

ORDINANCE NO. 336.2019

AN ORDINANCE BY KERSHAW COUNTY COUNCIL AMENDING AND RESTATING CHAPTER 13
PUBLIC UTILITIES OF KERSHAW COUNTY ORDINANCES, AS AMENDED

Chapter 13

PUBLIC UTILITIES*

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***Editor's note** – An ordinance adopted Jan. 9, 2001, amended Ch. 13 in its entirety, in effect repealing and reenacting said chapter to read as set out herein. The former Ch. 13, §§ 13-1 – 13-16, 13-41 – 13-46, 13-56 – 13-68, 13-81 – 13-85, 13-130 – 13-138, 13-151 – 13-160, 13-171 – 13-185, 13-201 – 13-213, 13-251 – 13-258, 13-271 – 13-276, 13-291 – 13-293, pertained to similar subject matter and derived from §§ 1001 – 1004, 1006 – 1015, 2001 – 2005, 2011 – 2021, 2031 – 2035, and 2036 of an ordinance adopted Nov. 20, 1984; an ordinance adopted Dec. 16, 1986; and an ordinance adopted Aug. 20, 1996.

Cross references – Administration, Ch. 2; purpose of economic development board, § 4-61; solid waste, Ch. 15; buildings, App. A; flood damage prevention, App. B; mobile homes, App. C; utilities in mobile home parks, App. C, § 9.5; sediment control and storm drainage, App. D; subdivision regulations, App. E; utility improvements and standards in subdivisions, App. E, Art. IX; watershed regulations, App. F; zoning and development standards, App. G.

State constitution reference – Acquisition and operation of public utilities systems, Art. VIII, § 16.

ARTICLE I. IN GENERAL

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Approval Authority. The South Carolina Department of Health and Environmental Control.

Authorized representative of the industrial user:

- (1) If the industrial 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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit (or general permit) requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or sole proprietorship, an "authorized representative" shall mean a general partner or the proprietor, respectively.
- (3) If the industrial user is a federal, state or local government, 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 their designee.
- (4) The individuals described in paragraphs (1) – (3) ~~(a) – (c)~~ 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 company, and the written authorization is submitted to the County.

Best management practices (BMPs). Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to Section 13-133. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade expressed as a concentration (mg/L)

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

Building sewer. A sewer conveying wastewater from the premises of a user to the POTW.

Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.

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

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

Combined sewer. A sewer receiving both surface runoff and sewage.

Commercial. Any hotel, motel, lodge, tourist home, efficiency apartment, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis.

Condominium. One or more buildings containing two or more single family units owned individually and provided with, or adjacent to, public streets or roads and having one water connection for each unit.

Control Authority. The County.

County. Kershaw County, S.C. or the Utilities Manager of the County, or any designee or agent of the County.

County council. The governing body of Kershaw County.

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

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total

mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Development. Any residential subdivision, real estate development, commercial, industrial or institutional, real estate development, commercial, industrial or institutional complex.

Direct discharge. The discharge of treated or untreated wastewater directly to the waters of the state.

Domestic wastewater. Liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term duly authorized official of said agency.

EPA pretreatment regulation. EPA regulation 40 CFR Part 403 titled, "General Pretreatment Regulations for Existing and New Sources of Pollution."

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

Federal categorical pretreatment standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with the Act which applies to a specific category of industrial users and provides limitations on the introduction of pollutants into POTW.

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

Grab sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailer, septic tanks, and vacuum-pump tank trucks.

Indirect discharge or discharge. The discharge or the introduction of pollutants from any non-domestic source into the POTW (including holding tank waste discharged into the system).

Industrial. Any building used by the occupant to manufacture, assemble, or process goods classified in the standard industrial classification manual.

Industrial user. A source of wastewater into the sewer system of the County from any non-domestic source regulated under the Act.

Industrial wastewater. Wastewater containing non-domestic pollutants.

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

Interference A discharge that 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 violation of the County'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.

Local Limits. Local limits are wastewater limitations that apply to commercial and industrial facilities that discharge to a publicly owned treatment works (POTW) (40 CFR §403.3(q)). Local limits are developed to meet the pretreatment program objectives and site-specific needs of the local POTW and the receiving stream. Local limits control the pollutants in the wastewater discharges from commercial and industrial facilities and apply at the "end-of-pipe" from the facility. The regulations under 40 CFR §403.5(d) give the POTW the authority to enforce its local limits.

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.

Monthly Average. The sum of all "daily discharges" measure during a calendar month divided by the number of "daily discharges" measured during that month.

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

Multiple family dwelling unit. Shall mean any building, apartment or mobile home park containing two or more single family dwelling units and having one water connection for all dwelling units.

National pollution discharge elimination system or NPDES permit. A permit issued to a POTW pursuant to section 402 of the Act.

National prohibitive discharge standard or prohibitive discharge standard. Prohibitions applicable to all non-domestic dischargers regarding the introduction of pollutants into the POTW developed under the authority of the Act.

New source.

- (1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards which will be applicable to such source if such standards are thereafter promulgated provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- (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 subsection (1)a. or (1)c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) For purposes of this definition, construction of a new source has commenced if their owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. 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 that are intended to be used in its operation with 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 definition.

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

Pass through. A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or a downstream water quality standard.

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 government entities.

pH. A measure of the acidity or alkalinity of a substance expressed as standard units.

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

Utilities Manager or director. The person designated by the County to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article.

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 to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the County in compliance with EPA pretreatment regulation and approved by the approval authority.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment other than a pretreatment standard.

Pretreatment standard. Prohibited discharge standards, categorical standards, and local limits.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances.

Properly shredded garbage. The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than ½ -inch in any dimension.

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

Publicly-owned treatment works (POTW). A treatment works as defined by the Act, which is owned by the County. This definition includes any devices or systems used in the collection,

storage, treatment, recycling, and reclamation of domestic and industrial wastewater. It includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. "POTW" shall also include any wastewater system that conveys wastewater to the POTW from persons or users of the County's POTW who are located outside the County.

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

Sewage. The same meaning as wastewater.

Sewer. A pipe or conduit for carrying wastewater.

Sewer charge, rate, sewer rate. Whenever the term sewer charge is used it shall denote sewer rate and likewise sewer rate shall denote sewer charge, and the use of sewer charge or sewer rate shall include applicable discounts, penalties, fees or other charges or rates as set by county council (the council).

Shall is mandatory; *may* is permissive.

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

- (1) Any user subject to categorical pretreatment standards; or
- (2) A user that:
 - a. Discharges an average 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity on the POTW treatment plant; or
 - c. Is designated as such by the County on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The County may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial user on a finding that the Industrial User never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to County's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

- b. The Industrial user annually submits the certification statement required by the Act, together with any additional information necessary to support the certification statement; and
 - c. The Industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the County may at any time on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR 403, determine that such user should not be considered a significant industrial user.

Significant noncompliance (SNC). Shall be applicable to all Significant Industrial Users (or any other Industrial User that violates **one or more** of the provisions below.

- (a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements for each pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l)
- (b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH).
- (c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other dischargers, interference or pass through (including endangering the health of POTW personnel or the general public)
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the 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
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance

- (f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules
- (g) Failure to accurately report noncompliance
- (h) Any other violation or group of violations, which can include a violation of best management practices, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Single family dwelling unit. Shall mean any building, house, mobile home or apartment unit, occupied for living purposes by a single family and owned, lease or rented by a single family and owned, leased or rented by the occupant on a continuing basis for 30 days or more per year.

Slug load. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard industrial classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Storm sewer or storm drain. A sewer that carries storm and surface water and drainage but excludes domestic or industrial wastewater.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Sub-district. Any residential sub-division, real estate development, commercial, industrial or institutional complex.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Townhouse. One or more buildings containing two or more single family units owned individually and provided with, or adjacent to, public streets or roads and having one water connection for each unit.

Upset. An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, maintenance, or careless or improper operation.

User. Any person who contributes, causes or permits the contribution of wastewater into the County's POTW including persons who contribute such wastes from mobile sources.

Wastewater. The liquid and water-carried industrial or domestic wastewater from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which are contributed or permitted to enter the POTW.

Wastewater contribution permit. A permit issued to significant industrial users specifying term and conditions for discharge of industrial wastewater to the POTW.

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

Wastewater treatment plant. Any arrangement or devise and structures for treating wastewater.

Waters of the state. All stream, lakes, ponds, marshes, watercourse waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of any portion thereof.

Sec. 13-2. Abbreviations.

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

- (1) BOD: Biochemical oxygen demand.
- (2) CFR: Code of Federal Regulations.
- (3) COD: Chemical oxygen demand.
- (4) EPA: Environmental Protection Agency.
- (5) gpd: Gallons per day.
- (6) l: Liter.
- (7) mg: Milligrams.
- (8) mg/l: Milligrams per liter.
- (9) NPDES: National pollution discharge elimination system.
- (10) O&M: Operation and maintenance.
- (11) RCRA: Resource Conservation and Recovery Act.

- (12) POTW: Publicly-owned treatment works.
- (13) ppm: Parts per million.
- (14) SIC: Standard industrial classification.
- (15) SWDA: Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- (16) TSS: Total suspended solids.
- (17) TKN: Total Kjeldahl nitrogen.
- (18) USC: United States Code.
- (19) BMP: Best Management Practice
- (20) BMR: Baseline Monitoring Report
- (21) CIU: Categorical Industrial User
- (22) IU: Industrial User
- (23) NSCIU: Non-Significant Categorical Industrial User
- (24) SIU: Significant Industrial User
- (25) SNC: Significant Noncompliance

Sec. 13-3. Charges for services; billing, delinquency.

(a) The council shall approve service charges, including discounts, penalties, and other necessary charges for sewer. The council may from time to time modify charges or adopt any other or further rates or requirements.

(b) The service charges, together with discounts, penalties, and other charges, as may be adopted from time to time by the council, shall be on file at the County administrator's office and at such locations as council shall designate.

(c) The County shall have authority to contract with water providers to provide for water metering for purposes of sewer volume billing and shall likewise have the authority to contract to provide the disconnect of sewer service in the event water bills and/or sewer bills are not paid.

(d) If, for any cause contemplated in this chapter, these services have been discontinued, the services shall not be restored until the consumer shall have paid in advance all service charges due and owing, corrected any default existing, and paid connection or cut-on fees as may be adopted by council.

Sec. 13-4. Surcharges for treatment of excessive waste.

The County may, at its discretion, allow industrial waste which exceeds the limitation of Article III, to be discharged into the sanitary sewerage system, provided that the person discharging such waste shall agree to the payment of a surcharge to offset any cost to treatment that BOD or COD, TSS, or ammonia (or TKN) in excess of concentrations expected in domestic sources. This surcharge shall be imposed in addition to any other charges made for sewer service. The rate shall be applied to the amount of excessive BOD that exceeds 250 mg/l or COD that exceeds 600 mg/l, TSS that exceeds 250 mg/l, TKN that exceeds 40 mg/l and ammonia that exceeds 25 mg/l. Surcharge rates will be determined by averaging at least three waste discharge samples taken in accordance with provisions of section 13-172.

Future charges and fees will be developed and approved for inclusion in Attachment A.

Sec. 13-5. Pretreatment program administration charge.

The County may levy a fee to defray the cost of administration of the pretreatment program in accordance with federal and state requirements. The amount of this charge shall be periodically established based upon the following:

- (1) Reimbursements of costs of setting up and operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;
- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (4) Permitting;
- (5) Other fees as the County may deem necessary to carry out the requirements of the pretreatment program.

Sec. 13-6. Utility application fees and deposits.

(a) In addition to all other charges, fees or penalties provided for in this chapter, prior to commencement of sewer service, a consumer shall pay a nonrefundable application fee to the County. After July 1, 2000, a nonrefundable application fee as determined by the County council shall be charged and no deposit shall be required.

(b) Deposits paid before July 1, 2000. Upon termination of sewer service, the deposit, if paid before July 1, 2000, shall be refunded to the customer or consumer, provided deposits are refundable only after service has been disconnected and all sewage bills, county taxes, and other debts which are due the County are paid.

Deposits paid before July 1, 2000 may be transferred from one location to another, provided all bills owing on the former location have been paid by the consumer.

Deposits paid prior to July 1, 2000 shall remain on deposit with the County during continuation of service, and if service is discontinued for any reason, the deposit may be applied to any indebtedness incurred by the consumer to the County. Service shall not be restored to the consumer until the amount due is paid.

Sec. 13-7. Differential in rates for customer zones.

A differential in sewer rates for customer zones is expressly recognized due to problems related to costs, maintenance and methods of funding different portions of the overall system. The County may provide for sewer rates based on flat rate per month, a front assessment, an availability charge, or any combination of these or other methods as approved by the County council.

Sec. 13-8. Responsibility of owner when units are vacant.

It shall be the responsibility of the owner of any units to make payment of all sewer rates, fees and penalties when the units are vacant.

Sec. 13-9. Discontinuance of service for violation.

If any customer fails to pay in full sewer charges required by this chapter within ten days after billing or to conform in any other respects to this chapter, he may have his service discontinued.

Sec. 13-10. Restoration of service after discontinuance.

If for any cause the sewer service of any consumer shall be cut off, the service shall not be renewed until the consumer shall pay in advance all charges due and owing, correct any default existing, pay for any damage incurred, and pay a reconnection fee. The aforementioned requirement is in addition to all other charges, fees or penalties provided for in this chapter.

Sec. 13-11. Special rate contracts.

The County may modify any sewer rates established by it by special contract based on flat rates per month, or on some other basis as may be approved by the council, but all such contracts shall be in writing.

Sec. 13-12. Adoption of further regulations.

The council may, by ordinance, adopt any other or further rates or requirements as may in its discretion be considered advisable in the sale or servicing of sewer.

Sec. 13-13. Reserved.

Sec. 13-14. Extension of sewer system; responsibilities of expenses; specifications; ownership of extensions.

(a) Requests for extensions of the sewer lines of the County's sewer system shall be subject to approval of the County administrator or his designee, provided however in the event the extension of the County's sewer system or county lines requires the expenditure of any funds from the County's general fund or results in any contractual liability from the County's general fund, then in that event the extension shall be subject to approval by the County council.

(b) Responsibility for construction and cost of extensions of sewer lines shall be as follows:

(1) Subdividers of land, as defined in the subdivision regulations of the County, when extending sewer lines within a subdivision, shall be required to have all such extensions installed by a licensed contractor, approved by the County, and shall be responsible for costs of such extensions.

(2) The design plans and specifications of all proposed extensions of sewer lines and all proposed sewer lines to be installed within subdivisions shall first be submitted for approval by the County and any other governmental agency having jurisdiction thereof and shall be in compliance with the subdivision regulations of the County, if applicable.

(3) Upon completion of the subdivision sewer system, or installation of sewer lines, the owner or subdivider may be required to convey the system to the County together with all necessary easements for access thereto for purposes of operation and maintenance. The County shall then accept the system or lines in to the County system and thereafter operate and maintain the system at no further expense to the owner or developer.

(c) KCUSS shall be followed for any construction, maintenance, repair, replacement of any portion or part of the Kershaw County Sewer System or any additions or extensions, thereto shall be subject to the requirements of the KCUSSS. Cross Reference - Subdivision Regulations.

Secs. 13-15-13-17. Reserved.

Sec. 13-18. Penalties.

Any person or user who is found to have failed to comply with any provisions of this chapter, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$2,000.00 per day per violation. In the case of monthly or other long-term average discharge limits, fines shall

be assessed for each day during the period of violation. In addition to the penalties provided herein, the County may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

Sec. 13-19. Other available remedies.

Remedies, in addition to those previously identified in this chapter, are available to the County who may use any single one or combination against a noncompliant user, additional available remedies include, but are not limited to:

- (1) Injunctive relief. Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the County may petition the court for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
- (2) Water supply severance. Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (3) The remedies provided herein are not exclusive.

Secs. 13-20-13-40. Reserved.

ARTICLE II. SEWERS

DIVISION 1. GENERALLY

Sec. 13-41. Required facilities.

No surface toilet or privy shall be constructed within the County sewer district. All toilets shall be connected with a sewer system or shall be served by a septic tank of a type and design approved by the state board of health if the sewer is not available.

Sec. 13-42. Inspection and approval of septic tanks, etc.

Any septic tank or similar sewage disposal system located within the County sewer district shall be of a type and character approved by the state board of health and environmental control and shall be subject to inspection at any time by the health department of the County or state.

Sec. 13-43. Placement of private sewers to connect with public sewer.

Where there is no sewer and it is necessary to construct a private sewer to connect with a sewer in an adjacent street or avenue, it shall be laid outside of the curb, under the roadway of the street on which the house fronts.

Sec. 13-44. Reserved.

Sec. 13-45. Requirements relating to sewer connections.

The County may require any property owner to install on his service connection a tank, check valve or valves, cock or gate valve, pressure regulator or other appliances, apparatus or equipment as such type and design as approved by the County. Failure upon the part of the owner to comply with such requirements of the County within ten days after written notice to the owner, or within some agreed extension beyond such ten days also in writing, shall authorize the County to cancel the contract and discontinue sewer service. The County further reserves the right and without notice if the conditions warrant and justify such action for the good of the system, to discontinue its service to any premise or premises where and when the continuance of the service to such premises will reduce or in any manner affect the efficiency of any of the rest of the County's system.

Sec. 13-46. Denial or discontinuance of service by county.

(a) Sewer service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply before service is discontinued.

- (1) Without notice in the event of a condition determined by the County to be hazardous or dangerous.
- (2) Without notice in the event of customer use of equipment in such a manner as to affect adversely the County's service to others.
- (3) Without notice in the event of unauthorized use of the County's service.
- (4) For customer tampering with equipment furnished and owned by the County. The customer shall make every reasonable effort to prevent tampering and shall notify the County immediately of any tampering with, damage to, or removal of any equipment.
- (5) For violation of and/or noncompliance with this chapter.
- (6) For failure of the customer to fulfill his contractual obligations for service.

- (7) For failure of the customer to allow the County reasonable and safe access to its equipment.
- (8) For failure of the customer to provide the County with an application fee, upon demand by the County.
- (9) For failure of the customer to furnish permits, certificates, and rights-of-way as necessary to obtain service, or if such permissions are withdrawn or terminated.
- (10) (For illegal willful misuse of the County's services by the customer.
- (11) For molesting or tampering with any service or sewerage pipe, or for illegally making connection into any sewerage line for the disposal of drainage surface water.
- (12) The County shall not be required to furnish its sewerage service to any applicant, who at the time of such application, is indebted under an undisputed bill to the County for sewer service, or any other service, previously furnished for such applicant or furnished any other member of the applicant's household.
- (13) The customer's use of the County's service conflicts with or violates any order, ordinances, or laws of the state, or any subdivision thereof or the United States Government.

(b) Upon discontinuance of service, the water provider, the County health department and the state department of health and environmental control shall immediately be notified of the action and the name and address of the customer.

Secs. 13-47–13-55. Reserved.

DIVISION 2. SEWER CONNECTIONS

Sec. 13-56. When required; application generally.

(a) Every new building in which plumbing fixtures are installed shall be required to connect to a public or private sewer and the owner of the property shall, on being notified by the County that the sewer is available to his premises, promptly take all necessary action to connect with the sewer system including:

- (1) Making application for sewer service, as provided in section 13-57, and making payment along with the application of a tap in or connection fee.
- (2) Obtaining a permit to make the connection from the property line to the dwelling.

(b) Permission to connect with a sewer in the County may, in the discretion of the County, be confined to the character and kind of water and other deposits as, in its judgment, are necessary and proper, considering the locality and size of the sewer.

(c) The application must set forth fully the size and character of the sewer which is to be put down, the point or points at which connections are to be made with the County's sewer, and the purpose for which the sewer is to be used.

(d) The applicant shall take all other steps which may be necessary to make the connection in accordance with the plumbing code and in accordance with the regulations of the utility.

(e) All connections to the County sewer shall be constructed and maintained by the applicant so as to prevent infiltration and/or inflow into the County system.

Sec. 13-57. Application procedures.

(a) All persons desiring to make a connection to the sewer system shall complete an application form and submit that application through the County administrator's office or as such place as designated by the County administrator. The application shall be accompanied by the applicant's application fee in the amount set from time to time by the County council. Once the application is received, the County will review it. The County will request any further documentation needed to determine the amount and character of projected sewer flows.

(b) Approval or disapproval of applications shall be generally given by the County within ten working days of receiving all information requested of an applicant.

(c) Applications for other than domestic strength wastes will require special consideration and will not fall under the procedures outlined here. They will be handled on a special case by case basis as expeditiously as possible. This will include all industrial wastes, liquid wastes from industrial processes.

(d) Approval of applications shall be given on a "first come, first served" basis, as long as there is sufficient capacity available. The County shall use SCDHEC's unit contributory loadings schedule to determine projected flows of all applicants. In cases where available capacity is marginal, the County may request the applicant to provide documentation of actual water usage for equivalent developments to ensure required capacity is available.

(e) Once approval of an application is given, the application shall have 90 days to submit plans for development and to pay their fees. Plans are not required for single residential units. The applicant shall then have an additional six months to start construction of the facilities for which approval is given. Start of construction is defined as signed contract documents. Applicants shall have 15 months to complete construction for a total of 24 months from the approval of their application. Should construction not be complete, an extension may be granted if the project is substantially complete and proceeding at an acceptable rate toward completion. Failure of the

applicant to meet any of the listed deadlines shall result in the approval to connect to the sewer system being declared void and the reservation fee forfeited.

(f) At the time approval is given, the applicant shall be notified of any special conditions that must be met. Should the applicant be unable or unwilling to meet those conditions, they may withdraw their application within 90 days and be refunded any fees paid less expenses incurred by the County.

Sec. 13-58. Discontinuance of water supply for failure to connect.

In addition to the penalties provided by this chapter for violation thereof, if at the expiration of the 90-day interval, the connection has not been made in accordance with the requirements of this chapter, the County may request that the water supplier discontinue water service. In the notice given to the owner in accordance with the provisions of this article, it shall be expressly stated that if the sewer connection is not made within the specified 90 days, then the connection is not made within the satisfied 90 days then the County will request discontinuance of water service.

Sec. 13-59. Occupant responsible for maintenance of connection.

The occupant of premises from which any sewer connection is made shall be bound, at his own expense, to keep the connection in good order.

Sec. 13-60. Supervision of tapping; liability for damage; replacement of street or sidewalk.

(a) It is unlawful for any person to tap or make connection with any sewer in the County for any purpose whatsoever, except by permission of the County, and upon complying with the terms and conditions contained herein.

(b) Whenever a connection is made with any sewer, it must be done under the supervision of the County or the County's designee and the person making the connection shall be liable for any damage resulting therefrom; and shall replace the street and sidewalk along and through which the connection is made, in as good condition as it was before the work was connected.

Sec. 13-61. Permission to empty sewer into manhole.

No sewer shall empty into a manhole or be tapped into a sewer except on the written permit from the County.

Sec. 13-62. Requiring separate connections after joint connection previously allowed.

When from any cause a permit has been given by the County to use one line of sewer for two or more lots or houses, for any reason, it afterwards becomes necessary to have each of the houses or premises separately connected, the permit allowed or issued will have no effect, and the County may order separate connections when, in its judgment, it is necessary to be done.

Sec. 13-63. Charges prior to connection.

The monthly sewer charge, as provided for in this chapter, shall go into effect on the first day of the month following the giving of notice that the public sewer is available even though the sewer connection may not have been completed.

Secs. 13-64-13-99. Reserved.

ARTICLE III. RESERVED

Secs. 13-100-13-129. Reserved.

ARTICLE IV. USE OF PUBLIC SEWERS

DIVISION 1. PROHIBITED USE OF PUBLIC SEWERS

Sec. 13-130. Generally.

These general prohibitions apply to all users of the POTW whether or not the user is a significant industrial user or subject to any federal, state, or local pretreatment standard or requirement.

Sec. 13-131. Interference and pass through.

No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through.

Sec. 13-132. Storm water.

(a) No person shall discharge or cause to be discharged into any sanitary sewers any storm water, surface water, uncontaminated ground water, roof run-off, or sub-surface drainage.

(b) Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the County, be discharged to storm sewers or storm drains; in their absence, authority may be granted to discharge into the sanitary sewer system upon written application.

Sec. 13-133. Prohibited discharges.

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any POTW:

- (1) Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc. which will pass through a one-fourth inch mesh screen or its equivalent in screening ability.
- (2) Pollutants which 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 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (3) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (6) Any materials which forms excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
- (7) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.
- (8) Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage or hazard to the POTW or equipment.
- (9) Any wastewater containing pollutants, including oxygen demanding pollutants, in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.

- (10) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (11) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (12) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but no limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health, secondary recreation, or aquatic life and wildlife; to adversely affect the palatability of fish or aesthetic quality; or to impair the receiving waters for any designated uses.
- (13) Any wastewater having a temperature greater than 131 degrees Fahrenheit (55 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees Fahrenheit (40 degrees Celsius).
- (14) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Utilities Manager in compliance with applicable state or federal regulations.
- (15) Any truck or hauled pollutants, except at discharge points designated by the POTW. Such waste shall not violate any other section of this ordinance or other requirements established by the County. The Utilities Manager may require waste haulers to obtain individual wastewater discharge permits or general permits.
- (16) Storm water, surface water, uncontaminated ground water, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Utilities Manager.
- (17) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (18) Fats, oils or, greases of animal or vegetable origin in concentrations greater than 100 mg/l.
- (19) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

- (20) Any medical wastes, except as specifically authorized by the Utilities Manager.
- (21) Any material containing ammonia, ammonia salts, or other relating agents whom will produce metallic complexes that interfere with the municipal wastewater system.
- (22) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the Utilities Manager.
- (23) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances or NPDES permit limitations.
- (24) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (25) Any pollutants which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems
- (26) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (27) Recognizable portions of the human or animal anatomy.
- (28) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.
- (29) Any solid or viscous pollutants which will cause obstruction to the flow in the treatment facility resulting in interference.

Sec. 13-134. Waste storage and floor drains.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

Sec. 13-135. Waste of unusual strength.

The County, without limitation by other sections of this article, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the County under approved conditions. The County may prohibit entry to particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to

determine the effects of such wastes of the sewage system. Should such be the case, county council will be immediately notified.

Sec. 13-136. Federal (national) categorical pretreatment Standards.

(a) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

- (1) Where a categorical pretreatment standard is expressed in terms of either mass or concentration of a pollutant in wastewater, the Utilities Manager may impose equivalent concentration or mass limits.
- (2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Utilities Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (3) When wastewater subject to a categorical pretreatment standard is mixed with a wastewater not regulated by the same standard, the Utilities Manager may impose an alternate limit using the combined waste stream formula in the EPA general pretreatment regulations.
- (4) A user may obtain a variance from categorical pretreatment standards in accordance with the EPA general pretreatment regulations.
- (5) A user may obtain a net gross adjustment to a categorical pretreatment standard in accordance with the EPA general pretreatment regulations.
- (6) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the County convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Utilities Manager. The County may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in the following sections:
 - a. To be eligible for equivalent mass limits, the Industrial User must:
 - i. Employ or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

- iii. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - v. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- b. An Industrial User subject to equivalent mass limits must:
- i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - iii. Continue to record the facility's production rates and notify the Utilities Manager whenever production rates are expected to vary by more than 20 percent from its baseline production rates. Upon notification of a revised production rate, the Utilities Manager will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to the paragraphs above so long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the Utilities Manager:
- i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment standard and the appropriate unit conversion factor;
 - ii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - iii. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant Section 13-141. The Industrial User must also be in compliance with prohibitions for bypass.

- (7) The Utilities Manager may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Utilities Manager.
- (8) Once included in its permit the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (9) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (10) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Utilities Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Utilities Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(b) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.

Sec. 13-137. Specific pollutant discharge (local) limitations.

The Utilities Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) as needed. The Utilities Manager may develop Best Management Practices (BMPs), by ordinance or an individual wastewater discharge permits (or general permits) to implement Local Limits and Sec. 13-133.

Sec. 13-138. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

Sec. 13-139. Federal requirements.

Federal requirements and limitations on discharges as contained in the EPA general pretreatment regulations shall apply in any case where they are more stringent than state requirements and limitations or those in this article.

Sec. 13-140. Right of revision.

The County reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives of this article.

Sec. 13-141. 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 adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant discharge limitation developed by the County or state. The Utilities Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Secs. 13-142-13-150. Reserved.

DIVISION 2. PERMISSIVE USE OF PUBLIC SEWERS

Sec. 13-151. Sewer connections permission.

The County shall reserve the right to inspect and permit all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person.

Sec. 13-152. Wastewater discharge rate.

Whenever the total volume of sewage to be discharged by an person in anyone day is such that it proves detrimental to the operation of the sewer system, such person shall be required, at no expense to the County, to construct holding or storage tanks in order to equalize the discharge over a 24-hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller of

other approved device, the operation and setting of which shall be directed by the County. Notice shall be given the County when normal operations of the person will be interrupted for 24 hours, or longer, and when and in what quantity wastes will be available for discharge.

Sec. 13-153. Wastewater pretreatment.

(a) Whenever the waste characteristics of sewage being discharged or proposed to be discharged by any person exceed those requirements of Division 1, or where necessary in the opinion of the County, the person shall construct or cause to be constructed at no expense to the County such wastewater pretreatment facilities as may be required to reduce the objectionable characteristics or constituents to come within the maximum limits provided for in Division 1.

(b) The facilities shall be constructed in accordance with a compliance schedule specified by the County, the state, or EPA whichever is more stringent.

(c) Plans, specifications, and other pertinent information relating to proposed wastewater pretreatment facilities shall be submitted for the approval of the Utilities Manager and no construction of such facilities shall be commenced until such approval is obtained in writing. The review of such plans shall in no way relieve the user from the responsibility of complying with the provisions of this article and all other local, county, state, and other authorities having jurisdiction. Any changes in pretreatment facilities shall be approved by the Utilities Manager prior to initiation of the changes.

(d) Where wastewater pretreatment facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the County.

Sec. 13-154. Discharge application.

(a) Any person who is now discharging any sewage into the County public sewers may be required to make written application to the County giving complete information as to the nature and characteristics of the sewage as determined by an analysis of a composite sample of the waste made by an independent laboratory.

(b) Any person having been granted authority by the County to discharge sewage into the County's public sewers and who shall change or cause to be changed the nature of quantity of such sewage, shall before making such change, receive the approval of the County of such change and may be required to furnish the County a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

(c) Any person who should wish to make such connection and discharge such sewage as described above, shall make written application to the County and may be required to furnish the County a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other provisions of this article.

Sec. 13-155. Grease, oil and sand interceptors.

Grease, oil and sand separators or traps shall be provided when in the opinion of the County they are necessary for the proper handling and control of liquid wastes containing grease, oil or in excessive amounts. Such separators shall not be required for private living quarters of dwelling units but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. Such separators shall be readily accessible for inspection by the County and shall always be cleaned and maintained in continuously efficient operation by the person at no expense to the County.

Sec. 13-156. Control manhole.

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

Secs. 13-157-13-160. Reserved.

DIVISION 3. OPERATION AND CONTROL

Sec. 13-161. Inspections.

The County will inspect the facilities of any user to ascertain whether requirements of this article are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County, approval authority, and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or observation in the performance of any of their duties. The County, approval authority and EPA shall have the right to set up on the users property, or require installation of, such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the County, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 13-162. Danger to public health and safety.

In the event of imminent danger to the public health and safety, the County and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations, or repairs. During such event, the County will make every effort to minimize inconvenience and return the service to full operation as quickly as possible.

Sec. 13-163. Determination of character and concentration of wastes.

(a) The wastewater of each industrial discharger into the County's sewerage system shall be subject to periodic inspection for a determination of character and concentration not less than semi-annual or more often as may be deemed necessary by the County. Such inspection and tests may be made immediately after any approved process change that might affect the quantity or quality of the waste discharge.

(b) Sewage samples shall be collected in such manner as to be representative of actual volume and quality of the waste. The collection of samples shall be at the control manhole provided for in Division 2 as specified in the industry's wastewater contribution permit. Procedures used in all sample collection, measurement, test, and analysis shall be in accordance with federal regulation 40 CFR Part 136.

(c) The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, surcharges, and compliance with this article.

(d) The results of all sampling of industrial wastewater done in accordance with 40 CFR Part 136 must be reported to the County.

Sec. 13-164. Measurement of flow.

(a) The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the water provider. In the event that a person discharging wastes into the sanitary sewer system produces evidence satisfactory to the County that greater than ten percent of his water used does not reach the County sanitary sewer, the user may apply to the County for a reduced percentage of total water consumption to be used in computing sewer charges.

(b) Where the person discharging wastewater into the sanitary sewers of the County procure any part, or all of, his water supply from sources other than one recognized and accepted by the County, all or part of which is discharged into the sanitary sewer, the person discharging said waste shall install and maintain, at his expense, water meters of a type approved by the County for the purpose of determining the proper volume of flow to be charged. The County has a right to read such private meters.

(c) If there is no water meter, the County shall establish a residential fee or rate and said residential fee or rate will be used to calculate the sewer charge based on the contributory loading schedule.

Sec. 13-165. Reserved.

Sec. 13-166. System abuse.

Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that person and shall be held accountable for all expenses incurred by the County or other property owners as a result of the abuse.

Sec. 13-167. Reserved.

Sec. 13-168. Unlawful discharge.

In no event shall any person be allowed to discharge or cause to be discharged any domestic or industrial wastewater to the ground surface, stream, watercourse, ditch, lake, other body of surface water, storm sewers, or storm drains.

Sec. 13-169. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the County's sewage system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the County, the County may commence an action for appropriate legal and/or equitable relief in the court of proper jurisdiction.

Sec. 13-170. Protection from damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the County. This protection shall also apply to any part of the system whether county owned or not if it is such as to adversely affect the proper operating and maintenance of the County system. Any person violating this provision shall be subject to penalties outlined in Division 5 of this article as well as prosecution if deemed appropriate.

Sec. 13-171. Reserved.

Sec. 13-172. Reporting requirements.

Industrial users are subject to the following reporting requirements as required by the EPA general pretreatment regulations, their wastewater contribution permit, and this article.

- (1) *Base line monitoring reports.* Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination, whichever is later, existing categorical users shall submit to the County a base line monitoring report as required by EPA general pretreatment regulations. At least 90 days prior to commencement of their discharge, new users, and users that become categorical users shall submit to the County a base line monitoring report as required by the EPA general pretreatment regulations. A new user shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new user shall also give estimates of it anticipated flow and quantity of pollutants to be discharged.
- (2) *Compliance schedule progress reports.* All users subject to compliance schedules shall submit a progress report to the County as specified by the EPA general pretreatment regulations or the compliance order.
- (3) *Report of compliance with categorical standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, users subject to such standards shall submit a report of compliance as required by the EPA general pretreatment regulations.
- (4) *Periodic compliance reports.* All significant industrial users must, at a frequency determined by the Utilities Manager submit no less than twice per year reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the POTW or the Pretreatment Standard necessary to verify the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with this ordinance and EPA general pretreatment regulations. All significant industrial users shall be required to submit a report indicating the nature and concentration of pollutants in their discharge. Said reports shall be as specified by the users' wastewater contribution permit.
- (5) *Reports of changed conditions.* All user must notify the County 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 30 days before the change.
- (6) *Reports of potential problems.* In the case of any discharge that may cause potential problems for the POTW, the user shall immediately notify the Utilities Manager. Within

five days following such discharge, the user shall submit a written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent 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 article.

- (7) *Notification of discharge of hazardous wastes.* The industrial user shall notify in writing, the Utilities Manager, the state, and EPA of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste in accordance with EPA general pretreatment regulations.
- (8) *Accidental discharge/slug control plans.* Each significant industrial user shall submit to the Utilities Manager an accidental discharge/slug control plan. As required, the POTW may require other POTW users to develop, submit for approval, and implement said plan. Accidental discharge/slug control plans shall be in accordance with the EPA general pretreatment regulations. Significant Industrial Users are required to notify the Utilities Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (9) *Reports from unpermitted users.* All users not required to obtain an individual wastewater discharge permit (or general permit) shall provide appropriate reports to the Utilities Manager as the Utilities Manager may require.
- (10) *Notice of Violation/Repeat Sampling and Reporting.* If sampling performed by a User indicates a violation, the User must notify the Utilities Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling analysis and submit the results of the repeat analysis to the Utilities Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the County performs sampling at the User's facility at least once a month, or if the County performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the County receives the results of this sampling, or if the County has performed the sampling and analysis in lieu of the Industrial User.
- (11) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any

other applicable sampling and analytical procedures, including procedures suggested by the Utilities Manager or other parties approved by EPA.

- (12) *Sample Collection.* Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- a. Except as indicated below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by Utilities Manager. Where time-proportional composite sampling or grab sampling is authorized by the County, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the County, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - c. For sampling required in support of baseline monitoring and 90-day compliance reports required, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Utilities Manager may authorize a lower minimum. For the reports required 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- (13) *Date of Receipt of Reports* Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (14) *Recordkeeping.* 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, any

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

(15) *Certification Statements.*

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

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

- b. Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the Utilities Manager must annually submit the following certification statement signed. This certification must accompany an alternative report required by the Utilities Manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR Part 403, I certify that, to the best of my knowledge and belief that during the period from (insert time period):

(a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User.

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

- c. Certification of Pollutants Not Present. Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR Part 403 specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report.

Sec. 13-173. Confidential information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Utilities Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.

Secs. 13-174–13-180. Reserved.

DIVISION 4. ENFORCEMENT

Sec. 13-181. Administrative remedies.

(a) *Notification of violation.* Whenever the County finds that any user has violated or is violating this article, wastewater contribution permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the County may serve upon such a person a written notice stating the nature of the violation. Within 5 days to 30 days (depending on violation) from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the County by the user. Submission of this plan does not relieve the discharger 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 County to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) *Consent orders.* The County may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall 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 (d) and (e) below and shall be judicially enforceable.

(c) *Show cause order.* The County may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, (or a general permit) or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Utilities Manager 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 fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A Show-cause order shall not be a bar against, or prerequisite for, taking any other action against the User.

(d) *Administrative Orders.* When the Utilities Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit (or a general permit) or order issued hereunder, or any other Pretreatment Standard or Requirement, the County 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. Administrative 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. An administrative 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 an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(e) *Cease and Desist orders.* When the County finds that a user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the County may issue notice to cease and desist all such violations and direct those persons in noncompliance to do any of the following;

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(f) *Emergency suspension and/or termination of service.* The County may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit and service terminated. In the event of a failure to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The County shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the County prior to the date of the above-described hearing. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Secs. 13-182, 13-183. Reserved.

Sec. 13-184. Reconnection.

It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with articles of this article, or any other reason, until specifically approved in writing by the County. Said approval shall be contingent upon satisfaction of all articles of this

article including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.
(Ord. of 1-9-01)

Sec. 13-185. Administrative review.

Administrative review shall be by county council and then to court.

Sec. 13-186. Annual publication of significant noncompliance.

At least annually, the County shall publish in a newspaper a list of those industrial users that were found to be in significant noncompliance with applicable pretreatment standards and requirements during the previous 12 months.

NOW, THEREFORE, BE IT ORDAINED by Kershaw County Council that Chapter 13 Public Utilities attached is hereby restated as amended and enacted.

ADOPTED BY KERSHAW COUNTY COUNCIL THIS 11th DAY OF JUNE, 2019.

KERSHAW COUNTY COUNCIL

By: _____



ATTEST:



Merri M. Seigler
Clerk to County Council

First Reading: May 14, 2019
Second Reading: May 28, 2019
Public Hearing: June 11, 2019
Third Reading: June 11, 2019

Attachment A

Surcharge rates to be determined later

Using an average of three (3) applicable sample results, a surcharge will be determined for every permitted source of industrial waste based on the following formula:

$$\text{Surcharge} = V \times 8.34 [A (C - D)]$$

Where:

V = Wastewater billed in millions of gallons during the billing cycle

A = Rate in dollars per pound for that constituent

Rates to be determined

C = Constituent (BOD, COD, NH₄, or TSS)

D = Typical domestic value for that constituent

BOD = 250 mg/l

COD = 600 mg/l

TSS = 250 mg/l

NH₄ = 25 mg/l)

8.34 = pounds per gallon of water