

**LANCASTER COUNTY WATER AND SEWER DISTRICT
PRETREATMENT ORDINANCE**

June 2002

LANCASTER COUNTY WATER & SEWER DISTRICT
P.O. Box 1009
Lancaster, SC 29721

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**LANCASTER COUNTY WATER & SEWER DISTRICT
PRETREATMENT ORDINANCE**

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for discharges to the District's Publicly Owned Treatment Works and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The objectives of this Ordinance are:

- A. To prevent the introduction into the District's POTW of Pollutants that will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction into the Wastewater of Pollutants which will be inadequately treated and pass through the District's Publicly Owned Treatment Works into Receiving Water, or any Water of the State, or which are otherwise incompatible with the District's Publicly Owned Treatment Works;
- C. To protect both the District's Publicly Owned Treatment Works personnel and members of the general public who may be affected by Wastewater, gases, sludge, or effluent;
- D. To improve the opportunity to reclaim and recycle Wastewater and sludge from the District's Publicly Owned Treatment Works;
- E. To provide for fees which equitably distribute of the cost of operation, maintenance, and improvement of the District's Publicly Owned Treatment Works; and
- F. To enable the District to comply with its NPDES permit and non-discharge requirement conditions, sludge use and disposal requirements, and any other Federal or State laws to which the District's POTW is subject.

This Ordinance provides for the regulation of all Discharges to the District's Publicly Owned Treatment Works. This Ordinance authorizes the issuance of Wastewater Discharge Permits to certain non-domestic Users; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting

of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the District shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the District may be delegated by the Manager to other District personnel.

1.3 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- DHEC - The South Carolina Department of Health and Environmental Control
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- B. Approval Authority. The Director of the South Carolina Department of Health and Environmental Control, or his designee.
- C. Authorized Representative of the User.
 - (1) If the User is a corporation, Authorized Representative shall mean:
 - (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 operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 2002 dollars), if 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, an Authorized Representative shall mean a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State, or local governmental facility, an Authorized Representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee.
 - (4) The individuals described in Paragraphs 1 through 3 above may designate another 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 User, and the written authorization is delivered to and received by the District Manager.
- D. Biochemical Oxygen Demand, 5-day or (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° Celsius, usually expressed as a concentration (milligrams per liter (e.g., mg/l)).

- E. Boiler Blow-down. The minimum Discharge of re-circulating water from a boiler for the purpose of Discharging materials contained in the water, the further buildup of which would cause concentrations in amounts exceeding limits established by best engineering practice.
- F. Building Sewer. A sewer conveying Wastewater from the premises of a User to the POTW.
- G. Bypass. The intentional diversion of waste streams from any portion of a User's Treatment Facility.
- H. Director. The person designated by the District to supervise the operation of the POTW or his designee, and who is charged with certain duties and responsibility by this Ordinance.
- I. District. The Lancaster County Water and Sewer District, its Manager, or his designee.
- J. Domestic Sewage/Wastewater. The liquid waste generated from bathrooms, toilets rooms, kitchens, and home laundries, and other similar facilities.
- K. Effective Date. The 4th day of June, 2002.
- L. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- M. Existing Source. Any source of Discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- N. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- O. Holding Tank Waste. Any waste from holding tanks, including, but not limited to, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.
- P. Indirect Discharge or Discharge. The discharge or introduction of Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.
- Q. Industrial Pump and Haul Waste. Pump and Haul Waste containing Industrial Waste.
- R. Industrial User. Any Person or company which is a source of Discharge of Industrial

Waste.

- S. Industrial Waste or Industrial Waste Stream. Non-domestic Wastewater, including, but not limited to, process or operational Wastewater, groundwater remediation discharges, contaminated Storm Water or surface water remediation discharges, and any other non-domestic liquid waste from industrial and commercial establishments.
- T. Instantaneous Maximum Allowable Discharge Limit or Instantaneous Discharge Limit. The maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- U. Interference. A Discharge, which alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the POTW, its Treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's NPDES permit or of the prevention of Sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- V. Manager. The Person designated by the District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative of such Person.
- W. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- X. National Categorical Pretreatment Standards or Categorical Standards. Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. & 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- Y. New Source.
 - (1) Any building, structure, facility, or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which

no other source is located;

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source;

(c) The production of Wastewater generating processes of the building, structure, facility, or installation is 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.

Z. Non-contact Cooling Water or Wastewater. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

AA. Ordinance. This Lancaster County Water & Sewer District Pretreatment Ordinance (June, 2002).

BB. Pass Through. A Discharge which exits the POTW into Waters of the State 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 and/or limit established in the District's NPDES permit(s), including an increase in the magnitude or duration of a violation.

- CC. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- DD. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units and calculated as the logarithm of the reciprocal of the concentration of the hydrogen ions in grams per liter of solution.
- EE. Pollutant. Any “waste”, including, without limitation dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal or agricultural waste, Industrial Waste, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- FF. Pollutants of Concern (POC). Any Pollutant which might reasonably be expected to be Discharged to the POTW in quantities which could Pass Through or Interfere with the POTW, contaminate the sludge, or jeopardize any POTW worker’s health and/or safety.
- GG. Pretreatment or Treatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment Standard.
- HH. Pretreatment Program. The program which was developed in accordance with 40 CFR, Chapter 1, Subchapter N, Part 403 for the control of pollutants introduced into the POTW.
- II. Pretreatment Requirements. Any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.
- JJ. Pretreatment Standards or Standards. Prohibited Discharge Standards, Categorical Pretreatment Standards, and local limits.
- KK. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the Discharge of certain substances; as set forth in Section 2.1 of this Ordinance.
- LL. Publicly Owned Treatment Works or POTW. A treatment works

(or a combination thereof), as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature and any conveyances which transport Wastewater to a Treatment Plant, plant and sewer maintenance personnel, and microorganisms associated with Treatment itself.

- MM. Publicly Owned Treatment Works Treatment Plant. That portion of the POTW designed to provide Treatment to Wastewater.
- NN. Pump and Haul Waste. Excess sludge from domestic septic tank systems, biological Treatment Plants with an NPDES permit and/or Wastewater from portable sanitary privies, including Domestic Sewage and/or Industrial Waste.
- OO. Receiving Water. The specific Waters of the State receiving the effluent Discharged from the POTW Treatment Plant.
- PP. Severe Property Damage. Substantial physical damage to property, damage to the User's 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.
- QQ. Sewage. Human excrement and gray water, such as household showers and dishwashing operations.
- RR. Significant Industrial User (SIU). Any User of the POTW who is:
- (1) Subject to Categorical Pretreatment Standards; or
 - (2)
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, Non-contact 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 a Significant Industrial User by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement.

Upon a finding that a User meeting the criteria in subsection (2) immediately above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the District may at any time, on its own initiative or in response to a petition received from such User, in accordance

with the procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

SS. Significant Non-compliance. A status of a User's non-compliance defined as follows:

- (1) Chronic violations of Wastewater Permit Discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit and /or the monthly average limit for the same Pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each Pollutant parameter taken during a six-month period equals or exceeds the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other Pollutants except pH); TRC violations for pH are those measurements less than or equal to 5.0 or greater than or equal to 12.0, unless defined differently in a Wastewater Discharge Permit issued by the District.
- (3) Any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of the POTW personnel or the general public);
- (4) Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403.8 to halt or prevent such a Discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local mechanism or enforcement order for starting construction, completing construction, and/or attaining final compliance;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self- monitoring reports, and/or reports on compliance schedules;
- (7) Failure to accurately report non-compliance; or
- (8) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the local Pretreatment Program including, but not limited to, any violation of this Ordinance and/or any permit issued in accordance with the District's Pretreatment Program.

TT. Slug Discharge. Any discharge at a flow rate and/or concentration which could cause a

- violation of the Prohibited Discharge Standards in Section 2.1 of this Ordinance.
- UU. Standard Industrial Classification (SIC) Code. A classification pursuant to the current *Standard Industrial Classification Manual* issued by the Executive Office of the President, United States Office of Management and Budget.
- VV. State. The State of South Carolina, or any duly authorized representative thereof.
- WW. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.
- XX. Suspended Solids or Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and which is removable by laboratory filtering methods.
- YY. Toxic Pollutant. Any Pollutant or combination of Pollutants listed as toxic in the regulations promulgated by the administrator of the EPA under the provisions of the Clean Water Act, section 307(a) or other Federal, State, or local law.
- ZZ. User. Any Person or company that contributes, causes or permits the contribution of Wastewater into the POTW or proposes such a contribution.
- AAA. Upset. An exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of factors beyond the control of the User. An Upset does not include non-compliance to the extent caused by operational error, improperly designed Pretreatment Facilities, lack of preventative maintenance, and/or careless or improper operation.
- BBB. Wastewater. The liquid and water-carried, Industrial Waste and/or Domestic Waste, from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and/or Storm Water that may be present, whether treated or untreated, which are contributed to or permitted to enter the POTW.
- CCC. Wastewater Discharge Permit. The permit required by Section 4 of this Ordinance.
- DDD. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of Domestic Sewage and Industrial Waste.
- EEE. Water Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- FFF. Waters of the State. Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or

partially within or bordering the State or within its jurisdiction.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Use of Public Sewers Required

- A. It shall be unlawful for any Person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within any area served by the District's POTW any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful for any Person to Discharge to any open drain or any natural outlet, including, without limitation, any ditch, stream or well penetrating water bearing formations within any areas served by the District, any Wastewater, septic tank effluent, cesspool overflow or other polluted waters, except where suitable Treatment has been provided in accordance with this Ordinance and the District's NPDES Permit.
- C. It shall be unlawful for any Person to discharge Wastewater, septic tank effluent or cesspool overflow into the Storm Water system.
- D. Except as hereinafter provided, it shall be unlawful for any Person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Sewage within any area served by the District.
- E. For existing houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within Lancaster County and within 300 feet of any street, alley, easement, or right-of-way in which there is located public sewer of the District's, it shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Sewage, when public sewer is available. The owner of said existing houses, buildings, or properties is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with provisions of this article, within 90 days after written notice from the District. Public sewer service is considered to be available when a minimum slope of one-eighth (1/8) inch per foot can be maintained between the invert of the gravity sewer main and one foot below the elevation of the finished floor. In addition, the finished floor must be a minimum of three (3) feet above the invert of the sanitary sewer main. Force main lines will not be interpreted to be public sewer and are not considered to be readily available to the public.

2.2 Private Wastewater Disposal

- A. Where a public sanitary sewer is not available under the provision of Section 2.1(E) and with the approval of the District, any Building Sewer shall be connected to a private Wastewater disposal system complying with the provisions of this Section.

- B. Before commencement of the construction of a private Wastewater disposal system or additions to an existing private Wastewater disposal system, the owner shall first obtain a written permit from the District.
- C. A permit for a private Wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the District when work is ready for final inspection, and before any underground portions are covered.
- D. The type, capacity, location, and layout of a private Wastewater disposal system shall comply with all requirements of the State of South Carolina and the South Carolina Department of Health and Environmental Control.
- E. The owner shall operate and maintain the private Wastewater disposal facility in a sanitary manner at all times.
- F. No statement contained in this section shall be construed to interfere with any requirements that may be imposed by the South Carolina Department of Health and Environmental Control.
- G. At such time as a private sewer becomes available to a property served by a private Wastewater disposal system, as provided in Section 2.1(E), the Building Sewer shall be connected to said sewer within ninety (90) days and the private Wastewater disposal system shall be cleaned of sludge and filled with sand, gravel, or similar material, or the system shall be completely removed. All costs for close out of the private Wastewater disposal system shall be borne by the owner of the property served thereby.

2.3 Building Sewers and Connections

- A. Any new connection(s) to the District's POTW shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD, and suspended solids, as determined by the District.
- B. No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances without first obtaining a written permit from the District.
- C. There shall be two (2) classes of building sewer permits: (I) for residential and commercial service; and (II) for service to establishments producing Industrial Wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgement of the District. The industry, as a condition of permit authorization, must provide information describing its Wastewater constituents, characteristics, and type of activity.

- D. All costs and expense incidental to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- E. A separate and independent Building Sewer shall be provided for every building intended for human habitation or occupancy.
- F. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the District's Engineer, or his representative, to meet all requirements of this Ordinance and the District's Developers' Policies.
- G. The size, slopes, alignment, materials of construction of a Building Sewer; the methods to be used in excavating and placing of the pipe; the jointing, testing, and backfilling of the trench; and the connection of the Building Sewer to the District's POTW shall all conform to the requirements of the International Building Code, the International Plumbing Code, the District's Developers' Policies and other applicable rules and regulations of the District.
- H. In buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary Sewage carried by such building drain may be lifted by an approved means and discharged to the Building Sewer at the owner's expense.
- I. No Person(s) shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or indirectly to the Wastewater disposal system.
- J. The applicant for the Building Sewer permit shall notify the District when the Building Sewer is ready for inspection and connection to the District's POTW. The connections shall be made under the supervision of the District or its representative.
- K. All excavations for Building Sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

2.4 Prohibited Discharge Standards

- A. General Prohibitions. No User shall Discharge or cause to be Discharged 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 Federal, State, or local Pretreatment Standards or Pretreatment Requirements.

B. Specific Prohibitions. No User shall Discharge or cause to be Discharged into the POTW the following Pollutants, substances, or Wastewater:

- (1) Pollutants which, either alone or by interaction with other Pollutants, create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.0 or more than 12.0, or having any other corrosive property capable of causing corrosive structural damage or hazard to the POTW or its equipment;
- (3) Solid or viscous Pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference, but in no case solids greater than 3 inches in any dimension;
- (4) Pollutants, including oxygen-demanding Pollutants, such as BOD, 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;
- (5) Wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees Celsius), or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems;
- (8) Any Pump and Haul Waste, except at discharge points designated by the District in accordance with Section 3.4 of this Ordinance.
- (9) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by Treatment including, without limitation, dye wastes and vegetable tanning solutions, which consequently imparts color to the Treatment Plant's effluent, thereby violating any State or Federal regulations pertaining to the effluent from the Treatment Plant or Receiving Water, in violation of the District's NPDES permit;

- (11) Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Non-contact Cooling Water, and unpolluted Wastewater, unless specifically authorized by the District;
- (13) Any substances removed from the Pretreatment of Wastewater, including, without limitation, sludges, screenings, or other residues;
- (14) Medical Wastes, except as specifically authorized by the District in a Wastewater Discharge Permit;
- (15) Wastewater which causes, alone or either in conjunction with other sources, the Treatment Plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) "Hazardous Substances," as such are defined in 40 C.F.R. 261;
- (18) Any substance which makes the Wastewater unreclaimable;
- (19) Fluoride above the levels found in drinking water;
- (20) Fats, oils, wax, or grease , whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees and sixty-five (65) degrees Celsius); and
- (21) At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than five (5) percent or any single reading is over ten (10) percent of the Lower Explosive Limit (LEL) of the meter.

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

2.5 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the District may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the District shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its Discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- D. A User may obtain a net gross adjustment to a Categorical Standard if the requirements of 40 CFR 403.15 are met by such User.

2.6 State Pretreatment Standards

South Carolina Pretreatment Standards located at S.C. Regulation 61-9.403 are hereby incorporated.

2.7 Local Limits

To implement the general and specific Discharge prohibitions outlined in this Ordinance, Industrial User-specific local limits will be developed ensuring that the POTW's maximum allowable headworks loading is not exceeded for particular Pollutants of Concern for each Industrial User. Where specific local limits are not contained for a given parameter or Pollutant in an Industrial User's Wastewater Discharge Permit, the following limits will apply to all Users, unless otherwise allowed by the District:

<u>mg/l</u>	<u>Substance</u>
0.011	Arsenic
0.200	Cadmium
0.016	Copper
0.040	Cyanide
0.049	Lead
0.001	Mercury
0.050	Molybdenum
0.100	Nickel
0.005	Silver
0.100	Total Chromium
0.175	Zinc
300.0	BOD5
300.0	TSS
25.0	Ammonia as N
100.0	Total Oil & Grease
8.0	Phosphorous
250.0	Chlorides

Industrial User-specific local limits for appropriate Pollutants of Concern shall be included in Wastewater Permits and are considered Pretreatment Standards. The District may impose mass limits in addition to, or in place of, the concentration-based limits above. The above limits apply at the point where the Wastewater is charged to the POTW.

Case-by-Case Local Limits

Local limits that have not yet been established for a material may be developed on a case-by-case, User specific basis. A User must have the case-by-case local limit(s) included in a Wastewater Discharge Permit before discharging to the POTW.

2.8 District's Right of Revision

The District reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulations if such are deemed necessary by the District to comply with the objectives and prohibitions set forth in this Ordinance.

2.9 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge as a partial or complete substitute for Treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide Wastewater Treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Treatment Standards, local limits, and the prohibitions set out in Section 2 of this Ordinance within the time limits specified by the EPA, the State, or the District, whichever is most stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and must be approved by the District before such facilities are constructed. A permit to construct must be obtained from SCDHEC before construction begins or before any modifications are made to any pretreatment facilities. The User shall be solely responsible for the design, construction, and operation of such Pretreatment facilities as may be necessary to comply with the provisions of this Ordinance. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the Pretreatment facilities or their method of operation shall be reported to and be approved by the District prior to the User's initiation of such change.

3.2 Additional Pretreatment Measures

- A. Whenever it deems necessary, the District may require Users to restrict their Discharge during peak flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage from Industrial Wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- B. The District may require any Person Discharging into the POTW to install and maintain, on their property and at their expense, an authorized storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be required when, in the opinion of the District, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil or sand; provided, however, that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by

the District and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly by the User at its expense, as required by the District. District shall have the right to access the property at any reasonable time to inspect the condition of and the cleanliness of the interceptor.

- D. Users with the potential to Discharge flammable substances may be required to install, operate, and maintain, at the User's expense, an approved combustible gas detection meter.
- E. The District may require a User which has the potential to Discharge Wastewater in violation of Pretreatment Standards, to install, maintain, and operate at the User's expense an authorized pH controller and pH meter.

3.3 Accidental Discharge/Slug Control Plans

Each Significant User shall provide protection from accidental discharges or Slug Discharges of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharges or Slug Discharges of prohibited materials shall be provided and maintained at the owner's or User's expense. Detailed plans of the facilities and operating procedures must be delivered to and received by the District for review before construction of the facility. Completion of an accidental discharge or Slug Discharge plan may be required before a Wastewater Discharge Permit will be issued. Review of such plans and operating procedures shall not relieve the SIU from the responsibility of modifying the SIU's facilities as necessary to meet the requirements of this Ordinance.

At least once every two (2) years, the District shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The District may require any user to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of Discharge practices, including non-routine batch Discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District, the POTW treatment plant, and DHEC of any accidental discharge or Slug Discharge, as required by Section 6.6 of this Ordinance; and
- D. Procedures to prevent adverse impact from any accidental discharge or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of

plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants (including solvents), measures and equipment for emergency response.

3.4 Pump and Haul Procedures

- A. Septic tank waste may be introduced into the POTW only at such locations as are designated by the District, and at such times as are established by the District. Such waste may not violate Section 2 of this Ordinance or any other requirements established by the District. The District may require septic tank waste haulers to obtain Wastewater Discharge Permits.
- B. The District shall require haulers of Industrial Waste to obtain Wastewater Discharge Permits. The District may require generators of hauled Industrial Waste to obtain Wastewater Discharge Permits. The District also may prohibit the disposal of hauled Industrial Waste. The discharge of hauled Industrial Waste is subject to all other requirements of this Ordinance.
- C. Industrial Waste haulers may Discharge loads only at locations designated by the District. No load may be Discharged without the prior consent of the District. The District may collect samples of each hauled load to ensure compliance with applicable standards. The District may require the Industrial Waste hauler to provide a waste analysis of any load prior to Discharge.
- D. Industrial Waste haulers must provide the District with a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the Industrial Waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are considered to be "Hazardous Wastes" under RCRA.

3.5 Structure Required

- A. **Monitoring Facilities.** Each User shall provide and operate, at the User's expense, monitoring facilities for the inspection and sampling of the User's Waste Discharge. The monitoring facility shall be situated on the User's premises; any other location shall be subject to the District's approval. There shall be ample room near the monitoring facility to allow for accurate sampling and preparation of samples for analysis. The District may require a User to install, operate, and maintain, at the User's expense, District authorized flow measuring equipment at the monitoring facility. Sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- B. **Requirements.** The sampling and monitoring facilities shall be provided in accordance

with the District's requirements and all applicable construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District of authorization to construct. A permit to construct may be required by SCDHEC before monitoring facilities are installed. The issuance of an authorization to construct by the District will not relieve the User of liability for failure to comply with all applicable statutes, ordinances, rules, and/or regulations.

- C. **Failure To Comply.** Should the District determine that a monitoring facility does not comply with this Ordinance, or that access thereto has been denied, the District may require the User, at it's own expense, to modify or relocate the monitoring facility.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Dischargers.

- A. All connections and Discharges made to the POTW are subject to approval by the District. Any User proposing to Discharge any Industrial Waste to the POTW or who is doing so as of the Effective Date of this Ordinance must make application to the District for a Wastewater Discharge Permit.
- B. Any Industrial User proposing to change the volume or characteristics of an existing Discharge shall request a determination from the District as to whether or not a new application should be filed and shall provide sufficient information on the proposed change to enable the District to determine whether a new application is needed. If the proposed change requires a revision in a current SIU or local permit or requires that a different type of permit be issued, the User shall apply to the District for an appropriate Wastewater Discharge Permit within forty-five (45) days of receiving notification of such requirement.
- C. Users must deliver to the District all information which the District requests concerning the volume and characteristics of its Wastewater (including, but not to be limited to, self-monitoring of Discharge) within thirty (30) days of the request. The District is authorized to prepare forms for this purpose and may periodically require Users to update information required by this Paragraph.
- D. Any facility Discharging or proposing to Discharge Wastewater into the POTW shall be responsible at all times for determining the volume and characteristics of its existing or proposed Discharge.

4.2 Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall Discharge Wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the District; provided, however, that a Significant Industrial User who has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to Discharge for the time period specified therein. The District may require the User to demonstrate compliance by performing monthly or more frequent monitoring of the Discharge and analyzing for the POTW's Pollutants of Concern and applicable Categorical Standards.
- B. The District may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Ordinance.
- C. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Ordinance and shall subject the Wastewater Discharge permittee to the sanctions set out in Sections 10 & 11 of this Ordinance. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a Wastewater Discharge Permit who was Discharging Wastewater into the POTW prior to the Effective Date of this Ordinance and who wishes to continue such Discharges in the future, shall, within thirty (30) days after said date, apply to the District for a Wastewater Discharge Permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow Discharges to the POTW to continue after sixty (60) days of the Effective Date of this Ordinance, except in accordance with a Wastewater Discharge Permit issued by the District.

4.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a Wastewater Discharge Permit that proposes to begin or continue Discharging into the POTW must obtain such permit prior to the beginning or continuing of such Discharge. An application for such permit must be filed at least thirty (30) days prior to the date upon which any Discharge will begin or continue, in accordance with Sections 4.5 of this Ordinance.

4.5 Wastewater Discharge Permit Application Contents

All Users required to obtain a Wastewater Discharge Permit must submit a permit application. The District may require all Users to submit the following information as part of the application:

- A. Name, mailing address, and physical address;
- B. All information required by Section 6.1(B) of this Ordinance;
- C. A description of activities, facilities, and plant processes on the premises, including 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;
- D. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- E. Each product produced by type, amount, process or processes, and rate of production;
- F. Type and amount of raw materials processed (average and maximum per day);
- G. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, as well as all points of Discharge;
- H. Time and duration of Discharges;
- I. Analytical data on Wastewater constituents and characteristics including, but not limited to, those mentioned in this Ordinance, any of the priority Pollutants which the applicant knows or suspects are present in the Discharge as determined by a laboratory certified by South Carolina to perform the analysis associated with the determination, and any Pollutant of Concern to the POTW. Sampling and analysis shall be performed by a laboratory certified by South Carolina in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR 136, as amended;
- J. Where known, the nature and concentration of any Pollutants in the Discharge which are limited by any Pretreatment Standards in effect and a statement as to whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or Pretreatment is required for the User to meet applicable Pretreatment Standards;
- K. If additional operation and maintenance or Pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions apply to this schedule:

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 facilities required for the User to meet the applicable Pretreatment Standards. No increment in the schedule shall exceed nine (9) months and no schedule of compliance shall exceed a total of twenty-four (24) months.
 2. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, at a minimum, whether or not the User complied with the increment of progress, the reason for the delay, and if appropriate, the steps being taken by the User to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the District.
- L. If subject to a Categorical Pretreatment Standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) as outlined in this Ordinance; and
- M. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

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

4.6 Application Signatories and Certification

All Wastewater Discharge Permit applications and User reports must be signed by an Authorized Representative of the User and contain the following certification statement:

“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.”

4.7 Wastewater Discharge Permit Decisions

The District is authorized to accept, review, and evaluate applications for Wastewater Discharge Permits to the POTW. The District may conduct an inspection of the facility to verify information contained in the permit application. Within forty-five (45) days of receipt of the application, the District shall either accept the application as complete or return the application to the applicant as incomplete with a statement of what additional information is required. After all required information has been received by the District, a determination shall be made as to whether or not a Wastewater Discharge Permit will be issued. The District may deny any incomplete application for a Wastewater Discharge Permit if the applicant fails to submit all required information within the time specified by the District.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater discharge permit issuance process conditions

1. Prior to the issuance of a Wastewater Discharge Permit, the District shall:
 - A. Conduct an on-site inspection of the facility including any Pretreatment facilities.
 - B. Determine:
 1. Discharge limitations for those Pollutants proposed to be limited;
 2. Monitoring requirements for Pollutants which are suspected to be present but which are not proposed to be limited at the time the permit is issued. After issuance, the Wastewater Discharge Permit may be modified to impose limits on one (1) or more of such Pollutants.
 3. Where applicable, a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations to include, without limitation, installation of a new monitoring point and/or flow measuring equipment; and
 4. Other proposed special conditions which will have an impact on the Discharge described in the application.
 - C. Organize information from the permit application and inspection report into a permit synopsis to include, without limitation:
 1. A sketch and detailed description of the industrial facilities and Pretreatment facilities (if any) including the location of all points of discharge to the POTW and all established compliance monitoring points;
 2. A quantitative description of the Discharge described in the application which includes at least the following:
 - a. The rate or frequency of the proposed Discharge; and if the Discharge is continuous, the average daily flow;
 - b. The actual average daily Discharge in pounds per day of any limited Pollutant and any Pollutant identified in the application as known or suspected present; and
 - c. The basis for the Pretreatment limitations including the documentation of any calculations in applying Categorical Pretreatment Standards.

The synopsis shall be submitted to the State and shall be made available to the public and the User upon request, in compliance with this Ordinance.

2. Final action on SIU permit applications.

- A. The District shall take final action on all applications within a reasonable time frame following receipt of a complete application.
- B. The District is authorized to:
 - 1. Issue an SIU permit containing time schedules for achieving compliance with applicable Pretreatment Standards and Requirements;
 - 2. Issue an SIU permit containing such conditions as are necessary to effectuate the purposes of this Ordinance.
 - 3. Deny an SIU permit application when in the opinion of the District such discharge may cause or contribute to Pass-Through or Interference of the POTW Wastewater Treatment Plant.
 - 4. Determine, based on the application, that the applicant is not an SIU.

5.2 Wastewater Discharge Permit Duration

A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the District. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

5.3 Wastewater Discharge Permit Contents

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the District to prevent Pass Through or Interference, protect the quality of the Receiving Waters, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The District shall have the authority to grant a permit with such conditions attached as are necessary to achieve the purpose of this Ordinance.

- A. Wastewater Discharge Permits must contain, but are not limited to, the following:
- (1) A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;
 - (2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the District in accordance with Section 5.5 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
 - (3) Effluent limits based on applicable Pretreatment Standards, or local limits, or both;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants to be monitored, sampling location, sampling frequency, and sample-type based on Federal, State, and local law;
 - (5) 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; and
 - (6) Notification requirements for Slug Discharge.
- B. Wastewater Discharge Permits may contain, without limitations, the following conditions:
- (1) Limits on the average and maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;
 - (2) 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 POTW;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

- (7) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and
- (8) Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

5.4 Wastewater Discharge Permit Appeal

The District shall provide a draft copy of the Wastewater Discharge Permit to the Industrial User prior to issuance of the permit. The permittee may petition the District to reconsider the terms of a Wastewater Discharge Permit within 30 days of the receipt of its draft.

- A. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the right to appeal.
- B. In its petition, the appellee must indicate the Wastewater Discharge Permit provisions to which he objects, the reasons for this objection, and the alternative condition, if any, he seeks to place in the Wastewater Discharge Permit.
- C. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending its reconsideration.
- D. If the District fails to act within 30 days, a request for reconsideration shall be deemed denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for the purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative determination of the Wastewater Discharge Permit must do so by filing a complaint with the Court of Common Pleas of Lancaster County.

5.5 Wastewater Discharge Permit Modification

The District may modify the terms and conditions of the Wastewater Treatment Permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time the Wastewater Discharge Permit was issued;
- C. To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
- D. The receipt by the District of information indicating that the permitted Discharge poses a threat to the District's POTW, District personnel, or the Receiving Waters;
- E. A violation of any terms or conditions of the Wastewater Discharge Permit;
- F. Misrepresentations or failure by the User to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the Wastewater Discharge Permit;
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- J. Modification of the monitoring program contained in the permit;
- K. Changes in the ownership of the Discharge when no other change in the permit is indicated;
- L. A single modification of any compliance schedule not in excess of four (4) months;
- M. Modification of compliance schedules or construction schedules in permits for New Sources where the New Source will not begin to discharge until the control facilities are operational; provided, however, that modification for this purpose may not be allowed unless the Wastewater Discharge Permit is transferable as provided in Section 5.7.

5.6 Wastewater Discharge Permits Issued to a Specific User for a Specific Operation

A permittee may not assign, transfer, or sell a permit, or any right or obligation in a permit, to another User or Person.

5.7 Wastewater Discharge Permit Transfer

Except as provided in this Section, Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the District and the District approves the Wastewater Discharge Permit transfer. Within five (5) days of the date of facility transfer, authorized representatives of the permittee and the new owner or operator must give joint, written notice to the District of the date of transfer. If the transfer has been approved, the District shall take steps as are necessary to document the transfer of the permit. The notice to the District must include a written certification in a form satisfactory to the District by the new owner or operator which:

- A. States that without prior notification to and approval by the District, the new owner and/or operator agrees not to make any change or expansion in the manufacturing/production and/or Pretreatment process used by the permittee, which has potential to impact the characteristics or volume of Discharge or the manner in which the Discharge is regulated;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges and accepts full responsibility for complying with all terms and provisions of the existing Wastewater Discharge Permit to be transferred.

Failure to provide advance notice and to comply fully with the provisions of this subsection renders the Wastewater Discharge Permit void as of the date of facility transfer.

5.8 Wastewater Discharge Permit Revocation

The District may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District of significant changes to the Wastewater prior to the changed Discharge;
- B. Failure by the permittee to provide prior notification to the District of changed conditions pursuant to Section 6.5 of this Ordinance;
- C. Misrepresentation by the permittee or failure of the permittee to fully disclose all relevant facts in the Wastewater Discharge Permit application;

- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges for all effluent;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the Wastewater Discharge Permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

5.9 Wastewater Discharge Permit Re-issuance

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit re-issuance by submitting a complete permit application, in accordance with Section 4.5 of this Ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing Wastewater Discharge Permit or within such different period of time as set forth in the existing permit.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Categorical Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical Users currently Discharging to or scheduled to Discharge to the POTW shall submit to the District 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 Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the District a report which contains the information listed in Paragraph B below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be Discharged.
- B. Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average 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.
 - (4) 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 waste stream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (a) The Categorical Standards applicable to each regulated process.
 - (b) Where required by a Pretreatment Standard or by the District, the results of sampling and analysis identifying the nature and concentration, and/or mass of regulated Pollutants in the Discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.12 of this Ordinance.

- (c) Sampling must be performed in accordance with procedures set out in Section 6.13 of this Ordinance.
- (6) 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.
- (7) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this Ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

6.2 Compliance Schedule Progress Reports

Except as otherwise provided by any other governmental agency which has jurisdiction over the District, the following conditions shall apply to all Industrial Users that are required by the District to submit compliance schedules in conjunction with their baseline monitoring reports, interim permit limits, or enforcement orders:

- A. The compliance 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;
- B. No increment referred to in Paragraph A of this Section above shall exceed nine (9) months;
- C. The User shall submit a progress report to the District 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

- D. In no event shall more than nine (9) months elapse between the submission of such progress reports by the User to the District.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 6.1(B)(4-6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

6.4 Periodic Compliance Reports

- A. All SIU's shall, at a frequency determined by the District but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance.
- B. 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.
- C. If a User subject to the reporting requirement in this Section monitors any Pollutant more frequently than required by the District, using the procedures prescribed in Section 6.13 of this Ordinance, the results of this monitoring shall be delivered to the District by the twentieth of the month following the month in which the extra samples were collected.

6.5 Reports of Changed Conditions

Each User must notify the District of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least ninety (90) days before the change. Failure of the District to respond does not relieve the User from complying with this Ordinance.

- A. The District 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 under Section 4.5 of this Ordinance.
- B. The District may issue a Wastewater Discharge Permit under Section 4.7 of this Ordinance or modify an existing Wastewater Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the Discharge of any previously unreported Pollutants for non-permitted Industrial Users. For permitted Industrial Users, any change is required to be reported under the Wastewater Discharge Permit.
- D. Any Industrial User filing a request for determination may not be required to file such a report under this Section.
- E. A report filed under this Section does not relieve the Industrial User from any other requirement(s) of this Section.

6.6 Reports of Potential Problems

- A. In the case of any Discharge, including, but not limited to, accidental discharges, Discharges of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge, that may cause potential problems for the POTW, the User shall immediately telephone and notify the District and DHEC of the incident. This notification shall include the location of the Discharge, type of Wastewater, concentration and volume of Wastewater, if known, and corrective actions taken by the User.
- B. Within five (5) days following such Discharge, the User shall, unless waived by the District, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any

other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a Discharge described in Paragraph A above. Employers shall ensure that all employees who may cause such a Discharge to occur are advised of the emergency notification procedure.
- D. The District shall evaluate whether the Industrial User needs a plan to prevent the recurrence of the Discharge. Such a plan shall address, at a minimum, the requirements set forth in this Ordinance.

6.7 Forms

The District may establish such forms as the District determines to be appropriate and require the use of such forms in the submission of any report, application, request, or other information contemplated by this Ordinance. Failure to use the established form for the submission of a report, application, request, or other information may result in the rejection of the submission.

6.8 Industrial Waste Survey

At a frequency established by the District, an Industrial Waste survey that identifies Industrial Users and characterizes their discharge of Wastewater will be conducted. Each User included in the survey is required to respond with complete and accurate information within the deadlines established by the District.

6.9 Reports from Un-permitted Users

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the District as the District may require.

6.10 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the District within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within thirty (30) days after becoming aware of the violation. The results of all testing done in accordance with 40 CFR Part 136 must be reported.

6.11 Discharge of Hazardous Waste

Except as provided below, the District prohibits the Discharge of any and all “Hazardous Waste,” as such is defined in 40 CFR 261.

Any User that commences the Discharge of Hazardous Waste shall notify the District, 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 261. Such notification must include the name of the Hazardous Waste as set forth in 40 CFR 261, the EPA Hazardous Waste number, and the type of Discharge (continuous, batch or other). All notifications must take place no later than one hundred eighty (180) days after the Discharge commences.

In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of Hazardous Wastes generated to the degree it has determined to be economically practical.

This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this Ordinance, a permit issued hereunder, or any applicable Federal or State law.

6.12 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and shall be performed by a laboratory certified by the State of South Carolina.

6.13 Sample Collection

- A. Except as indicated in Section B below, the User must collect Wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, Grab Samples may be required to show compliance with Instantaneous Discharge Limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols (EPA method 420), sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.14 Timing

Written reports will be deemed to have been submitted upon receipt by the District.

6.15 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the following:

- (1) date, exact place, method and time of sampling;
- (2) the name of the person(s) taking the samples;
- (3) the dates on which the analyses were performed;
- (4) the name of the person(s) performing the analyses;
- (5) the analytical techniques or methods used; and
- (6) the results of such analyses.

These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the District.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The District personnel and/or other authorized representatives of the District shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the District 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, the District will be permitted to enter without delay for the purposes of performing specific responsibilities as set forth above.
- B. The District 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. The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated annually to ensure their accuracy, and calibration reports shall be sent to the District.
- 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 the District and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the District access to the User's premises shall be a violation of this Ordinance.

7.2 Subpoena Duces Tecum

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the District may seek issuance of a subpoena duces tecum from the Court of Common Pleas in Lancaster County.

SECTION 8 - CONFIDENTIAL INFORMATION

To the extent permitted by applicable law and except as otherwise provided herein, information and data about a User obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits, and monitoring programs, and from the District's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as Trade Secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. To the extent permitted by applicable law, when requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Documents which are not public records and the information set forth therein may be withheld and released only as required by applicable law.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The District shall publish annually, in the largest daily newspaper published in the area where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

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

10.2 Consent Orders

The District may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

Prior to imposing an administrative fine, as set forth in Section 10.6, or a civil fine as set forth in Section 11.2, the District shall order a User which has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the District and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a

request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. The show cause hearing shall be conducted in accordance with South Carolina Regulation 61-72, Procedures for DHEC Administrative Hearing. A show cause hearing shall not bar the District from taking other appropriate action against the User. The decision of the District is appealable to the Court of Common Pleas in Lancaster County.

10.4 Compliance Orders

When the District finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User. Compliance orders also may contain a civil penalty for violating any provision of this Ordinance, a Wastewater Discharge Permit, compliance agreement, Pretreatment Standard, or Requirement, or order issued pursuant to this Ordinance.

10.5 Cease and Desist Orders

1. When the District finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the District may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements of this Ordinance, their Wastewater Discharge Permit or an order issued pursuant to this Ordinance or other applicable law;
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge;
- C. Discontinue all or any portion of such User's contribution or introduction of Wastewater into the POTW unless adequate treatment facilities, devices or other related appurtenances are installed and operated properly within a specified time period; or
- D. Disconnect all or any portion of the facilities by which such User introduces or contributes wastewater into the POTW unless adequate treatment facilities, devices or other related appurtenances are installed and operated properly within a specified time period.

2. In addition to or in lieu of the matters set forth in the above section 10-5(1), the District may include in such order one or more of the following provisions:

- A. The removal of all or any portion of any service connection by which such User introduces or contributes wastewater into the POTW;
- B. The removal of all or any portion of any service connection by which such User receives water services from the District;
- C. The termination of any Wastewater Discharge Permit issued to such User pursuant to this Ordinance;
- D. The payment of a civil penalty for violating any provision of this Ordinance, a permit, Pretreatment Requirement or Standard, compliance agreement or order issued pursuant to this Ordinance.

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

10.6 Administrative Fines

- A. When the District finds following a Show Cause Hearing as set forth in Section 10.3 that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, or any Pretreatment Standard or Requirement, the District may fine such User an amount not to exceed \$2,000. Such fine(s) shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten (10) percent 10% of the unpaid balance, and interest shall accrue thereafter at a rate of one (1) percent 1% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fine(s) must file a written request for the District to reconsider the fine(s) along with full payment of the fine amount within ten (10) days of being notified of the fine(s). Where a request has merit, the District may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The District may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine(s).
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

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

- A. Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its Receiving Waters, or endangerment to any Persons. The District may allow the User to recommence its Discharge when the User has demonstrated to the

satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Ordinance are initiated against the User.

- B. A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this Ordinance, any User that violates the following conditions is subject to Discharge termination:

- A. Violation of Wastewater Discharge Permit conditions;
- B. Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- C. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
- E. Violation of the Pretreatment Standards in Section 2 of this Ordinance; or
- F. Failure to submit any required report.

Such User will be notified of the proposed termination of its Discharge and be offered an opportunity to show cause under Section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the District finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Court of Common Pleas of Lancaster County for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the User. The District 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.

11.2 Civil Penalties

- A. When the District finds following a Show Cause Hearing as set forth in Section 10.3 that a User who has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, or any Pretreatment Standard or Requirement, the District may fine such User an amount not to exceed \$2,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District such as, but not limited to, any cost of repairing any damage to the POTW resulting from the User's violation.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
- E. Such assessments may be added to the User's next scheduled sewer service charges, and the District shall have such remedies for collection of such assessments as it has for

collection of other charges.

11.3 Criminal Prosecution

DHEC has the right to impose criminal penalties as set forth in S.C. Code Ann. 48-1-320 against any User who willfully or negligently violates any provisions of this Ordinance.

11.4 Remedies Nonexclusive

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

11.5 Reconnection of Utility Service After Termination

1. Any User applying for water or sewer service after the termination of water or sewer service pursuant to any provision of this Ordinance shall not receive such service without the written approval of the District.
2. The District shall approve such application under the following conditions:
 - A. Such User is not delinquent in paying any water or sewer bill;
 - B. Full payment has been made for all costs incurred by the District in removing, severing or otherwise discontinuing water or sewer service to such User;
 - C. Full payment has been made by the User for all fees and costs associated with providing the requested service and installing the necessary facilities;

- D. Full payment has been made for all civil penalties assessed against such User pursuant to this Ordinance and for all damages to the POTW which such User is required to pay pursuant to the provisions of this Ordinance;
- E. If such User is required to have a Wastewater Discharge Permit before Discharging Wastewater into the POTW, such Person must apply for and accept a Wastewater Discharge Permit containing such provisions as the District determines to be reasonably necessary; and
- F. Any User applying for a connection to provide water or sewer service(s) to all or any portion of the property served by a connection removed pursuant to any provision of this Ordinance shall be required to pay all fees and charges for securing a new connection(s), without exception. Any fee or charge paid prior to the removal of the service connection(s) shall be forfeited in its entirety and shall have no continued effect.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this section, “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Standards if the requirements of paragraph (C) below are met.
- C. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence

that:

- (1) An Upset occurred and the User can identify the cause(s) of the Upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the District within twenty-four (24) hours of becoming aware of the Upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the Discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Standards.
- F. Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this Ordinance or the specific prohibitions in this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A local limit exists for each Pollutant Discharged and the User was in compliance with each limit directly prior to, during and after the Pass Through or Interference; or

- B. No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use and disposal requirements.

12.3 Bypass

- A. Bypass is prohibited, and the District may take an enforcement action against a User for a Bypass, unless authorized by the District or unless:
 - 1. Bypass was unavoidable to prevent loss of life, serious personal injury, or Severe Property Damage;
 - 2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated 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 to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance;
 - 3. The User submitted notices as required under subsection (c)(1) below.
- B. A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These Bypasses are not subject to the provision of paragraph (C) of this Section.
- C. (1) If a User knows in advance of the need for a Bypass, it shall submit prior notice to the District, at least ten (10) days before the date of the Bypass, if possible.

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

SECTION 13 - MISCELLANEOUS PROVISIONS

13.1 Pretreatment Charges and Fees

The District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for Wastewater Discharge Permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge, and reviewing monitoring reports submitted by Users;
- C. Fees for reviewing and responding to accidental Discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees shall relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the District.

13.2 Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 14 – PROTECTION FROM DAMAGE

No person shall maliciously or negligently damage, destroy, or tamper with any equipment or materials belonging to the District, including that left upon the premises of a User Discharging Wastewater into the POTW. The User shall be responsible for the safety of such equipment and may be held liable in the event of any damage to such equipment.

SECTION 15 – FALSIFYING INFORMATION; DAMAGES TO MONITORING EQUIPMENT

Any Person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished in accordance with S.C. Code Ann. 16-1-20.

SECTION 16 - EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

SECTION 17 – ENFORCEMENT RESPONSE GUIDE

This guide is a matrix which describes violations of the Pretreatment Program/Ordinance and indicates a range of appropriate enforcement options for the District. The guide defines the range of appropriate enforcement actions based on the nature and severity of the violation as well as other relevant factors and promotes the consistent and timely use of enforcement remedies. This guide is for the use of District staff and is not considered to be an absolute requirement. This guide is not binding on the District. The District reserves the right to vary or make exceptions to these general enforcement responses at its sole discretion, in order to serve the best interest of the District.

Description of Terms

- Administrative Fine - Monetary penalty assessed by the District officials against an IU.

- AO - Administrative Order; a form of the enforcement process in which the District issues an order concerning compliance with which the IU doesn't necessarily agree with and/or which contains a fine and/or a compliance order.

- CO - Consent Order; a form of the formal enforcement process in which

the District and IU come to agreement concerning voluntary compliance regarding an issue in which the IU was previously in noncompliance.

- Compliance Order - See Section 10.4 of this Ordinance.
- Cease & Desist Order - An order in which the District directs the IU to cease and desist all violations (see Section 10.5 of this Ordinance).
- Civil Litigation - Civil litigation by the District against the IU through the Lancaster County Court System or by another authority seeking injunctive relief.
- Criminal Prosecution - Pursuing punitive measures against an IU through a court of law.
- Emergency Suspension - See Section 10.7 of this Ordinance.
- Interference or Pass Through - Environmental harm is presumed when an IU discharges a Pollutant into the District's collection system which:
- a. Passes through the POTW
 - b. Causes a violation of the POTW's NPDES permit (including water quality standards)
 - c. Has a toxic effect on the Receiving Waters (i.e. fish kill); or
 - d. Poses a threat to human life
- Injunctive Relief - See Section 11.1 of this Ordinance
- IU - Industrial User
- NOSN - Notice of Significant Non-compliance, issued to an IU when it has violated, or continues to violate any provision of this

Ordinance. The NOSN also serves as notification for a Show Cause Hearing.

- NOV - Notice of Violation; see Section 10.1 of this Ordinance.
- REF - Referral to EPA and/or SCDHEC for Federal and/or State enforcement action.
- SNC - Significant Non-Compliance; see Section 9 of this Ordinance.
- Show Cause Hearing - See Section 10.3 of this Ordinance.
- Termination of Discharge - See Section 10.8 of this Ordinance.

Lancaster County Water & Sewer District Enforcement Response Guide Matrix

Unauthorized Discharges

(No Permit)

<u>Noncompliance</u>	<u>Nature of the Violation</u>	<u>Enforcement Responses</u>	<u>SNC</u>
1. Unpermitted Discharge (failure to apply)	IU unaware of requirement; no Interference or Pass Through	Phone call; NOV with application form	No
	IU unaware of requirement; Interference or Pass Through	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation f. Emergency suspension	Yes
	Failure to apply continues after notice by the POTW	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation f. Emergency suspension g. Termination of discharge	Yes
2. Non-permitted Discharge (failure to renew)	IU has not submitted application within 30 days of due date	Phone call; NOV	No

Discharge Limit**Violation**

1. Exceedence of local or Federal standard (permit limit)	Isolated; IU not in SNC	Phone call; NOV	No
	Isolated; IU in SNC (no Interference or Pass Through)	a. NOSN b. Show cause hearing c. AO	Yes
	Isolated; IU in SNC (Interference or Pass Through)	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation f. Emergency suspension	Yes
	Recurring; IU in SNC (no Interference or Pass Through)	a. NOSN b. Show cause hearing c. AO	Yes
	Recurring; IU in SNC (Interference or Pass Through)	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation f. Emergency suspension g. Termination of discharge	Yes

**Monitoring and
Reporting Violation**

1. Reporting violation	Failure to sample, monitor, or report (isolated incident or infrequent)	Phone call; NOV	No
	Minor sampling, monitoring, or reporting deficiencies (computational or typographical error & isolated or infrequent)	Phone call; NOV	No
	Failure to sample, monitor, report, provide reports for compliance schedules, or to resubmit incomplete, inaccurate or improper reports returned to the IU by the District within 30 days of the due date or the date on which the material was returned to the IU	a. NOSN b. Show cause hearing c. AO	Yes
	Recurring; failure to respond (e.g. 5 days late)	a. NOSN b. Show cause hearing c. AO	Yes

	Failure to report Slug Discharge or changed Discharge (no Interference or Pass Through)	NOV	No
	Failure to report Slug Discharge or changed Discharge (Interference or Pass Through)	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation	Yes
	Repeated failure to report Slug Discharge	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation f. Emergency suspension g. Termination of discharge	Yes
	Falsification	a. NOSN b. Show cause hearing c. Civil litigation d. REF e. Criminal prosecution f. Emergency suspension g. Termination of discharge	Yes
2.	Failure to install monitoring equipment	Delay of less than 30 days NOV	No

	Delay of 30 days or more	a. NOSN b. Show cause hearing c. AO	Yes
	Recurring violation of AO	a. NOSN b. Show cause hearing c. AO d. Civil litigation e. Emergency suspension f. Termination of discharge	Yes
3. Compliance schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	NOV	No
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	NOV	No
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	a. NOSN b. Show cause hearing c. AO	Yes
	Missed final milestone by more than 30 days due to force majeure	NOV	No

Missed final milestone by more than 30 days (good cause for delay)	a. NOSN b. Show cause hearing c. CO	No
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Missed final milestone by more than 30 days (no good cause for delay)	a. NOSN b. Show cause hearing c. AO	Yes
---	---	-----

Other Permit

Violations

1. Wastestreams are diluted in lieu of treatment	Initial violation	a. NOSN b. Show cause hearing c. AO	Yes
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	Recurring	a. NOSN b. Show cause hearing c. AO d. Emergency suspension e. Termination of discharge	Yes
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2. Failure to mitigate noncompliance or halt production	Does not result in Interference or Pass Through	NOV	No
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	Does result in Interference or Pass Through	a. NOSN b. Show cause hearing c. AO d. Civil litigation	Yes
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3. Failure to properly operate and maintain Pretreatment facility	Does not result in Interference or Pass Through	NOV	No
	Does result in Interference or Pass Through	a. NOSN b. Show cause hearing c. AO d. Civil litigation	Yes

Violations Detected

During Site Visit

1. Entry denial	Entry denied or consent withdrawn copies of records denied	a. NOSN b. Obtain search warrant c. Show cause hearing d. AO	Yes
2. Illegal Discharge	No Interference or Pass Through	NOV	No
	Interference or Pass Through	a. NOSN b. Show cause hearing c. AO d. Civil litigation	Yes
	Interference or Pass Through; evidence of intent/negligence	a. NOSN b. Show cause hearing c. AO d. Cease & desist order e. Civil litigation f. REF	Yes

		g. Criminal prosecution h. Emergency suspension i. Termination of discharge	
3. Improper sampling	Unintentional sampling at incorrect location	NOV	No
	Unintentional using incorrect sample type	NOV	No
	Unintentional using incorrect sample collection techniques	NOV	No
	Recurring	a. NOSN b. Show cause hearing c. AO	Yes
	Evidence of Intent	a. NOSN b. Show cause hearing c. Civil litigation d. REF e. Criminal prosecution f. Emergency suspension g. Termination of discharge	Yes

4. Inadequate recordkeeping	Inspector find files incomplete to missing (no evidence of intent)	NOV	No
	Recurring	a. NOSN b. Show cause hearing c. AO	Yes
5. Failure to report additional monitoring	Inspection finds additional files	NOV	Yes
	Recurring	a. NOSN b. Show cause hearing c. AO	Yes

**Timeframes, Responses,
and Other Information**

- A. All violations will be identified and documented within ten days of receiving compliance information.
- B. Initial enforcement responses [involving contact with the Industrial User and requesting information on corrective or preventative action(s)] will occur within 15 days of violation detection.
- C. Follow up actions for continuing or reoccurring violations will take 60 days from the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies

and will receive immediate responses such as halting the Discharge or terminating services.

- E. All violations meeting the criteria for Significant Noncompliance will be addressed with an enforceable order within 30 days of the identification of Significant Noncompliance.

- F. Administrative or civil fines levied by the District may be up to \$2000 per violation, per day. Unpaid charges, fines, and penalties shall, after thirty (30) days, be assessed an additional penalty of ten (10) percent of the unpaid balance, and interest shall accrue thereafter at a rate of one (1) percent per month.

- G. Personnel involved in enforcement responses may include the Pretreatment Inspector, the Pretreatment Coordinator, the District Assistant Manager, the District Manager, Counsel, and/or any other persons the District deems necessary.

“EXHIBIT A”

LANCASTER COUNTY WATER & SEWER DISTRICT

**NON-DOMESTIC WASTE SURVEY QUESTIONNAIRE /
APPLICATION**

SECTION A – GENERAL INFORMATION

A.1. Company name: _____

Mailing address: _____

Telephone number: _____

A.2. Address of production or manufacturing facility. (If same as above, check ___).

Company name: _____

Mailing address: _____

Telephone number: _____

Note To Signing Official

In accordance with Title 40 of the Code of Federal Regulations Part 403, Section 403.14, information and data provided in this questionnaire/application which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 40 CFR Part 2. Should a discharge permit be required for your facility, the information in this questionnaire/application will be used to issue the permit.

This is to be signed only by an authorized official of your firm **after** adequate completion of this form and review of the information by the signing official.

I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and/or imprisonment.

(Date)

By: _____

Its: _____

A.3. Name, title, and telephone number of person authorized to represent this company in official dealings with Lancaster County Water & Sewer District:

Name: _____

Title: _____

Telephone Number: _____

A.4. Alternate person to contact concerning information provided herein:

Name: _____

Title: _____

Telephone Number: _____

A.5. Identify the type of business conducted (dye plant, food processing, warehousing, etc.)

A.6. Provide a brief narrative description of the manufacturing, production, or service activities your company conducts: _____

A.7. Standard Industrial Classification Number(s) (SIC Code) for your company:

A.8. This facility generates the following types of wastes (check all that apply):

Average gallons per day

1. Domestic wastes _____ estimated measured
(restrooms, employee showers, etc.)

2. Cooling water,
non-contact _____ estimated measured

3. Boiler/Tower
Blowdown _____ estimated measured

4. Cooling water,
 contact _____ estimated measured
5. Process _____ estimated measured
6. Equipment
 facility washdown _____ estimated measured
7. Air pollution
 control unit _____ estimated measured
8. Other _____ estimated measured
 describe: _____

TOTAL A.8.1. – A.8.8 _____ gallons per day

A.9 Wastes are discharged to (check all that apply):

Average gallons per day

- Sanitary Sewer _____ estimated measured
- Surface Water _____ estimated measured
- Ground Water _____ estimated measured
- Waste Haulers _____ estimated measured
- Evaporation _____ estimated measured
- Other (describe) _____ estimated measured

Provide name and address of waste hauler(s), if used.

A.10 Is a spill prevention control and countermeasure plan prepared for the facility?

- yes no

A.11 List any environmental control permits issued to the facility and any discharge limits associated with those permits.

Note: If you did not check one or more of the items listed in A.8.4 through A.8.9 above, then you do not need to complete any further sections in this survey/application. If any items in A.8.4 through A.8.9 were checked, please complete the remainder of this survey/application.

Section B – FACILITY OPERATION CHARACTERISTICS

B.1 Number of employee shifts worked per 24-hour day is _____.
Average number of employees per shift is _____.

B.2 Starting times of each shift: 1st _____ am 2nd _____ am 3rd _____ am
 pm pm pm

Note: The following information in this section must be completed for each product line.

B.3 Principal product produced: _____
B.4 Raw materials and process additives used: (Use separate sheet if needed)
Number of Days or Gallons per Day _____

B.5 Production process is:
() Batch () Continuous () Both %batch _____ %continuous _____
Average number of batches per 24-hour day _____
B.6 Hours of operation _____ a.m. to _____ p.m. () continuous

B.7 Is production subject to seasonal variation? () yes () no
If yes, briefly describe seasonal production cycle.

B.8 Are any process changes or expansions planned during the next three years?
() yes () no
If yes, please describe the nature of planned changes or expansions. _____

B.9 Average monthly water usage: _____

SECTION C – WASTEWATER INFORMATION

C.1 If your facility employs processes in any of the industrial categories or business activities listed below and any of these processes generate wastewater or waste sludge, place a check beside the category or business activity (check all that apply).

Industrial Categories

1. () Adhesives
2. () Aluminum Forming
3. () Auto & Other Laundries
4. () Battery Manufacturing
5. () Coal Mining
6. () Coil Coating
7. () Copper Forming
8. () Electric & Electronic Components
9. () Electroplating
10. () Explosives Manufacturing
11. () Foundries

12. () Gun & Wood Chemicals
13. () Inorganic Chemicals
14. () Iron & Steel
15. () Leather Tanning & Finishing
16. () Mechanical Products
17. () Nonferrous Metals
18. () Ore Mining
19. () Organic Materials
20. () Paint & Ink
21. () Pesticides
22. () Petroleum Refining
23. () Pharmaceuticals
24. () Photographic Supplies
25. () Plastic & Synthetic Materials
26. () Plastics Processing
27. () Procelain Enamel
28. () Printing & Publishing
29. () Pulp & Paper
30. () Rubber
31. () Soaps & Detergents
32. () Steam Electric
33. () Textile Mills
34. () Timber
35. () Other (identify) _____

C.2 Pretreatment devices or processes used for treating wastewater or sludge (check as many as appropriate).

- Air Flotation
- Centrifuge
- Chemical Precipitation
- Chlorination
- Cyclone
- Filtration
- Flow Equalization
- Grease or Oil Separation, type _____
- Grease Trap
- Grit Removal
- Ion Exchange
- Neutralization, pH correction
- Ozonation
- Reverse Osmosis
- Screen
- Sedimentation
- Septic Tank
- Solvent Separation
- Spill Protection
- Sump
- Biological Treatment, type _____
- Rainwater Diversion or Storage
- Other Chemical Treatment, type _____
- Other Physical Treatment, type _____
- Other, type _____
- No Pretreatment Provided

C.3 If any wastewater analyses have been performed on the wastewater discharge(s) from your facilities, attach a copy of the most recent data to this questionnaire. Be sure to include the date of analysis, name of laboratory performing the analysis, and location(s) from which sample(s) were taken (attach sketches, plans, etc., as necessary).

C.4 Priority Pollutant Information: Please indicate by placing an “X” in the appropriate box by each listed chemical known to be in your manufacturing or service activity or generated as a by-product.

CHEMICAL	Known	Suspected	Known	Suspected
COMPOUND	Present	Present	Absent	Absent

*I. METALS AND
INORGANICS*

1. Antimony	()	()	()	()
2. Arsenic	()	()	()	()
3. Asbestos	()	()	()	()
4. Beryllium	()	()	()	()
5. Cadmium	()	()	()	()
6. Chromium	()	()	()	()
7. Copper	()	()	()	()
8. Cyanide	()	()	()	()
9. Lead	()	()	()	()
10. Mercury	()	()	()	()
11. Nickel	()	()	()	()
12. Selenium	()	()	()	()
13. Silver	()	()	()	()
14. Thallium	()	()	()	()
15. Zinc	()	()	()	()

II. *PHENOLS AND*

CRESOLS

16. Phenol(s)	()	()	()	()
17. Phenol, 2-chloro	()	()	()	()
18. Phenol, 2, 4-dichloro	()	()	()	()
19. Phenol, 2, 4, 6-trichloro	()	()	()	()
20. Phenol, pentachloro	()	()	()	()
21. Phenol, 2-nitro	()	()	()	()

CHEMICAL COMPOUND	Known Present	Suspected Present	Known Absent	Suspected Absent
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22. Phenol, 4-nitro	()	()	()	()
23. Phenol, 2,4-dinitro	()	()	()	()
24. Phenol, 2,4-dimethyl	()	()	()	()
25. m-Cresol, p-chloro	()	()	()	()
26. o-Cresol, 4,6-dinitro	()	()	()	()

III. *MONOCYCLIC AROMATI*

*(EXCLUDING PHENOLS, CRESOLS,
AND PHTHALATES)*

27. Benzene	()	()	()	()
28. Benzene, chloro	()	()	()	()
29. Benzene, 1,2-dichloro	()	()	()	()
30. Benzene, 1,3-dichloro	()	()	()	()
31. Benzene, 1,4-dichloro	()	()	()	()
32. Benzene, 1,2,4-dichloro	()	()	()	()
33. Benzene, hexachloro	()	()	()	()

34. Benzene, ethyl	()	()	()	()
35. Benzene, nitro	()	()	()	()
36. Toluene	()	()	()	()
37. Toluene, 2,4-dinitro	()	()	()	()
38. Toluene, 2,6-dinitro	()	()	()	()

CHEMICAL	Known	Suspected	Known	Suspected
COMPOUND	Present	Present	Absent	Absent

IV. PCBs AND RELATED

COMPOUNDS

39. PCB-1016	()	()	()	()
40. PCB-1221	()	()	()	()
41. PCB-1232	()	()	()	()
42. PCB-1242	()	()	()	()
43. PCB-1248	()	()	()	()
44. PCB-1254	()	()	()	()
45. PCB-1260	()	()	()	()
46. 2-Chloronaphthalene	()	()	()	()

V. ETHERS

47. Ether, bis (chloromethyl)	()	()	()	()
48. Ether, bis (2-chloroethyl)	()	()	()	()
49. Ether, bis (2-chlorosoprophyl)	()	()	()	()
50. Ether, 2-chloroethyl vinyl	()	()	()	()
51. Ether, 4-bromophenyl phenyl	()	()	()	()

52. Ether, 4-chlorophenyl phenyl	()	()	()	()
53. Bis (2-chloroethoxy) methane	()	()	()	()

CHEMICAL	Known	Suspected	Known	Suspected
COMPOUND	Present	Present	Absent	Absent

*VI. NITROSAMINES AND
OTHER NITROGEN-
CONTAINING COMPOUNDS*

54. Nitrosamine, dimethyl	()	()	()	()
55. Nitrosamine, diphenyl	()	()	()	()
56. Nitrosamine, di-n-propyl	()	()	()	()
57. Benzidine	()	()	()	()
58. Benzidine, 3, 3-dichloro	()	()	()	()
59. Hydrazine, 1, 2-diphenyl	()	()	()	()
60. Acrylonitrile	()	()	()	()

CHEMICAL	Known	Suspected	Known	Suspected
COMPOUND	Present	Present	Absent	Absent

VII. HALOGENATED

ALIPHATICS

61. Methane, bromo-	()	()	()	()
62. Methane, chloro-	()	()	()	()
63. Methane, dichloro-	()	()	()	()
64. Methane, chlorodibromo	()	()	()	()
65. Methane, dichlorobromo	()	()	()	()
66. Methane, tribromo	()	()	()	()
67. Methane, trichloro	()	()	()	()
68. Methane, tetrachloro	()	()	()	()
69. Methane, trichlorofluoro	()	()	()	()
70. Methane, dichlorodifluoro	()	()	()	()
71. Ethane, 1,1-dichloro	()	()	()	()
72. Ethane, 1,2-dichloro	()	()	()	()
73. Ethane, 1,1,1-trichloro	()	()	()	()
74. Ethane, 1,1,2-trichloro	()	()	()	()
75. Ethane, 1,1,2,1-tetrachloro	()	()	()	()
76. Ethane, hexachloro	()	()	()	()
77. Ethene, chloro	()	()	()	()
78. Ethene, 1,1-dichloro	()	()	()	()
79. Ethene, trans-dichloro	()	()	()	()
80. Ethene, trichloro	()	()	()	()
81. Ethene, tetrachloro	()	()	()	()
82. Propane, 1,2-dichloro	()	()	()	()

83. Propene, 1,2-dichloro	()	()	()	()
84. Butadiene, hexachloro	()	()	()	()
85. Cyclopentadiene, hexachloro	()	()	()	()

VIII. PHTHALATE ETHERS

86. Phthalate, di-c-methyl	()	()	()	()
87. Phthalate, di-n-ethyl	()	()	()	()
88. Phthalate, di-n-butyl	()	()	()	()
89. Phthalate, di-n-octyl	()	()	()	()
90. Phthalate, bis (2-ethylhexyl)	()	()	()	()
91. Phthalate, butyl benzyl	()	()	()	()

CHEMICAL COMPOUND	Known Present	Suspected Present	Known Absent	Suspected Absent
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IX. POLYCYCLIC AROMATIC

HYDROCARBONS

92. Acenaphthene	()	()	()	()
93. Acenaphthylene	()	()	()	()
94. Benzo (a) anthracene	()	()	()	()

95. Benzo				
(b) fluoranthene	()	()	()	()
96. Benzo				
(k) fluoranthene	()	()	()	()
97. Benzo				
(ghi) perylene	()	()	()	()
98. Benzo				
(a) pyrene	()	()	()	()
99. Chrysene	()	()	()	()
100. Dibenzo (a,n,)				
anthracene	()	()	()	()
101. Fluoranthene	()	()	()	()
102. Fluorene	()	()	()	()
103. Indeno (1,2,3-cd)				
pyrene	()	()	()	()
104. Naphthalene	()	()	()	()
105. Phenanthrene	()	()	()	()
106. Pyrene	()	()	()	()

CHEMICAL COMPOUND	Known Present	Suspected Present	Known Absent	Suspected Absent
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X. PESTICIDES

107. Acrolein	()	()	()	()
108. Aldrin	()	()	()	()
109. BHC (Alpha)	()	()	()	()
110. BHC (Beta)	()	()	()	()
111. BHC (Gamma)				

- | | | | | |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| or Lindane | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 112. BHC (Delta) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 113. Chlordane | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 114. DDD | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 115. DDE | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 116. DDT | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 117. Dieldrin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 118. Endosulfan (Alpha) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 119. Endosulfan (Beta) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 120. Endosulfan Sulfate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 121. Endrin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 122. Endrin aldehyde | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 123. Heptachlor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 124. Heptachlor epoxide | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 125. Isophorone | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 126. TCDD (or Dioxin) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 127. Toxaphene | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

C.5. If you are unable to identify the chemical constituents of products you use that are discharged in your wastewater, attach copies of the material safety data sheets for all of your products.

SECTION D – OTHER WASTES

D.1. Are any liquid wastes or sludges from this firm disposed by means other than discharge to the sewer system?

yes no

If “no”, skip remainder of Section D.

If “yes”, complete items 2 and 3.

D.2. These wastes may best be described as:

	Estimated Gallons or Pounds/Year
<input type="checkbox"/> Acids and Alkalies	_____
<input type="checkbox"/> Heavy Metal Sludges	_____
<input type="checkbox"/> Inks/Dyes	_____
<input type="checkbox"/> Oil and/or Grease	_____
<input type="checkbox"/> Organic Compounds	_____
<input type="checkbox"/> Paints	_____
<input type="checkbox"/> Pesticides	_____
<input type="checkbox"/> Plating Wastes	_____
<input type="checkbox"/> Pretreatment Sludges	_____
<input type="checkbox"/> Solvents/Thinners	_____
<input type="checkbox"/> Other Hazardous Wastes (specify)	_____

Other wastes (specify) _____

D.3. For the above checked wastes, does your company practice:

- on-site storage
- off-site storage
- on-site disposal
- off-site disposal

Briefly describe the method(s) of storage or disposal checked above.

SECTION E – WASTESTREAM CHARACTERISTICS

E.1. Number of discharges from regulated processes (those with an existing or proposed categorical limit) to sanitary sewer system and their locations.

E.2. Provide a schematic drawing showing the regulated process waste streams, unregulated waste streams, domestic wastewater flows, cooling water, and boiler blow-down.

E.3. Wastewater Characteristics

a. Daily Flow Average Daily Flow (GPD) _____
 Average Maximum Daily Flow (GPD) _____

b. Identify the discharge from each regulated process and check type of discharge.

Process	Continuous	Intermittent	Batch	Flow(GPD)

b. Waste characteristics at point of discharge:

BOD _____ mg/L pH _____
 COD _____ mg/L NH3-N _____
 TSS _____ mg/L TKN _____

Priority Pollutants shown in Section C.4

Pollutants	Concentration (mg/L)

_____	_____
_____	_____
_____	_____
_____	_____

Flow at time sample collected _____ MGD

c. Priority Pollutants at each regulated process:

Process #	Pollutants	Concentration (mg/L)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

E.4. Does the wastewater discharged:

- a) Create a fire or explosion hazard? () yes () no
- b) Have a pH lower than 5.0? () yes () no
- c) Contain a substance that can obstruct the flow in the collection system?
() yes () no

“EXHIBIT B”

LANCASTER COUNTY WATER & SEWER DISTRICT

WASTEWATER PRETREATMENT ORDINANCE

ON-SITE INSPECTION REPORT

(Note: For District personnel use only)

Date: _____ District Personnel Signature: _____

Customer Name: _____

Customer Mailing Address: _____

Customer Physical Address: _____

Rate of Discharge: _____ or Average Daily Flow: _____

Pounds Per Day of any Limited Pollutant (Identified in the Application as Known or Suspected Present): _____

Calculations in Applying Categorical Pretreatment Standards:

Are there any limitations for those pollutants proposed to be limited: _____

If yes, what are the limitations? _____

Will there be monitoring requirements for pollutants that are suspected to be present? _____

If yes, give location of monitoring: _____

Will a schedule of compliance be needed for customer to adhere to? _____

If yes, include dates and requirements for all limitations and installation of monitoring and/or flow measuring equipment: _____

Draw a sketch with detailed descriptions of the facility including all locations of points of discharge to the District and all established compliance monitoring points:

“ Exhibit C”

LANCASTER COUNTY WATER & SEWER DISTRICT

Pretreatment Permit Form

Lancaster County Water & Sewer District requires that this Wastewater Discharge Permit shall not exceed five (5) years, at which time the District shall re-evaluate each permittee with a new questionnaire/application.

This Wastewater Discharge Permit is nontransferable without prior notification and approval the District, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit.

Compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit and other conditions as deemed appropriate by the District to ensure compliance with this Ordinance, State, Federal, and local laws, rules, and regulations.

This Permit shall include such conditions as are deemed reasonably necessary by the District, 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. The District shall have the authority to grant a permit with such conditions attached as are necessary to achieve the purpose of the Ordinance.

Customer Name: _____

Customer Physical Address: _____

Date of Permit Issuance: _____ Date of Expiration (5 years): _____

Effluent limits: _____

Requirements for: Identification of pollutants to be monitored: _____

Sampling Location(s): _____
Sampling Frequency: _____
Sample Type: _____

Limits on the average and maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization:

Requirements for the installation of pretreatment devices: _____

Requirements for spill control plans: _____

Schedule of user fees and charges for the management of the wastewater discharged to the District's POTW: _____ per month.

Requirements for installation and maintenance of inspection and sampling facilities and equipment: _____

Notice To Permittee: Any violation of Pretreatment Standards or Requirements, and any applicable compliance schedule by the customer shall result in civil and/or criminal penalties. Such compliance schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

“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.”

Customer Signature

Date

Its _____

Signature of District personnel

Date

Title:

“ Exhibit D”

LANCASTER COUNTY WATER & SEWER DISTRICT

Procedure for Public Notice of Permit

As required by the Environmental Protection Agency, Lancaster County Water & Sewer District is providing public notice of the issuance of a Wastewater Discharge Permit for _____ located at _____.

Any person, including the user, may petition the District to reconsider the terms of a Wastewater Discharge Permit within 30 days of notice of its issuance. Failure to submit a petition for review shall be considered a waiver of reconsideration. In his petition, the moving party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for his objections, and the alternative condition(s), if any, he seeks to place in the Wastewater Discharge Permit.

“Exhibit E”

LANCASTER COUNTY WATER & SEWER DISTRICT

Compliance Schedule Progress Report

The following conditions shall apply to all customers required by the District or any other governmental agency to submit compliance schedules in conjunction with their baseline monitoring reports, interim permit limits, or enforcement order:

No increment referred to below shall exceed nine (9) months and in no event shall more than nine (9) months elapse between such progress reports to the District.

Scheduled Date For Commencement of Event: _____

Scheduled Date For Completion of Event: _____

Date of Hiring an Engineer: _____

Date of Completing Preliminary Plans: _____

Date of Executing Contracts for Work: _____

Date of Commencement of Work: _____

Completion of Work: _____

Beginning and Conducting Routine Operation: _____

The customer shall submit a progress report to the District 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.

By: _____

Date: _____

Its: _____

