inform the alleged violator in writing of the results of the conference and may propose a compliance agreement to resolve the alleged violation.

(d) Following the administrative conference any user who is not satisfied with the decision of the enforcement officer shall have the right to request a hearing before City Council by making a written request therefore within ten (10) days from the date of notice of the results of the administrative conference is received.

#### **Sec. 19-52.1 Cease And Desist Orders**

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, 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:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **Sec. 19-53. Suspension of Permits**

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 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 and future occurrence, to the City prior to the date of any show of cause or termination hearing.

#### **Sec. 19-54. Revocation of Permit**

Any User who commits the following violations shall be subject to having its sewer use permit revoked:

- (1) Failure of the User to factually report the wastewater constituents and characteristics of its discharge;
- (2) Failure of the User to report significant changes in operations or wastewater constituents and characteristics;
- (3) Failure to notify the City of an effluent discharge violation or slug discharge resulting in damage to the sanitary sewer system, human health or a threat to human health;
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring for violations of any permit conditions;
- (5) Failure to comply with an order suspending a sewer use permit; or
- (6) Any other significant violation of the terms of this Chapter or significant non-compliance with the terms of the sewer use permit.

(Ord. of 8-17-93, § 1)

#### **Sec. 19-55. Severance of Sewer Connection or Water Service**

In the event that any User fails to comply voluntarily with any suspension order or continues to contribute wastewater to the City sewer system after the revocation of a sewer use permit, the City may take such steps as are necessary to prevent or minimize danger to the sewer system or to prevent danger to the public including, but not limited to, severance of the sewer connection and discontinuance of water service.

#### **Sec. 19-56. Legal Action by City**

If any person makes any discharge into the City sewer system contrary to the provisions of this Chapter, or violates any conditions of an Industrial Wastewater Discharge Permit, the City may petition in the courts of this state 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. 19-57. Civil and Criminal Penalties**

(a) Any person who knowingly and intentionally violates any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, upon conviction, shall be guilty of a misdemeanor and shall be fined at least one thousand dollars (\$1,000) or imprisoned not more than thirty (30) days or both. Each day that a violation continues to exist shall be considered a separate offense.

(b) Any person found by the hearing officer to have committed any significant non-compliance of this chapter or any permit, permit condition or final determination of City Council shall be subject to a civil penalty of at least one thousand dollars (\$1,000) a day for each violation and not to exceed two thousand dollars (\$2,000) per day that such violation continues in accordance with S.C.R.61-9.403.8(f)(1)(vi)(A). In addition, the hearing officer may require a person guilty of a significant violation reimburse the City for any attorney's fees, engineering fees, court costs or other expenses incurred by the City in connection with enforcement actions brought by the City as a result of such violations. The hearing officer may also require that the City be reimbursed for all damages resulting from such violation including damages to the sanitary sewer system as well as any fines or penalties assessed against the City by DHEC or other agencies of the State or Federal government. Civil penalties may be imposed only after a show cause hearing before a hearing officer designated by the City Council. All civil penalties assessed under this section shall be a debt payable to the City and shall constitute a lien against the property of the User. (Ord. of 8-17-93, §, 1)

(c) Facts or circumstances which tend to indicate criminal activity or action by any person may be reported to the proper local, State, and Federal law enforcement agencies for prosecution.

State law reference- Civil penalties for violations of permit conditions or regulations of public entities which operate wastewater plants, treatment facilities, etc. S.C. Code § 6-11-285.

**Sec. 19-58. Show Cause Hearings**

(a) The enforcement officer may issue a Rule to Show Cause to any person who violates this Ordinance or any permit, permit condition, or final order of City Council requiring the person to appear and show cause why enforcement actions authorized by this Chapter should not be imposed. A copy of the Rule to Show Cause shall be served on the alleged violator specifying the alleged violations and giving at least ten (10) days' notice of the time and place of the hearing.

(b) City Council or a hearing officer designated by the City shall conduct the hearing and the hearing shall be held as practicably as possible in accordance with the procedure prescribed by Regulation 61-72 of the S.C. Department of Health and Environmental Control.

(c) After reviewing the evidence, the hearing officer may, if a significant violation is found, suspend or revoke any sewer use permit previously granted, impose civil penalties, order

severance of the sewer connection and may order that water service to the violator be discontinued until the violation has been corrected to the satisfaction of the enforcement officer.

(d) All appeals from the decision of the hearing officer shall be heard by the Court of Common Pleas for Union County, South Carolina.  
(Ord. of 8-17-93, § 1; Ord. of 2-18-97)

**Sec. 19-59. Public Notification**

The City shall inform the public by publishing names in the largest daily newspaper of general circulation in the City on a yearly basis of any significant noncompliance by industrial users or any cases requiring the use of emergency authority.  
(Ord. of 8-17-93, § 1)

**Article VI – Standard Codes**

**Sec. 19-60. Reserved**

Editor’s note: Ord. of Feb. 22, 2005, § 12, repealed § 19-60, which pertained to adoption of the Standard Swimming Pool Code and derived from Ord. of Aug. 17, 1993, § 1; and Ord. of May 15, 2001, § 19.

**Sec. 19-61. International Plumbing Code – Adopted**

There is hereby adopted by the City that certain plumbing code, known as the International Plumbing Code most recent edition, Appendices D and F and Chapter 1 – Administration with the exception of Section 106.2, Section 109, published by the International Building Code Congress, Birmingham, Alabama, which edition is on file in the office of the building official of the City, except as amended hereafter.

(Ord. of 8-17-93, § 1; Ord. of 5-15-2001, § 18; Ord. of 2-22-2005, § 13)

State law references –Section 6-9-40 authorizes the South Carolina Building Code Council to adopt codes for South Carolina; § 6-9-10A requires municipalities to enforce the International Plumbing Code with the exception of Chapter 1 – Administration and Appendices.

**SECTION 2:**

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

ORDAINED AND ADOPTED in Council Meeting duly assembled this 16<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
Harold E. Thompson, Mayor

ATTEST:

  
\_\_\_\_\_

Gloria Rogers

Municipal Clerk

1<sup>st</sup> Reading: May 19, 2015

2<sup>nd</sup> Reading: June 16, 2015