



SEWER USE REGULATIONS TABLE OF CONTENTS

Section 1. Combination of waterworks, wastewater and electric light systems	2
Section 2. Fiscal Year	2
Section 3. Sewers and Sewage Disposal	2
Section 4. Definitions	2
Section 5. Permits for Construction, Wastewater Discharge and General Permits	9
5.1 Wastewater Analysis	10
5.2 Individual Wastewater Discharge Permit and General Permit Requirement.....	10
5.3 Individual Wastewater Discharge and General Permitting: Existing Connections	10
5.4 Individual Wastewater Discharge and General Permitting: New Connections.....	10
5.5 Individual Wastewater Discharge and General Permit Application Contents.....	11
5.6 Wastewater Discharge Permitting: General Permits	12
5.7 Application Signatories and Certifications	12
5.8 Individual Wastewater Discharge and General Permit Decisions	13
5.9 Individual Wastewater Discharge and General Permit Duration.....	13
5.10 Individual Wastewater Discharge Permit and General Permit Contents	13
5.11 Individual Wastewater Discharge Permit and General Permit Revocation.....	14
Section 6. Construction and Connections.....	15
Section 7. Reporting, Sampling and Monitoring Requirements.....	15
7.1 Reporting Requirements	15
7.2 Compliance Schedule Progress Reports.....	16
7.3 Discharge of Hazardous Wastes.....	19
7.4 Sampling and Monitoring Requirements.....	20
7.5 Records.....	21
7.6 Certification.....	21
7.7 Confidentiality	23
Section 8. Wastewater Monitoring and Pretreatment Facilities	23
8.1 General	23
8.2 Sampling and Monitoring Manholes (Control Structures)	23

8.3	Grease, Oil and Sand Interceptors.....	24
8.4	Equalization Facilities	25
8.5	Pretreatment Facilities	25
8.6	Operation and Maintenance of Interceptor, Equalization and Pretreatment Facilities.....	26
Section 9. Permissive and Required Use of Public Sewer System		26
Section 10. Wastewater Discharges – Prohibitions and Limitations		27
Section 11. Criteria for Incompatible Wastes.....		29
Section 12. Limitations on Compatible Wastes		29
Section 13. National Categorical Pretreatment Standards.....		30
Section 14. Accidental Discharges, Slug Control and By-Passes		32
Section 15. Sewer User Charges.....		34
15.1	Household rates	34
15.2	Industrial Base Rate	35
15.3	Industrial Waste Surcharge.....	35
Section 16. Administrative Procedures, Permits, Enforcement and Penalties.....		36
16.1	Powers, duties, and authority of inspectors	36
16.2	Compliance Monitoring	37
16.3	Penalties.....	38
16.4	Rules and regulations	38
16.5	Classes of permits; permit requirements.....	38
16.6	General Compliance Activities.....	40
16.7	Enforcement Activities.....	41
16.8	Enforcement Response Guide	44
16.9	Appeals.....	44
16.10	Hearing Board.....	45
Section 17. Severability		45
Section 18. Effective Date.....		45

Section 1. Combination of waterworks, wastewater and electric light systems

As the waterworks system and the electric light system are closely related within the meaning other provisions of section 6-21-40 of the South Carolina Code of 1976, the existing waterworks system, the existing wastewater system and the existing electric light system, together with all the improvements, extension and betterments thereto are hereby combined into one system to be known and designated at the Easley Combined Utilities of the City of Easley (ECU). (Code 1958, ch.9, S 1; 8-20-84.)

Section 2. Fiscal Year

The fiscal year of the Combined Utility System of the City is hereby fixed to begin on April of each year and to end on March 31 of the succeeding year. (Code 1958, ch.9, S 2; 8-20-84).

Section 3. Sewers and Sewage Disposal

This article is adopted by the Commission of the Combined Utility System of the City of Easley in compliance with the terms and provisions of public funds used in the construction and installation of the city sewer system, and is intended to assure beneficial service to users of such system, the prevention of abuse thereof and a manner of equitably distributing the costs of services among the users thereof, recognizing that the physical facilities of the sewer system, including the trunk sewers, pump stations and force mains, the treatment plant and other support appurtenances, are intended to transport, convey and treat sanitary wastewater and compatible industrial wastewater to produce a treated wastewater and byproduct sludge which may be released into the environment without adverse environmental impact.

The objectives of this article and the regulations included herein are as follows:

1. Elimination from the system of uncontaminated water, groundwater and storm water which do not require extensive treatment.
2. Elimination from the system of waste which will damage or cause excessive wear, rapid deterioration or excessive maintenance thereof, or which will endanger the safety of maintenance workers or the general public by its presence, or which cannot be economically treated and/or which will cause a malfunction or breakdown of the treatment process and result in the water effluent and byproduct sludge being an environmental hazard.
3. Assurance of a fair and equitable allocation of the cost among the users of the system, based upon voluntary contributions of wastewater or equal strength, and the imposition of a surcharge for loads of industrial or commercial wastewater which are higher in concentrations than sanitary wastewater.

Section 4. Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Act shall mean the Federal Water Pollution Control Act and subsequent amendments.

Approval authority. The South Carolina Department of Environmental Services (SCDES).

Authorized Representative of Industrial User, shall be defined as:

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

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in R61-9 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Biochemical Oxygen Demand (BOD) shall be defined as the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.

Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

Categorical Pretreatment Standard or Categorical Standards Any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (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.

Certified Laboratory shall be defined as those laboratories currently certified by SCDES to perform wastewater analyses.

Chemical Oxygen Demand (COD) shall be defined as the total quantity of oxygen required for the chemical oxidation of organic matter to carbon dioxide and water, expressed in mg/l, and based on testing methods approved by 40 CFR Part 136 or other equivalent methods approved by EPA.

Color shall be defined as the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or other acceptable methods approved by EPA.

Combined Sewer shall be defined as a sewer intended to receive both wastewater and storm surface water.

Commission. The commissioners of the Easley Combined Utilities of the City of Easley.

Compatible wastewater. Wastewaters with only those polluting constituents which are susceptible to adequate treatment in the treatment system works, without harm to the sewerage system. "Compatible constituents" has like meaning with reference to individual wastewater parameters.

Composite Sample shall be defined as a combination of discrete samples of wastewater taken proportional to the discharge flow rate over the compositing period or if approved by ECU a combination of discrete samples of wastewater taken at equal time intervals over the compositing period.

Connecting sewers. Public sewers connecting to the public sewer system.

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

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

ECU. Easley Combined Utilities.

Enforcement Response Guide shall be defined as a written instrument or policy which ECU shall use in implementing enforcement actions, fines, penalties, compliance schedules, etc. should violations of these Regulations occur.

Environmental Protection Agency, or EPA shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Equalization Basin shall be defined as structures specifically constructed to avoid slugging or surcharging the treatment works with respect to flow or sewage mass.

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

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

Grab Sample shall mean an individual sample collected over a period of time not exceeding fifteen minutes.

Headworks Analysis shall be defined as an evaluation of the ability of the treatment works (POTW) to receive pollutants and shall be performed in accordance with EPA and SCDES regulations, guidelines, etc.

Hearing board. The board appointed according to the provisions of sections 23-16(k).

Incompatible wastewater. Wastewater containing constituents or characteristics which render it unsuitable for transport or treatment in the sewerage system. “Incompatible constituents” or “incompatible characteristics” have like meanings with reference to individual wastewater parameters. Incompatible constituents and characteristics include water parameters. Incompatible constituents and characteristics include the elements listed in prohibitions and may include other elements so identified by the Manager and specified in the user’s Wastewater Discharge Permit.

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

Industrial wastes. The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sewage. Sanitary wastes are defined as wastewaters originating from domestic sources.

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

Inflow shall mean the surface water entering the wastewater disposal system from such sources as, but not limited to: roof drains; cellar, yard and area drains; foundation drains; drains from springs and swampy areas; manhole covers; cross connections from storm sewers; catch basins; storm waters; surface runoff; or drainage of any fashion.

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 sampling event.

Interference shall mean the inhibition or disruption of the treatment works processes or operations which contributes to a violation of any requirements of the POTW’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, or any criteria, guidelines, or regulation developed pursuant to the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the POTW.

Manager. The Manager of the Combined Utility System of Easley or his authorized agents or representatives.

Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Municipality. The City of Easley.

National Pollutant Discharge Elimination System Permit (NPDES Permit) shall mean a permit issued for the discharge of treated wastewater to the waters of the United States.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New Source shall mean:

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

Person. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POTW Publicly Owned Treatment Works.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

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

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

Public Sewer. A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

R61-9 – refer to SCDES regulation for water pollution control permitting in South Carolina

Refractory. In reference to chemical wastewater constituents, resistant to treatment or difficult to degrade by biochemical processes.

Sanitary sewer. A sewer which carries wastewater and to which storm, surface and groundwaters are not intentionally admitted.

Scavenger wastes. Contents of privies, septic tanks and cesspools, industrial wastes, chemical compounds and sludges which are hauled by truck or other mobile conveyance.

Sewer. A pipe or conduit for carrying wastewater.

Sewerage system. All facilities for collecting, pumping, treating and disposing of wastewater.

Shall is mandatory; **May** is permissive.

Shredded Garbage shall mean the waste from the preparation of cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 3/8 inches in any dimension.

Significant Industrial User (SIU). Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (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 ECU on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. ECU 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 ECU's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in R61-9 403.12(q)], together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.
4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, ECU may at any time, on its own initiative or in response to a petition received from an

Industrial User, and in accordance with procedures in R61-9 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance shall mean a violation meets one or more of the following criteria:

1. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by R61-9 403.3(h);
2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by R61-9 403.3(h) 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 Pretreatment Standard or Requirement as defined by R61-9 403.3(h) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that ECU determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of ECU 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 ECU'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 individual wastewater discharge permit, or general permit, 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 ECU determines will adversely affect the operation or implementation of its local Pretreatment program.

Slug Discharge shall be defined as:

1. Any discharge of wastewater which in flow, measured in gallons per minute, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour flow in gallons per minute occurring during normal operations; or
2. Any discharge of wastewater which in concentration measured in mg/l for any duration of time exceeds by more than five times the average 24-hour concentration measured in mg/l; or
3. Any discharge of wastewater from an accidental spill or non-customary batch dump which causes harm or damage to the treatment works; or
4. Any discharge of wastewater regardless of flow and concentration which causes a violation of prohibited discharge standards as hereinafter defined in these Regulations.

Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Storm drain. (sometimes called “storm sewer”). A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

Surcharge. A monetary charge for treatment of industrial waste loads at concentrations higher than normal for sanitary wastewater. The term “hydraulic surcharge of sewers”, meaning overloading, is not used in this article.

Suspended solids. Solids that either float on the surface of or are in suspension in water, wastewater or other liquid, and which are removable by laboratory filtering.

System. The sewerage system of the Combined Utility System.

Total Solids shall mean the sum of suspended matter, settleable matter and dissolved matter, both volatile and non-volatile and as further defined in Standard Methods.

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

User. Any person using the services of the Combined Utility System for conveyance or treatment of wastewater.

Wastewater. Any waterborne material, suspension slurry or solution of any materials; water which serve the purpose of carrying away unwanted materials from the source.

Wastewater treatment plant. Any arrangement of devices and structures used for treating wastewater.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Section 5. Permits for Construction, Wastewater Discharge and General Permits

Three classes of permits shall be used by ECU. Wastewater construction permits, Wastewater Discharge Permits and General Discharge Permits. ECU may charge a reasonable application and inspection fee for processing permits. Requirements for obtaining and issuing permits are described herein.

Wastewater Construction Permits

1. Every household or person within or without the Municipality generating any sanitary wastewaters, wishing to connect to ECU collector system, shall obtain a wastewater construction permit from ECU before proceeding. Every person generating industrial wastewaters shall obtain a wastewater construction permit and service permit from ECU. Any person discharging only sanitary wastewaters to a public sewer does not need to obtain a Wastewater Discharge Permit.
2. Every person desiring to connect directly to the sewers of ECU shall first obtain a wastewater construction permit for such construction. Wastewater construction permits for industrial and commercial operations within or without the incorporated municipality are subject to the review and approval by the Manager.

3. Applications for wastewater construction permits shall be prepared and submitted to the Manager on forms provided by ECU and shall be accompanied by reports, plans, specifications and other documents necessary to describe the proposed installation and assure its compliance to the relevant terms of this article. The minimum requirement for application shall be the supply of relevant information requested on the application forms, or the indication that relevant information is not applicable.
4. Persons needing guidance in making application may consult the Manager prior to filing. Professional engineers, contractors, or other competent individuals may file on behalf of users. Wastewater construction permits for persons properly discharging industrial wastewater, may at the Manager's discretion, be issued before, after or concurrent with the Wastewater Discharge Permit.

Individual Wastewater Discharge Permits and General Permits – Application for Service

All significant and non-significant industrial users desiring to discharge industrial or commercial wastewaters, or scavenger wastes, into the system shall obtain a Wastewater Discharge Permit before discharge of any wastewater thereto. No users may discharge industrial wastewaters to the sewer greater in volume or significantly different than specified in existing permits.

5.1 Wastewater Analysis

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

5.2 Individual Wastewater Discharge Permit and General Permit Requirement

1. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from ECU, except that a Significant Industrial User that has filed a timely application may continue to discharge for the time period specified therein.
2. ECU may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this regulation.
3. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this regulation and subjects the wastewater discharge permittee to the sanctions set out in Sections 16 of this regulation. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

5.3 Individual Wastewater Discharge and General Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this regulation and who wishes to continue such discharges in the future, shall, within 45 days after said date, apply to ECU for an individual wastewater discharge permit or a general permit and shall not cause or allow discharges to the POTW to continue after 120 days of the effective date of this regulation except in accordance with an individual wastewater discharge permit or a general permit issued by ECU.

5.4 Individual Wastewater Discharge and General Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of

such discharge. An application for this individual wastewater discharge permit or general permit must be filed at least 45 days prior to the date upon which any discharge will begin or recommence.

5.5 Individual Wastewater Discharge and General Permit Application Contents

1. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit. ECU may require Users to submit all or some of the following information as part of a permit application:
 - a. Identifying Information.
 - i. The name and address of the facility, including the name of the operator and owner.
 - ii. Contact information, description of activities, facilities, and plant production processes on the premises;
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - c. Description of Operations.
 - i. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - ii. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - iii. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - iv. Type and amount of raw materials processed (average and maximum per day);
 - v. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - d. Time and duration of discharges;
 - e. The location for monitoring all wastes covered by the permit;
 - f. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula (see R61-9 403.6(f)).
 - g. Measurement of Pollutants.
 - i. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the Superintendent], of regulated pollutants in the discharge from each regulated process.
 - iii. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in R61-9 403.12 (g). Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by ECU or the applicable Standards to determine compliance with the Standard.

- v. Sampling must be performed in accordance with procedures set out in R61-9 403.12 (g)(3)&(4).
 - h. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on R61-9 403.12(e)(2).
 - i. Any request to be covered by a general permit.
 - j. Any other information as may be deemed necessary by the General Manager or Superintendent to evaluate the permit application.
2. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

5.6 Wastewater Discharge Permitting: General Permits

The option for ECU to issue general permits in lieu of individual permits is available only if authorized under State law. In such cases, State law may include additional general permit requirements. See R61-9 403.8(f)(1)(iii)(A)]

1. At the discretion of ECU, ECU may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of wastes;
 - c. Require the same effluent limitations;
 - d. Require the same or similar monitoring; and
 - e. In the opinion of ECU, are more appropriately controlled under a general permit than under individual wastewater discharge permits.
2. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with R61-9 403.12(e)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after ECU has provided written notice to the SIU that such a waiver request has been granted.
3. ECU will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. Note: See R61-9 403.8(f)(1)(iii)(A)(1) through (5).
4. ECU may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula. [Note: See R61-9 403.6(f) and R61-9 403.15]

5.7 Application Signatories and Certifications

1. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the required certification statement.
2. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for

environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to [the Superintendent] prior to or together with any reports to be signed by an Authorized Representative.

3. A facility determined to be a Non-Significant Categorical Industrial User by ECU must annually submit the signed certification statement. [Note: See R61-9 403.3(o)(2)]

5.8 Individual Wastewater Discharge and General Permit Decisions

ECU will evaluate the data furnished by the User and may require additional information. Within 30 days of receipt of a complete permit application, ECU will determine whether to issue an individual wastewater discharge permit or a general permit. ECU may deny any application for an individual wastewater discharge permit or a general permit.

5.9 Individual Wastewater Discharge and General Permit Duration

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of ECU. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

5.10 Individual Wastewater Discharge Permit and General Permit Contents

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

1. Individual wastewater discharge permits and general permits must contain:
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to ECU and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with CFR 40 403.12 (e)(2).
 - f. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - g. Requirements to control Slug Discharge, if determined by ECU to be necessary.
 - h. Any grant of the monitoring waiver by ECU must be included as a condition in the User's permit

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

5.11 Individual Wastewater Discharge Permit and General Permit Revocation

ECU may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify ECU of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to ECU of changed conditions.
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow ECU timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this sewer use regulation.

Section 6. Construction and Connections.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance.
2. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner.
3. Unless otherwise authorized by appropriate authority, a separate and independent building sewer shall be provided for every building; except, that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
4. Old building sewers may be used in connection with new buildings only when they are found upon examination and tested by ECU to meet all requirements of this article.
5. The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling, the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Municipality and ECU. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM* and WPCF** Manual of Practice No.9 shall apply.

* American Society of Testing Materials

** Water Pollution Control Federation

6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In any building in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
7. No person shall make connection of roof downspouts, exterior foundation drains, areaway Drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.
8. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City and the Commission. All such connections shall be made watertight. Any deviation from the prescribed procedures and materials must be approved by the Manager or Building Inspector.
9. The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or the Building Inspector or his representatives.
10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard; streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality and the County.
11. In no case may any sanitary sewer, under any circumstance be connected into a storm sewer.

Section 7. Reporting, Sampling and Monitoring Requirements

7.1 Reporting Requirements

Baseline Monitoring Reports

1. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under R61-9 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to ECU 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 ECU a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below.
 - a. All information required in R61-9 403.12(b)(1)-(7)
 - b. Measurement of pollutants.
 - i. The User shall provide the information required in R61-9 403.12(b)(1)-(7).
 - ii. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - iii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in R61-9 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with R61-9 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - iv. Sampling and analysis shall be performed in accordance with R61-9 403.12(g).
 - v. ECU may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - vi. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
 - c. Compliance Certification. A statement, reviewed by the User's Authorized Representative 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.
 - d. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in this regulation.

Signature and Report Certification. All baseline monitoring reports must be certified in accordance with this regulation and signed by an Authorized Representative.

7.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by this regulation:

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

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 ECU a report containing the required information. For users subject to equivalent mass or concentration limits, 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. All sampling will be done in conformance with R61-9 403.12(g)(3)&(4).

Periodic Compliance (Self Monitoring) Reports

1. Self-monitoring reports shall be submitted to ECU by each Industrial User issued a Permit. Such reports shall provide the results of required sampling and monitoring activities by the user during the reporting period. All reports shall be accompanied with "chain-of-custody" forms used during the sampling event. Self-monitoring reports shall be signed and certified by an Authorized Representative of the Industrial User as defined in Section 4. of these Regulations. Frequency of self-monitoring report submitted shall be as specified in the user's permit, but in no event shall it be less frequent than on a quarterly basis. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by ECU or the Pretreatment Standard necessary to determine the compliance status of the User.
2. Self-monitoring report form shall indicate the following information at a minimum:
 - a. Industrial User's name and permit number;
 - b. Parameters /pollutants to be monitored;
 - c. Permitted and measured effluent limits /loadings;
 - d. Permitted and measured average and maximum daily flows;
 - e. Daily flow meter readings.
3. ECU may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water

and without any increase in the pollutant due to activities of the Industrial User. [see R61-9 403.12(e)(2)] This authorization is subject to the following conditions:

- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
 - c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - d. The request for a monitoring waiver must be signed and include the certification statement.
 - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - f. Any grant of the monitoring waiver by the General Manager or Superintendent 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 ECU for 3 years after expiration of the waiver.
 - g. Upon approval of the monitoring waiver and revision of the User's permit by ECU, the Industrial User must certify on each report with the required certification statement that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
 - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of these Regulations, or other more frequent monitoring requirements imposed by ECU, and notify ECU.
 - i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
4. All periodic compliance reports must be signed and certified.
 5. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
 6. If an Industrial Users subject to these reporting requirements monitors any pollutants at the sampling location designated in his Wastewater Discharge Permit more frequently than required by the permit, the results of this monitoring shall be included in the monthly monitoring report.
 7. Industrial Users not meeting the definition and requirements of a Significant Industrial User and specifically designated by ECU shall submit to ECU at least once each year (on date specified by ECU) a description of the nature, concentration, and flow of pollutants existing in his discharge. Pollutants to be monitored shall be as required by ECU. Sampling and monitoring procedures shall be as required in these Regulations.

Reports of Changed Conditions

Each User must notify ECU of any changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 15 days before the change.

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

Notice of Violation/Repeat Sampling and Reporting

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

Reports of Potential Problems

1. All Industrial Users shall immediately telephone and notify ECU of discharges that could be considered as an accidental spill, a slug load, a toxic or hazardous discharge or a discharge which might detrimentally affect the operation or maintenance of ECU's treatment work. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
2. 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.
3. Significant Industrial Users are required to notify ECU immediately of any changes at its facility affecting the potential for a Slug Discharge.
4. ECU may establish mass limitations on any Industrial User which ECU deems appropriate.

7.3 Discharge of Hazardous Wastes

1. The Industrial User shall notify ECU, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms (220.46 lb) of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User. An identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentrations of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this regulation. Industrial users who commence discharging after the effective date of this regulation shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However,

notifications of changed discharges must be submitted under R61-9 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of R61-9 403.12(b), (d), and (e).

2. Discharges are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen kilograms (33.07 lb) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d), and 261.33(e). Discharge of more than fifteen kilograms (33.07 lb.) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify ECU, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
4. In the case of any notification made under this paragraph, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

7.4 Sampling and Monitoring Requirements

1. 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.
2. Unless otherwise approved by ECU, all Significant Industrial Users shall sample/monitor their discharge a minimum of once each month for the determination of amounts of pollutants being discharged to ECU's treatment works.
3. Wastewater flows shall be continuously monitored, recorded, and totaled on a daily basis.
4. All sampling/monitoring activities shall take place at the control structure approved by ECU unless otherwise required by National Categorical Pretreatment Standards.
5. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the [Superintendent] or other parties approved by EPA.
6. Except as indicated in Section G and H below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by ECU. Where time-proportional composite sampling or grab sampling is authorized by ECU, 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 ECU, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

7. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
8. For sampling required in support of baseline monitoring and 90-day compliance reports required in R61-9 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, ECU may authorize a lower minimum. For the reports required R61-9 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
9. Should accidental discharges, slug loads, and/or by-pass occur at the Industrial User's facility, the User shall immediately, after notification to ECU, initiate sampling activities of his permit parameters and any hazardous or toxic substance which might have been discharged or is being discharged. Sampling shall continue until the accidental discharge ceases. Reporting of such results shall be in accordance with these Regulations. Results of such sampling may be used by ECU in the determining of surcharges, penalties, etc.
10. ECU shall, at least once each year, sample and monitor the Industrial User's discharge to ensure compliance with these Regulations and National Categorical Pretreatment Standards. The results of such sampling and monitoring activity shall be made available to the Industrial User. Compliance monitoring and sampling by ECU does not relieve the Industrial User of his requirement to sample and monitor his wastewater discharge, unless otherwise approved by ECU.

7.5 Records

Users subject to the reporting requirements of these Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under R61-9 403.5(c)(4). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or ECU, or where the User has been specifically notified of a longer retention period by ECU.

7.6 Certification

1. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications; Users submitting baseline monitoring reports under R61-9 403.12 (l); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Note: See R61-9 403.12(d); Users submitting periodic compliance reports required Note: See R61-9 403.12(e) and (h), and Users submitting an initial request to forego sampling of a pollutant. The following certification statement must be signed by an Authorized Representative.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

2. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by ECU pursuant to R61-9 403.3(v)(2) must annually submit the following certification statement signed in accordance with the signatory requirements. See R61-9 403.120(l). This certification must accompany an alternative report required by ECU:

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

(a) The facility described as _____

[facility name] met the definition of a Non-Significant Categorical Industrial User as described in R61-9 403.3(o)(2).

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

3. Certification of Pollutants Not Present

Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [Note: See R61-9 403.12(e)(2)(v)]

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

7.7 Confidentiality

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

Section 8. Wastewater Monitoring and Pretreatment Facilities

8.1 General

1. Persons desiring to discharge to the public sewer industrial wastewaters which, in the opinion of ECU, are incompatible with the system shall construct and operate pretreatment facilities to bring the wastewater to a condition and quality which is compatible with the sewerage system prior to discharge the sewer. Facilities such as grease and oil interceptors, grit traps and flow equalization basins and controls shall be considered pretreatment facilities, as well as other facilities designated to eliminate incompatible characteristics and/or reduce wastewater loads of compatible characteristics.
2. All Industrial Users considered by ECU to be Significant Industrial Users requiring pretreatment of their wastewater shall obtain approval of all facilities from ECU, obtain a wastewater construction permit from the SCES prior to construction of pretreatment facilities, shall construct such facilities at his expense and shall operate and maintain such facilities at his expense to meet conditions of his Wastewater Discharge Permit. (8-20-84).

8.2 Sampling and Monitoring Manholes (Control Structures)

1. All Industrial Users having a Wastewater Discharge Permit issued by ECU shall construct, operate, and maintain a suitable control structure for the purpose of flow measurement and sampling by ECU and for self-monitoring by the Industrial User. Unless otherwise required, all sampling and flow measurement activities by the Industrial User shall take place at the control structure.
2. The design and installation of the control structure shall be such to ensure its successful use in sampling and measuring the wastewater discharge from the Industrial User. Measuring or flow monitoring equipment shall be capable of continuously recording the wastewater flow as well as totalizing such flow with the use of an eight (8) digit non-resettable totalizer. The flow monitoring equipment shall also provide a suitable connection for the use of a flow proportional sampler.
3. The flow measuring and recording equipment shall be capable of measuring the full range of flow rate from the Industrial User.
4. The control structure shall be located in the Industrial User sewer line just prior to the entrance to the public sewer. Generally, this would be near the property line or right-of-way for the public sewer.

5. Access to the control structure shall be provided to ECU 24 hours a day. Vehicular access, parking area adjacent to the control structure, etc. shall be provided by the Owner for use by ECU at all times. Such vehicular access shall be maintained at the Owner's expense.
6. Exterior lighting, power supply, security fencing, shall be required at the control structure.
7. Plans, specifications, design calculations, etc. of the control structure shall be provided by the Industrial User to ECU for review and approval prior to the installation of such facilities. ECU shall inspect and approve all such control structures prior to use.
8. Existing Industrial Users having an ECU Wastewater Discharge Permit who have not received written approval of existing control structures shall submit all information required above to ECU for review/approval. Should improvements be required at the control structure to meet the requirements of these Regulations, the user shall perform such at this expense and under compliance schedule with ECU.
9. All costs associated with the design, construction, operation and maintenance of the control structure shall be borne by the Industrial User.
10. Upon enactment of these Regulations, ECU shall inspect all existing control structures to ensure compliance with these Regulations. Those existing Industrial Users whose control structures are deemed not in full compliance with these Regulations shall take steps necessary to ensure full compliance within 180 days from date of notification by ECU. Such schedule of improvements shall be performed under a compliance schedule set forth in an Administrative Order issued by ECU.

8.3 Grease, Oil and Sand Interceptors

1. Grease, oil, and sand interceptors shall be provided when, in the opinion of ECU they are necessary for the proper handling of liquid wastes containing grease and/or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units. Such interceptors shall be readily accessible for cleaning by the User and inspection by ECU and shall be maintained by the User at their expense and in continuously efficient operation at all times.
2. All such interceptors shall conform to the requirements of the "Standard Plumbing Codes" as issued by the Southern Building Code Congress International, Inc., its latest edition/revision and all other applicable codes or requirements. The interceptor(s) shall also conform to the requirements set forth in ECU's Grease Management Program.
3. Interceptors shall be installed so that sanitary waste bypasses the interceptor allowing only grease, oil, or sand laden wastestreams to enter the interceptor.
4. Each commercial restaurant/food preparer must have their own dedicated interceptor. Even if food preparers are on the same property, each facility is required to install and maintain individual interceptors, unless approved by ECU.
5. The size/capacity of the interceptor will vary depending on the capacity and use of the facility in question. In-ground interceptors, under sink interceptors, and hydro mechanical interceptors are all approved for use, depending on the facility being served. Above ground bins shall be provided for all applications
6. Any person required by ECU to install a grease, oil, and sand interceptor shall submit plans and specifications on the interceptor installation. Such plans and specifications must include at a minimum the following:
 - a. Sizing requirements for the interceptor;
 - b. Site plan showing the location of the interceptor in relations to existing or proposed structures, utilities, parking areas, etc;
 - c. Detail of the interceptor;

- d. Setting details of the interceptor with appropriate elevations;
 - e. Other information deemed appropriate by ECU.
5. ECU shall inspect the interceptor during its installation as well as prior to start-up. Any defects or code violations shall be immediately corrected and the installation re-inspected by ECU.
 6. The Industrial/Commercial User shall maintain records of maintenance activities to include cleaning of the interceptors. Such records shall be readily available for review by ECU. Should, in the opinion of ECU, additional maintenance be required, the Industrial/Commercial User shall perform such maintenance immediately. Failure to perform such maintenance within 30 days of notification by ECU will be considered a violation of these Regulations and service will be terminated until the required maintenance is accomplished. The User will reimburse ECU for all costs associated with termination and resumption of service.
 7. Existing Industrial/Commercial Users shall fully comply with the requirements of these Regulations within 180 days from date of notification by ECU.
 8. ECU Grease management Program and all revisions are incorporated and made a part of these Sewer Use Regulations.

8.4 Equalization Facilities

1. Whenever the total volume of wastes to be discharged by any Industrial User in any one day exceeds the limits set forth in these Regulations or Wastewater Discharge Permits issued by ECU, or where such wastes have considerable variation in flow rate or pollutorial value, such Industrial User shall be required, when in the opinion of ECU it is considered necessary, to construct holding or storage tanks in order to equalize the discharge of wastes over a twenty-four hour period for a seven day period. Such tanks shall be so equipped to prohibit odor and to thoroughly mix the waste so that its quality shall be uniform when discharged to the sewerage system.
2. Equalization facilities shall include a flow measurement device. Such flow measurement devices shall include totalizing and recording of flow discharged and indication of flow rate at any given time. A connection shall also be supplied for the use of a flow proportional sampler. Such metering device shall be housed in a weather proof enclosure.
3. Engineering Report, plans, specifications, etc. of the equalization facilities shall be prepared by a registered professional engineer in the State of South Carolina for submittal, review, and approval by ECU, and SCDES.
4. The Industrial User shall be solely responsible for the design, construction, operation, and maintenance of the equalization facilities. The Industrial User shall also be responsible for any fees charged by ECU to review and approve the design and construction of the facilities.

8.5 Pretreatment Facilities

1. In general, unless otherwise approved by ECU, pretreatment facilities shall be provided by an Industrial User whose wastewater discharge characteristics exceed the following limits:

Biochemical Oxygen Demand (BOD)	250 mg/l
Chemical Oxygen Demand (COD)	500 mg/l
Total Suspended Solids (TSS)	250 mg/l
Total Kjeldahl Nitrogen (TKN)	100 mg/l
Oil & Grease (Petroleum Based)	30 mg/l
Oil & Grease (animal or vegetable origin)	50 mg/l
pH (less than)	6.0 S.U.
pH (more than)	10.5 S.U.

Heavy Metals	(1)
Hazardous Compounds	(1)
All other unlisted Compounds	(1)
1) Limits set by ECU based on Headworks Calculations	

2. Pretreatment facilities shall also be provided by those users where discharges are regulated by Federal Categorical Pretreatment Standards or more restricted local limits.
3. Each Industrial User required to install pretreatment facilities shall obtain the necessary construction and Wastewater Discharge Permits from ECU and shall abide by all applicable requirements of the Regulations.
4. ECU will not be responsible for the design or treatment capability of any pretreatment facilities or for any costs associated with the design, construction, operation and/or maintenance of any pretreatment facility. The Industrial User shall bear all responsible requirements of ECU Wastewater Discharge Permit.

8.6 Operation and Maintenance of Interceptor, Equalization and Pretreatment Facilities

1. Those Industrial/Commercial Users having interceptors, equalization and/or pretreatment facilities shall be solely responsible for the safe and efficient operation and maintenance of such facility(ies) and shall be responsible for meeting all requirements of their ECU Wastewater Discharge Permits.
2. The Industrial/Commercial User shall employ the services of a “certified operator” should such be required by the SCDES. A copy of the operator’s certification/license shall be forwarded to ECU and acknowledged by ECU prior to start-up of the Industrial User’s facilities.
3. Those Industrial/Commercial Users operating and maintaining equalization and/or pretreatment facilities must have readily available an operation and maintenance manual for the particular equalization and/or pretreatment facilities.
4. Operation and maintenance records must be kept by each Industrial User of each day’s operation. Such records shall include at a minimum the following: 1) Daily volume of wastewater discharged to ECU’s treatment works; 2) Description of daily operation and maintenance activities; 3) Laboratory or field testing performed and results recorded, if available; 4) Activities which are considered violations of the Industrial User’s Wastewater Discharge Permit or any provision of these Regulations; 5) Notification of violations (record date, time and individual notified); 6) types and amounts of chemicals used in the treatment process; and 7) other information deemed appropriate to describe the events of a particular day. Each day’s operation and maintenance records must be signed by the individual responsible for the facilities operation.
5. All records must be kept on-site in suitable and orderly facilities and must be readily available for inspection by ECU.
6. Should, in the opinion of ECU, State, or Federal officials that additional effort should be required in the operation and maintenance of any such facilities to insure compliance with ECU Wastewater Discharge Permit, the Industrial User shall immediately perform such at his expense.

Section 9. Permissive and Required Use of Public Sewer System

1. Persons within or outside the Municipality are subject to regulations of ECU, the SCDES, and the US EPA for proper handling of wastes and wastewaters accepted into the public sewers.
2. Such persons may apply to ECU for discharge of sanitary and compatible wastewaters into the sewerage system, by procedures outlined in Section 16.

3. Where sewers are reasonably accessible to adjacent homes, industries, businesses or other wastewater generators, connection to the public sewer system will be required in order to prevent unsanitary or public health hazards. Reasonable accessibility shall include all buildings within three hundred feet of a sewer collection line.
4. Property owners found to be reasonably accessible to the public sewer system will be properly notified in writing. They shall be required to connect to the public sewer system within a ninety day period.
5. Where the public sewer system is accessible, privies, cesspools, and septic tanks are prohibited.

Section 10. Wastewater Discharges – Prohibitions and Limitations

1. General Prohibitions.

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

2. Types generally prohibited.

No User shall discharge or cause to be discharged any incompatible wastewaters or wastes to any public sewers, including the following:

a. Specific Prohibitions

- i. Pollutants including liquids and vapors which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with closed cup flashpoint of less than 140 degrees Fahrenheit using the test methods specified in 40 CFR 261.21.
- ii. Any water or wastes having a pH lower than 6.0 standard units nor greater than 10.5 standard units, unless otherwise stated in the Industrial Wastewater Permit, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- iii. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- iv. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- v. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- vi. Petroleum oil, non-bio-degradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through of the wastewater treatment plant.
- vii. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create a public nuisance, or cause NPDES permit violations.

- viii. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed public safety limits or cause the plant effluent or sludge to exceed any applicable state or federal regulations.
 - ix. Waters or wastes containing substances which are not amenable to adequate treatment or removal by the waste treatment processes employed or may cause violation of NPDES permit parameters.
 - x. Heavy metals, inorganic and organic chemicals, in mass or concentration, that exceed established headworks limits, that adversely effect the operation of the treatment plant, that limit or prohibit the disposal of sludge from the treatment plant, or that cause NPDES permit violations. ECU may issue lists of prohibited metals and toxic chemicals and guidelines and criteria for limiting their acceptance as required for operation of the wastewater treatment system.
 - xi. Any materials which exert or cause:
 - 1. Unusual oxygen demand or chlorine demand in such amounts as to constitute a significant load or an operating problem.
 - 2. Excessive discoloration of treatment plant effluent.
 - 3. Unusual odors in the treatment plant effluent or unusual odors in the sewerage system.
 - 4. Toxicity to the nitrification process of the treatment plant.
 - xii. Substances which may cause the treatment plant's effluent or any other products of the treatment plant such as residues, sludges, or scums, to be unsuitable for disposal, reclamation or reuse. In no case shall a discharged substance cause the treatment plant to be in non-compliance or regulations developed under Section 405 of the Act; any criteria guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used;
 - xiii. Any water or wastes which causes the failure of NPDES permit required toxicity tests at the treatment works;
- b. Conditional Prohibitions
- i. Contaminated ground water from clean-up sites. (However, depending on the type and nature of the contamination and pending approval of ECU Manager and the SCDES, in some cases ECU will allow contaminated groundwater to be discharged to the system under the supervision of an inspector of ECU.)
 - ii. Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
 - iii. Any trucked or hauled pollutants, except at discharge points designated by ECU.
 - iv. Any waste or water containing fats, wax, grease, or oil in excess of 50 mg/l, as determined by results of the Freon extractable test and/or auxiliary tests, to exclude from the measurement values which do not represent fats, wax, grease, and oil.
 - v. Any garbage other than ground residential garbage.
 - vi. Any water or waste which can be defined as a slug discharge by these Regulations;
 - vii. Water or wastes containing substances which create excessive foaming in the treatment works;
 - viii. Any sludges, screenings, or other residue from the pretreatment of industrial wastes;

- ix. Any other such water or wastes which ECU deems harmful to its treatment works, personnel, the public and/or the waters of the United States;
- x. Any substances that cause violations of air quality standards, air permit requirements, or nuisance odors.

Section 11. Criteria for Incompatible Wastes

No person shall discharge or cause to be discharged prohibited substances, materials, waters or wastes if it appears likely, in the opinion of ECU, that such wastes can harm the sewers or wastewater treatment process or equipment, have an adverse effect on the receiving stream, endanger life, limb, public property; cause a violation of the NPDES permit or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, ECU will give consideration to such factors as quantities and concentrations of subject wastes, materials, nature of the wastewater treatment process, capacity of the wastewater treatment plant to treat the substance, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances generally prohibited are as described in Section 10. Additional substances can be prohibited by ECU if considered by ECU to be necessary for proper plant operation and maintenance.

Section 12. Limitations on Compatible Wastes

1. No person may discharge large quantities of compatible wastewaters to public sewers which, by reason of volume, flow rate, concentrations or total loads of compatible constituents, are in excess of the capacity of a part of the sewerage system or are inconsistent with the most beneficial use of the system in the opinion of the Manager. In consideration of these factors, the Manager will limit the following:
 - a. Volume and flow rate from any individual source to the capacity of sewers, pump stations and force mains and the treatment system, less the capacity committed to serve the general public and other users and the reserve capacity to serve anticipated needs of the general public until the time of a planned expansion of the facilities.
 - b. Loads of compatible pollutants, such as BOD, suspended solids, nitrogen and phosphorus from any individual source to the capacity of the treatment facilities, less the capacity committed to serve the general public and other users and reserve capacity to serve the anticipated needs of the general public until the time of a planned expansion of the treatment facilities.
2. ECU may require flow equalization or pretreatment for load reduction as a condition of a Wastewater Discharge Permit, or he may decline to receive high loads or highly concentrated wastewaters into the system if, in his opinion, this would not be the most beneficial use of the system, by reason of the cost of services, technical considerations relating to operation and maintenance of the system or conflicting alternatives for the provision of services.
3. ECU has the emergency authority to halt or prevent the discharge of any user for noncompliance to protect the system's collection and treatment system.
4. ECU shall inform the public on a yearly basis of any significant noncompliance by a nondomestic discharger, or any instances requiring the use of emergency authority.
5. ECU is authorized to establish Local Limits pursuant to R61-9 403.5(c). Where specific local limitations are developed, such limitations shall be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.
6. ECU may develop Best Management Practices (BMPs), through these Sewer Use Regulations or in individual wastewater discharge permits to implement Local Limits and the requirements of R61-9 403 Regulations.

7. Upon development of a specific local limitation(s), all existing users subject to such limitation(s) shall achieve full compliance of such within one (1) year of the development of the limitation(s) unless a shorter time is specified in the limitation. All new users shall comply with specific local limitations within ninety (90) days of initiating a discharge.
8. Specific local limitations shall not be developed and enforced without individual notice to persons or groups who have requested such notice in writing and have been given an opportunity to respond.
9. Specific local limits and compliance schedules shall be developed by ECU and included in the user's discharge permit.

Section 13. National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. ECU shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, ECU may impose equivalent concentration or mass limits in accordance with Section R61-9 403.6(c).
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, ECU may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, ECU may impose an alternate limit in accordance with R61-9 403.6(e).
4. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See R61-9 403.15]
 - a. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to ECU. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - b. Criteria.
 - i. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - ii. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - iii. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional

monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

- iv. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. ECU may waive this requirement if it finds that no environmental degradation will result.
- c. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that ECU convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of ECU. ECU may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

To be eligible for equivalent mass limits, the Industrial User must:

- i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- iii. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- v. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

An Industrial User subject to equivalent mass limits must:

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

When developing equivalent mass limits, ECU:

- i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum

- and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- ii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - iii. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance with these Regulations regarding the prohibition of bypass.
- d. ECU 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 ECU.
 - e. 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. [Note: See R61-9 403.6(c)(7)]
 - f. 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. [Note: See R61-9 403.6(c)(8)]
 - g. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify ECU 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 ECU 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. [Note: See R61-9 403.6(c)(9)]
 - h. SCDES requirements and limitations, as well as local limitations on discharges, shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
 - i. No Industrial User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant – specific limitation developed by the state or a local limitation.

Section 14. Accidental Discharges, Slug Control and By-Passes

- 1. ECU may require an Industrial User to develop and implement an accidental discharge slug control and bypass plan.

Accidental discharge slug control and bypass plans shall include at a minimum:

- a. Description of discharge practices, including non-routine batch discharges.
- b. Description of stored chemicals.
- c. Procedures for immediately notifying ECU of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.

- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
2. ECU shall, at least once every two (2) years, evaluate the need of each Significant Industrial User to develop or modify an accidental discharge and slug control plan.
3. Should, in the opinion of ECU, SCDES or EPA, the Industrial User be required to provide facilities to ensure protection from accidental discharge of prohibited materials or other substances regulated by these Regulations, the Industrial User shall do such at his own expense. Installation of such facilities shall be accomplished based on an approved compliance schedule.
4. Detailed plans, specifications, proposed operating procedures, etc. for accidental discharge or slug discharge prevention facilities shall be submitted to ECU and SCDES for review and approval, prior to the commencing of construction.
5. New Industrial Users, who must comply with the provisions of this Section, shall not commence discharge of wastewater until such facilities are approved by ECU and SCDES.
6. Review and approval of plans, specifications, operating procedures, etc. shall not relieve the Industrial User of the responsibility to modify the facility as necessary to ensure conformance of these Regulations.
7. In the case of an accidental discharge slug load or bypass, it shall be the responsibility of the Industrial User to immediately and verbally notify ECU of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions taken and those proposed to be taken, if known.
8. Within five days following an accidental discharge or slug, the Industrial User shall submit a detailed written report to ECU of the incident. The report shall describe the cause of the discharge and the measures to be taken to prevent future occurrences.
9. No Industrial User may allow bypass of any portion of a required pretreatment facility unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury, ore severe property damage. "Severe property damage" is defined as substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - 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 back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - c. The Industrial User submitted notices as required under this section.
10. ECU may approve an anticipated bypass, after considering its adverse effects, if ECU determines that it will meet the conditions listed in paragraph (i) above. ECU may, if it deems necessary, place as a condition of any bypass allowance the concurrence of SCDES and EPA officials.
11. An Industrial User may allow any bypass to occur which does not cause a violation of its ECU Wastewater Discharge Permit, but only if it also is for essential maintenance to assure efficient operation. These bypasses are subject to the provisions listed under paragraph (l) of this section.

12. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to ECU, if possible at least ten (10) days before the date of the bypass.
13. An Industrial User shall submit oral notice of an unanticipated bypass that violates ECU Wastewater Discharge Permit to ECU within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, 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. ECU may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
14. Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
15. Emergency Authority of ECU. ECU has the authority to halt or prevent the discharge of any Industrial User for non-compliance, to protect the system's collection and treatment system.
16. Failure to comply with provisions set forth in the Section will be considered as a Significant Violation of ECU Wastewater Discharge Permit.

Section 15. Sewer User Charges

Sewer users charges are based upon the proposition that costs of service be distributed equitable among users of the services. The principle is embodied in the Federal Clean Water Act and underlies agreements between the Commission and EPA in funding the construction of facilities. According to these agreements, there will be three rates for payment for services by users, as follows:

- Household rate(s).
- Industrial base rate.
- Industrial wastewater surcharges.

15.1 Household rates

1. Water and sewer users. Householders and persons discharging only normal sanitary wastewaters, who are water customers of ECU, shall be charged such rates as the Commission shall determine through water meter records. Such rates shall be stated in terms of cents per thousand gallons or cents per cubic feet of wastewater and shall include any charge which ECU may impose to cover the costs, etc.
2. Sewer only users. Depending on the water provider, householders and persons discharging only normal sanitary wastewater, who are not water customers of ECU, will likewise be charged such rates as the Commission shall determine through water meter records. Such rates shall be stated in terms of cents per thousand gallons or cents per cubic feet of wastewater and shall include any charge which ECU may impose to cover the costs, etc. In the event that water meter records cannot be used, or there is no meter or method of determining the amount of water consumed by such person(s), it shall be billed as a flat rate.
3. Adjustments. The volume of wastewater will be estimated to be the same as the volume of water used for household users if metered, or the assumed amount if unmetered, unless it can be demonstrated that the two volumes are substantially different in a greater proportion than is normal. Metered water volume intake will be the usual value used for billing sewer use charges, where applicable. Procedures for requesting variances and appeal of billings are included in Section 23-16.

15.2 Industrial Base Rate

Persons discharging industrial wastewaters will be charged for the estimated volume of wastewater sewered on the basis of an industrial base rate, stated in terms of cents per cubic feet or thousand gallons. The rate is made up of three parts, as follows:

1. The costs of collection, transport and treatment
2. Costs of flow measurements sampling analyses, administrations and billing industrial wastewater accounts by ECU.
3. Wastewater volumes will be estimated to be equal to metered water use, unless it can be demonstrated that they are substantially different in proportion than is normal, and alternative measurements such as direct measurement of wastewater volume are available.

15.3 Industrial Waste Surcharge

Persons discharging industrial wastes will be charged for loads of BOD, COD, suspended solids, total Kjeldahl nitrogen, and total phosphorous in the wastewater in concentrations in excess of those normal for sanitary wastewater and allowed for in the industrial base rate.

Maximum concentrations of parameters allowed in the base rate are:

Biological Oxygen Demand (COD).....	210 mg/l
Chemical Oxygen Demand (COD).....	500 mg/l
Total Suspended Solids (TSS).....	250 mg/l
Total Kjeldahl Nitrogen (TKN).....	30 mg/l
Total Phosphorus.....	12 mg/l

1. Surcharge rates will be stated in terms of cents per pound for each parameter. Quantities of surchargeable materials will be determined by flow measurements (or estimates), sampling, analyses and calculation. Sampling and analyses will be done by ECU using twenty-four hour composite samples, taken during a representative operating day of the industry. The minimum sampling frequency will be one day for each three month billing period. Wastewater analyses will be performed according to procedures of the latest edition of "Standard Methods for the Examination of Water and Wastewater, APHA*, AWWA**, WPCF***." Average results of sample analyses will be used for calculating surcharges for each parameter over the billing period according to the following example calculation:

Assume average measured BOD = 600 mg/l

Assumed measured volume = 0.90 Million Gallons

Limit of base rate BOD = 210

Assume BOD surcharge = \$0.17/lb

Wastewater weights = 8.34 lb./gal.

BOD surcharge/\$ = $600 - 210 \times 0.90 \times 8.34 \times \0.17

*APHA – American Public Health Association

**AWWA – American Water Works Association

***WPCF – Water Pollution Control Federation

Administration for the industrial monitoring program and billings to industrial accounts will be made by ECU and will include statements of base rate billings, surcharge billings and the basis of billings.

2. ECU will enter into agreements with industries specifying alternate methods of sewage flow determination and sampling as conditions of an industry Wastewater Discharge Permit. Procedures for variances and appeals are described in Section 23-16.
3. Rate schedules will be revised from time to time to reflect the changing numbers of users and the varying operating costs. Individual users will be notified annually in connection with a regular bill of the rate and that portion of the user charges which are attributable to the wastewater treatment services.

Section 16. Administrative Procedures, Permits, Enforcement and Penalties

16.1 Powers, duties, and authority of inspectors

1. The Manager of ECU and other duly authorized employees, properly identified by credentials of appointment and identification, shall act as inspectors. Inspection shall also be allowed by appropriate state and federal agencies. It shall be the duty of the inspector to make inspections, observations, measurements, sampling and testing in accordance with the provisions of this article. Such inspector shall have no authority to inquire into any industrial process or to require or request the disclosure of any trade secrets beyond that point having a direct bearing on the kind or source of discharge to the sewer or waterways or other facilities of ECU.
2. Such inspectors will have the right to enter upon real property over and through which ECU has acquired an easement for the installation and maintenance of the sewer lines and facilities, and they shall have, along with proper municipal and/or utility inspectors, the right to go upon the property of individuals or industrial users of the system as provided in the service agreement mentioned hereinafter, for the purpose of determining compliance with the provisions of this article. Authorized inspectors shall have the right to inspect and copy records.
3. All non-municipal water-sewer users shall execute, as a requirement for service, an agreement allowing sewer inspectors to enter upon the premises for the purpose of inspecting individual sewer collector lines, during reasonable times, so as to verify compliance with the terms and conditions of such service.
4. While performing the necessary work on private properties referred to herein, any inspector shall observe all safety rules applicable to the premises, established by any commercial user, and ECU or the Municipality shall indemnify any user for any loss or damage to its property occasioned or caused by municipal and/or utility inspectors or employees. Any user shall be held harmless for any injury or death to any municipal and/or utility or ECU employee or for and against liability claims for personal injury or property damage arising out of each gauging or sampling operation, except as may be caused by the negligence or failure of such user to maintain his premises in a safe condition.

16.2 Compliance Monitoring

1. **Right of Entry: Inspection and Sampling:** Representatives and Inspectors of ECU shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these Regulations and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow ECU ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - a. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, ECU shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - b. ECU shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
 - c. ECU may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency of no less than yearly to ensure their accuracy.
 - d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of ECU and shall not be replaced. The costs of clearing such access shall be borne by the User.
 - e. Unreasonable delays in allowing ECU access to the User's premises shall be a violation of this regulation.
 - f. Search Warrants: If ECU has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of ECU designed to verify compliance with this regulation or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, ECU may seek issuance of a search warrant from appropriate local law enforcement authorities.
2. **Damaging, tampering with, etc., facilities of ECU.** It shall be unlawful and a violation of this article for any person to damage, destroy or tamper with any gauges, meters, lines, manholes and their covers, equipment, pumps, electrical connections, lift stations or any appurtenances to the sewer lines of ECU, and in addition to the civil responsibility for any damage caused or occasioned by such person(s), such offender shall be liable for imposition of the penalties as provided herein. It shall likewise be a violation of this section for any person to aid, assist, abet or permit a minor child to violate the provisions of this section, and such person shall be liable as a principal and subject to the identical penalties to which any violator hereof would be liable.

When ECU finds that a User has violated, or continues to violate, any provision of these Regulations, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, ECU may petition the magistrate court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this regulation on activities of the User. ECU 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.

16.3 Penalties

1. Any person found guilty of violating section 16.2.2 shall be guilty of a misdemeanor, may be tried by any magistrate or city recorder in the county and, upon conviction of such violation, shall be fined an amount not to exceed two thousand dollars or confined for a period not to exceed thirty days for each violation.
2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In case of monthly or long-term discharge limits, fines may be assessed for each day during the period of violation. ECU shall have such remedies for the collection of such assessments as it has for the collection of other service charges.
3. Any person found violating the provisions of the Sewer Pretreatment Regulations as to the induction into the system of prohibited materials shall be served by ECU with written notice, stating the nature of this violation and including a reasonable time limit for the satisfactory correction thereof, not to exceed sixty days from the date of the notice, within the discretion of ECU. Such offender shall, within the period of time stated in the notice, permanently cease all such violations, and the failure to do so will subject such offender to a fine not to exceed two thousand dollars (\$2,000.00) for each violation, and each day such violation shall continue beyond the period of time allowed for correction shall be deemed a separate offense.

NOTE: For a more detailed procedure on how to assess penalty amounts for significant users, refer to sections 16.7 and 16.8.

16.4 Rules and regulations

In order to carry out the terms of this article, ECU may promulgate such rules and regulations as they deem necessary, and the Manager of ECU is likewise vested, subject to ratification of ECU, with authority to act on behalf of ECU in providing for the safety, maintenance, good order and proper function of the facilities of ECU.

16.5 Classes of permits; permit requirements

These classes of permits shall be used by ECU. Wastewater construction permits, Wastewater Discharge Permits and Wastewater General Permits. ECU may charge a reasonable application and inspection fee for processing permits. Requirements for obtaining permits are described as follows:

Every householder or person within or without the Municipality limits generating any sanitary wastewaters, wishing to connect to ECU collector system, shall obtain a wastewater construction permit from ECU before proceeding. Every person generating industrial wastewaters shall obtain a wastewater construction permit and service permit from ECU. Any person discharging only sanitary wastewaters to a public sewer does not need to obtain a Wastewater Discharge Permit.

Individual Wastewater Discharge Permit and General Permit Transfer

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to ECU and ECU approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to ECU must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and

- c. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or a general permit.

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

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

Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual wastewater discharge permit or a general permit shall apply for an individual wastewater discharge permit or a general permit reissuance by submitting a complete permit application a minimum of six (6) months prior to the expiration of the User's existing individual wastewater discharge permit or a general permit.

- a. **Wastewater construction permits.** Applications for wastewater construction permits shall be prepared and submitted to the Manager on forms provided by ECU and shall be accompanied by reports, plans, specifications and other documents necessary to describe the proposed installation and assure its compliance to the relevant terms of this article. The minimum requirement for application shall be the supply of relevant information requested on the application forms, or the indication that relevant information is not applicable.

Persons needing guidance in making application may consult the Manager prior to filing. Professional engineers, contractors, or other competent individuals may file on behalf of users. Wastewater construction permits for persons properly discharging industrial wastewater may, at the Manager's discretion, be issued before, after or concurrent with the Wastewater Discharge Permit.

- b. **Individual Wastewater Discharge Permits or General Permits.** Application for a Wastewater Discharge Permit or General Permit shall be made on ECU form, together with supporting reports and data sufficient to assure compliance with relevant terms of this article. The minimum requirements shall be that all information requested on the application be supplied, and all irrelevant information blanks be marked as "not applicable". The Manager may request any additional information he deemed necessary, within the scope and intent of this article, to accompany a Wastewater Discharge Permit application. Persons requiring guidance in making application may consult the Manager.

An approvable Wastewater Discharge Permit application or information necessary to support an approvable Wastewater Discharge Permit application must be submitted to the Manager before a construction permit will be issued to any person proposing to discharge industrial wastewaters to public sewers.

Wastewater Discharge Permits shall specify quantities and characteristics of industrial wastewaters which may be sewer and shall be limiting where so specified. Wastewater Discharge Permits or general permits may specify Best Management Practices, special conditions and agreements between the user and ECU. Wastewater Discharge Permits shall serve as a contract between the user and ECU. If deviation from the terms of a Wastewater Discharge Permit is anticipated or experienced by the user or ECU, each party shall immediately notify the other, in writing, specifying the nature and extent of the change in sufficient detail that a new or modified

Wastewater Discharge Permit may issued or the Wastewater Discharge Permit canceled, whichever may be appropriate.

Any user in violation of the terms and conditions of the Wastewater Discharge Permits, or otherwise not in compliance, will have to meet a compliance schedule to install or upgrade his pretreatment facility.

ECU shall have the authority to revise or adjust discharge limits as specified by the Wastewater Discharge Permit it insure proper operation of the POTW.

ECU shall also have the authority to revoke permits if the limitations and conditions are not met.

Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of one hundred eighty days prior to expiration.

16.6 General Compliance Activities

The following activities shall be performed by ECU, at a minimum, to ensure compliance with these Regulations, National Categorical Pretreatment Standards, NPDES permit requirements, Industrial User Wastewater Discharge Permits and other applicable rules or regulations.

1. At least once in every five years or at the time of NPDES permit renewal, whichever is less, ECU shall inventory its Industrial Users to determine the need of requiring any User who presently is not required to obtain a Wastewater Discharge Permit from ECU to do such.
2. ECU shall, on a yearly basis, review and update, if necessary, the headworks analysis of its existing wastewater treatment facilities.
3. Industrial monitoring reports shall be reviewed and “Notice of Violations” issued, if necessary.
4. ECU shall at least once every two (2) years evaluate the need for a Industrial User issued a Wastewater Discharge Permit to develop and implement Accidental Discharge/Slug Control and Bypass Plans.
5. At least once each year, ECU shall inspect, sample and monitor each Significant Industrial User to ensure compliance with these Regulations, National Categorical Pretreatment Standards, and applicable discharge permits.
6. ECU shall establish, implement, and enforce an inspection program for grease, oil and sand interceptors.
7. ECU shall accelerate enforcement activities as necessary to ensure compliance of all Wastewater Discharge Permits issued.
8. Quarterly pretreatment reports shall be submitted to SCDES as required by NPDES permit requirements.

16.7 Enforcement Activities

ECU is authorized to undertake the following activities to ensure enforcement and compliance of these Regulations, National Categorical Pretreatment Standards, Industrial User Wastewater Discharge Permits, or general permits and other applicable State and Federal Regulations:

1. **Notice of Violation:** A Notice of Violation (NOV) shall be given when there is any violation of the These Regulations, Industrial User Wastewater Discharge Permit, National Pretreatment Standard, etc. which is less than that under the criteria of the significant violation.
2. **Notice of Significant Noncompliance Violation:** A Notice of Significant Noncompliance (NOSNV) shall be issued if any of the following is met:
 - a. A User has ignored and failed to respond to a NOV;
 - b. When there have been chronic violations as defined under the definition of Significant Noncompliance of these Regulations.
 - c. When there have been Technical Review Criteria violations as defined under the definition of Significant Noncompliance of these Regulations.
 - d. When any effluent limit violation has caused, alone or in combination with other discharges, interference or pass through the treatment plant; or endangered the health of ECU personnel or the public; or caused violation of the treatment plant's NPDES permit.
3. **Notice of Emergency Violation:** A Notice of Emergency Violation (NOEV) shall be issued when a violation of these Regulations or Wastewater Discharge Permit threatens to cause an interference with or have an adverse effect upon ECU treatment plant or imminent endangerment to human health, welfare, or the environment or threatens to cause a violation of the treatment plant NPDES permit. A NOEV may be given orally if time does not permit the issuance of a written notice. If given orally, the NOEV shall subsequently be documented as time allows.
4. **Administrative Orders:** Administrative Orders (AOs) are enforcement documents which direct Industrial Users to undertake or to cease specified activities. The terms of AOs may or may not be negotiated with Industrial Users. Administrative Orders may incorporate compliance schedules, administrative penalties and fines, and termination of service orders. These include:
 - a. **Cease and Desist Orders.** A cease and desist order directs a non-compliant Industrial User to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. A cease and desist order should be used in non-emergency situations to suspend or permanently revoke Wastewater Discharge Permits. If the Industrial User fails to comply with the order, ECU may take independent action to halt the discharge, such as blocking the Industrial User's connection point or providing for termination of water service.
 - b. **Show Cause Orders.** An order to show cause directs the Industrial User to appear before ECU, explain its non-compliance, and show cause why more severe enforcement actions against the user should not go forward. The order to show cause is typically issued after NOV's or Consent Orders have failed to resolve the noncompliance.
 - c. **Consent Orders.** The consent order is an agreement between ECU and the Industrial User normally containing three elements: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of ECU and Industrial User representatives. A Consent Order is appropriate when the Industrial User assumes responsibility for its non-compliance and is

willing to correct its cause(s). The Industrial User need not admit the non-compliance in the text of the order. Thus, signing the order is neither an admission of liability for purposes of civil litigation nor a plea of guilty for purposes of criminal prosecution. However, the Consent Order will require the prohibition of future violations and require corrective action by the part of the Industrial User.

- d. **Compliance Orders.** A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally and its terms need not be discussed with the industry in advance. The compliance order is usually issued when non-compliance cannot be resolved without construction, repair, or process changes. Compliance orders used to require industrial users to develop management practices, spill prevention programs and related ECU pretreatment program requirements. The compliance order should document the non-compliance and state required actions to be accomplished by specific dates, including interim and final reporting requirements.
- 5. **Administrative and Civil Fines:** An administrative or civil fine is a monetary penalty assessed by ECU for violations of Wastewater Discharge Permit requirements or general permit requirements. Administrative fines are to be used to recapture the full or partial economic benefit of non-compliance, and to deter future violations. Administrative fines shall also be as an escalated enforcement response, particularly when NOV's or Administrative Orders have not prompted a return to compliance. Administrative fines may be assessed a number of ways, including, but not limited to:
 - a. Notice of Violation;
 - b. Administrative Order.
- 6. **Termination of Sewer Service:** Termination of service is the revocation of an Industrial User's privilege to discharge industrial wastewater into ECU's sewer system. Assuming other enforcement responses are unsuccessful, the types of violations which warrant termination of service are:
 - a. Unpermitted discharge(s) which violate ECU treatment plant's NPDES permit, or which create a situation in which the discharge threatens human health, the environment, or the operation of the treatment plant.
 - b. Failure to meet discharge limits.
 - c. Tampering with or deliberately altering monitoring equipment.
 - d. Falsifying self-monitoring reports.
 - e. Discharges that regularly exceed the Wastewater Discharge Permit limits.
 - f. Slug loads or discharge that causes interference, pass through, or damage to human health, the environment, or the treatment plant, or results in the treatment plant violating its NPDES permit limits.
 - g. Failure of the Industrial User to notify ECU of Wastewater Discharge Permit, violations or slug discharge which resulted in environmental damage, causes NPDES permit violations, or damages ECU sewer system.
 - h. Failure of the Industrial User to sample, monitor, or report as required by an individual wastewater discharge permit, or general permit, or an AO.
 - i. Failure of the Industrial User to install required monitoring equipment per condition of an AO.

- j. Major violation of a Wastewater Discharge Permit condition or AO accompanied by evidence of negligence or intent.
 - k. Refusal of reasonable access for ECU to enter User's premises for the purpose of inspection and monitoring.
 - l. For causes necessitating an emergency suspension.
 - m. Non-payment of sewer user charges or other charges, fines, costs, and expenses.
7. **Civil Litigation:** Civil litigation shall be used against Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to ECU of the non-compliance. It shall be pursued when the corrective action is costly and complex, the penalty to be assessed exceeds that which ECU can assess administratively or when the Industrial User is considered to be recalcitrant and unwilling to cooperate. The term "civil litigation" also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is an appropriate enforcement response in three general situations: (1) emergency situations where injunctive relief is necessary to halt or prevent discharges which threaten human health or the environment, interfere with the operation of the sewer system, or cause NPDES violations, (2) when efforts to restore compliance through cooperation with the Industrial User have failed and a court supervised settlement (consent decree) is necessary to enforce pretreatment program requirements; or (3) to impose civil penalties and recover losses incurred due to non-compliance of the Wastewater Discharge Permit. ECU maintains the right and ability to seek or access civil or criminal penalties in an amount up to \$2,000.00 a day for each violation by Industrial Users of the ECU Pretreatment Standards.
8. **Criminal Prosecution:** Criminal prosecution is appropriate when ECU has evidence of criminal activity by any person or User; evidence of non-compliance which shows criminal intent; it is recommended in cases involving repeated violations, aggravated violations (such as discharges which endanger the health of treatment plant employees, causes personal injury or property damage), and when less formal efforts to restore compliance (such as Notices of Violations and Administrative Orders) have failed. Criminal prosecution may be brought prior to, concurrently with or subsequent to civil litigation. The facts or circumstances which tend to indicate a criminal activity by any person will be reported to the proper state, local and federal law enforcement agencies for prosecution.
9. **Supplemental Enforcement Response:** Supplemental or innovative enforcement responses may be used to complement other enforcement responses. The following are examples of supplemental enforcement responses:
- a. **Public Notices.** Publication of a list of Industrial Users which were in significant noncompliance with applicable pretreatment standards is required annually by the EPA. At least once a year (the previous twelve months), ECU will publish the names of significant violators in order to be a more effective means of encouraging compliance. ECU may choose to publish more frequently if desired. Publication shall be in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by ECU.
 - b. **Increased Self-Monitoring, Reporting, and Surveillance.** Industrial Users demonstrating a history of non-compliance may be required by ECU to increase self-monitoring or compliance monitoring by ECU. Since recurring violations indicate that at least once chronic problem exists, ECU may monitor the Industrial User as frequently as ECU determines to be appropriate and may require additional self-monitoring until the problem is corrected and consistent Wastewater Discharge Permit compliance is demonstrated.

Notice of any enforcement activity to the User in violation shall be served personally or by registered or certified mail (return receipt requested). Service may be made on any agent or officer of the User. Notification of enforcement activities concerning hearings shall be delivered at least ten (10) days prior to the hearing date.

16.8 Enforcement Response Guide

1. ECU shall prepare and follow an Enforcement Response Guide in the administering of ECU's pretreatment program. The Enforcement Response Guide shall define a range of appropriate enforcement actions based on the nature and severity of non-compliance events and other relevant factors. The Enforcement Response Guide shall identify a range of appropriate actions to be taken should violations of the Wastewater Discharge Permit occur. ECU shall also evaluate and include in the Guide appropriate enforcement responses in context to prior violations of the Industrial User(s). The enforcement response selected is to be appropriate to the violation.

ECU shall, as a minimum, consider the following criteria when determining an enforcement response:

- Magnitude of the violation.
 - Duration of the violation.
 - Effect of the violation on ECU's treatment plant and its ability to meet NPDES permit requirements.
 - Compliance history of the Industrial User.
 - Good faith of the Industrial User.
2. The remedies provided for in this regulation are not exclusive. ECU may take any, all, or any combination of actions against a noncompliant User. Enforcement of Sewer Use Regulation and pretreatment violations will generally be in accordance with ECU enforcement response guide. However, ECU may take other action against any User when the circumstances warrant. Further, ECU is empowered to take more than one enforcement action against any noncompliant User.
 3. ECU shall designate an employee or representative of ECU to serve as Pretreatment Program Administrator. Such administrator shall be responsible for the administering of ECU's pretreatment program and shall be directly responsible to the Manager or other(s) as directed by ECU for his actions.
 4. The Enforcement Response Guide is included as an Appendix to these Regulations.

16.9 Appeals

1. **Billings.** Any person may appeal to the Manager claiming an error or injustice in billing of charges by writing to the Manager stating his or her claim and supplying necessary supporting evidence or arguments. The Manager may request relevant information of the person and withhold action until he has received a reply. The Manager shall render a decision to each billings appeal when the applicant has replied.
2. **Appeals from decisions of Manager.** Any person may appeal the Manager's decision on any matter within the scope of this article to the Commission. Appeals shall be made in writing to the Commission of ECU. Copies of appeals to the Commission and copies of all supporting documentation shall be supplied to the Manager concurrently with submission of an appeal to the Commission.

Persons making appeals shall have the right to appear before the Commission, in the presence of the Manager, to state their case. The Manager shall have the right to appear before the Commission in the presence of the applicant to defend his decision.

16.10 Hearing Board

A hearing board shall be appointed as needed for arbitration of differences between the Manager and sewer Users on matters concerning interpretation and execution of the provisions of these Sewer Use Regulations by the Manager. The cost of arbitration shall be divided equally between the Commission and the sewer user.

The hearing board shall be composed of not less than two members of the Commission of ECU (8-20-84).

Section 17. Severability

The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article, which can be given effect without such invalid part.

Section 18. Effective Date

This article shall be in full force and effect from and after its passage, approval, and recording by the Commission of ECU.

Regulations Adopted By Commission of Combined Utility System of Easley on December 11, 2006.

Amended regulations adopted By Commission of Combined Utility System of Easley on December 10, 2007.

Amended regulations adopted By Commission of Combined Utility System of Easley on November 9, 2009.

Amended regulations adopted By Commission of Combined Utility System of Easley on August 14, 2017.

Amended regulations adopted By Commission of Combined Utility System of Easley on November 11, 2019.

Amended regulations adopted By Commission of Combined Utility System of Easley on August 11, 2025.

Easley Combined Utilities Sewer Use Regulations

Enforcement Response Guide

Violations or General Discharge Prohibitions		
Nature of Violation	ECU Response	Industrial User Responsibility
First month with violation(s) in a 12 month period	NOV	Written response No penalty
Second month with violation(s) in a 12 month period	NOV	Written Response \$100 per pollutant per day
Third month with violation(s) in a 12 month period	NOV	Written Response \$200 per pollutant per day
Fourth month with violation(s) in a 12 month period	NOV	Written Response \$300 per pollutant per day
Fifth month with violation(s) in a 12 month period	NOV	Written Response \$500 per pollutant per day
Sixth to twelfth month with violation(s) in a 12 month period	NOV	Written Response \$600 per pollutant per day
If any of these violations trigger SNC, then SNC enforcement will be included in addition to penalties		
Significant Noncompliance		
Nature of Violation	ECU Response	Industrial User Responsibility
Any series of violations of effluent limitations which meet the definition of Significant Noncompliance	NOV, Show Cause, AO with Compliance Schedule	Written Response See #2 of notes section on page 5
Continued violations after Compliance Schedule	NOV AO	Written Response See #2 of notes section on page 5
Failure to meet Compliance Schedule	NOV AO	Disconnection of Service
Failure to Report Noncompliance		
Nature of Violation	ECU Response	Industrial User Responsibility
Failure to immediately report any slug load, or a spill or discharge that could cause interference or pass-through (no harm)	NOV See Note #4	Written Response \$500

Easley Combined Utilities Sewer Use Regulations Enforcement Response Guide

Failure to immediately report spill, slug load, or discharge causing interference or pass-through, or other harm	NOV AO See Note #4	Written Response \$2,000
Failure to provide a written report of a spill, slug load, or discharge that could cause interference or pass through within ECU prescribed time	NOV	Written Response \$500
Failure to report a violation of a permit effluent limitation within 24 hours	NOV	Written Response \$200
Failure to provide a written report of an effluent limitation violation as required by a Notice of Violation	NOV	Written Response \$500
Repeated violations will escalate penalties – see #3 of notes section on page 5		
Failure to Submit Other Required Reports and General Reporting Requirements		
Nature of Violation	ECU Response	Industrial User Responsibility
Failure to notify ECU of a substantial change in volume or character of pollutants in discharge	NOV	Written Response \$500
Failure to notify ECU of a batch discharge	NOV	Written Response \$500
Failure to report a slug discharge within 24 hours	NOV (See Note #4)	Written Response \$500
Two or more failures to submit required reports or notifications in a 12-month period	NOV, Show Cause AO (See note #5)	Written Response \$1000
Failure to report all monitoring data; Monthly report is greater than three days late; report not signed and certified	Telephone Call NOV	Written Response \$500
Repeated violations will escalate penalties – see #3 of notes section on page 5		
Record Keeping		
Nature of Violation	ECU Response	Industrial User Responsibility
Failure to maintain required records for three years	Notice of Violation	Written Response \$500

Easley Combined Utilities Sewer Use Regulations Enforcement Response Guide

Repeated violations will escalate penalties – see #3 of notes section on page 5		
Monitoring		
Nature of Violation	ECU Response	Industrial User Responsibility
Failure to conduct self-monitoring as required in permit	NOV	Written Response \$500
Improper sampling or analytical procedures used, no intent	NOV	Written Response \$300
Improper sampling or analytical procedures used, intent	AO See Note #3	\$2000
Failure to install required monitoring equipment or facilities, delay less than 30 days	NOV	Written Response \$300
Failure to install required monitoring equipment or facilities, delay more than 30 days	NOV	Written Response \$500
Failure to install required monitoring equipment or facilities, delay more than 90 days	NOV AO	Written Response \$1500
Repeated violations will escalate penalties – see #3 of notes section on page 5		
Falsification		
Nature of Violation	ECU Response	Industrial User Responsibility
Making any false statement, representation, or certification in any application, record, report, plan or other document; or falsifying, tampering with or rendering inaccurate any monitoring device	NOV AO (See Note #3)	\$2000
Unpermitted Discharge		
Nature of Violation	ECU Response	Industrial User Responsibility

Easley Combined Utilities Sewer Use Regulations Enforcement Response Guide

Industrial User unaware of requirement; no harm	Telephone call NOV Permit application sent	Written Response \$500
Industrial User unaware of requirement; results in harm	NOV AO	Written Response \$2000
Failure to apply for permit within 30 days after notice from ECU	NOV	Written Response \$500
Failure to apply for permit within 30 days after Notice of Violation	Terminate service	None
Permit Reissuance		
Nature of Violation	ECU Response	Industrial User Responsibility
Application for permit reissuance late by more than 15 days (due 6 months prior to expiration date)	NOV	Written Response \$500
Entry Denial		
Nature of Violation	ECU Response	Industrial User Responsibility
Entry to premises or access to sampling location denied	NOV Show Cause AO	Written Response \$2000
See #3 of notes section on page 5		
Compliance Schedules		
Nature of Violation	ECU Response	Industrial User Responsibility
Failure to meet a compliance date listed in an Administrative Order	Show Cause AO	Written Response \$500
Grease Management Violations		
Failure to pump interceptor after warning	NOV (1 st warning) AO (2 nd warning)	\$250 \$500

Easley Combined Utilities Sewer Use Regulations Enforcement Response Guide

Entry denial for inspection	NOV AO	\$500
Failure to maintain maintenance log	NOV (1 st warning) AO (2 nd warning)	\$0 \$250

Notes:

1. Definitions:
 - SNC: Significant Noncompliance
 - POTW: Publicly Owned Treatment Works
 - ECU: Easley Combined Utilities
2. For any series of violations of effluent limitations which meet the definition of Significant Noncompliance, the enforcement response will be a show cause meeting with the issuance of an Administrative Order with a Compliance Schedule.
 - Violations after completion of the compliance schedule will result in penalties using the following formula:
 - $(\text{Result} \div \text{Permit Limit}) * \$100 * \text{number of violations in 12 month period}$
 - Penalties shall not exceed \$2,000 per violation per day.
 - A violation of a monthly average or weekly average effluent limitation will be considered as one violation for the purpose of calculating the administrative penalty, or other enforcement response.
3. In addition to the enforcement response listed, the matter will be referred for criminal prosecution where deemed appropriate by the General Manager. Conviction will result in a fine of not less than \$1000 or more than \$2500, or 30 days in jail, or both, for each day in which such violation occurs.
4. Slug Discharges: For slug discharges, notification to CUSE shall occur within 60 minutes of the User becoming aware of it.
5. Where used in this guide, a twelve-month period means a moving twelve-month window, including the month for the current violation and the preceding eleven months. The enforcement response for violations of effluent limitations varies according to the past compliance history of the industrial user. The number of months containing violations in the twelve-month window is determined, and the enforcement response and penalty assessed accordingly.
6. Written responses to violations shall include cause, action taken and items to prevent future issues.

Easley Combined Utilities Sewer Use Regulations Enforcement Response Guide

Personnel Responsibilities

Pretreatment Coordinator: The Pretreatment Coordinator is responsible for the day to day implementation and enforcement of the industrial pretreatment program. The enforcement responses carried out by the Pretreatment Coordinator are as follows:

- Informal notices (verbal and written)
- Warning letters
- Informal meetings
- Notice of violation
- Enforcement conferences

Wastewater Treatment Superintendent: The Wastewater Treatment Superintendent has the responsibility to monitor the Pretreatment Coordinator's actions and to initiate the following enforcement actions at the recommendation of the Pretreatment Coordinator:

- Consent agreements
- Show cause meetings
- Administrative orders with finding of non-compliance
- Administrative orders with compliance schedule
- Administrative orders to cease and desist unauthorized discharge
- Referral to General Manager for Administrative order with civil penalties
- Referral to General Manager for Administrative order to terminate service
- Referral to General Manager for Administrative order to revoke permit
- Referral to General Manager for criminal action from DHEC or EPA