

ORDINANCE NO. 2716

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 98 ("UTILITIES") OF THE CITY CODE CONCERNING SEWAGE AND SEWAGE DISPOSAL

WHEREAS, the City Council believes it to be in the interest of the City government and of the users of the City wastewater system to amend Article III of Chapter 98 ("Utilities") of the City Code to provide a comprehensive update and other amendments concerning sewage and sewage disposal,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUMTER, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

Article III ("Sewage and Sewage Disposal") of Chapter 98 ("Utilities") of the City Code is hereby amended by replacement with the attached document in its final format.

This Ordinance shall become effective immediately upon Council approval on Second Reading.

**DONE, RATIFIED AND ADOPTED BY THE MAYOR AND THE CITY COUNCIL OF
THE CITY OF SUMTER, SOUTH CAROLINA, ON THIS 1ST DAY OF DECEMBER 2020.**

CITY OF SUMTER, SOUTH CAROLINA



David P. Merchant, Mayor



Thomas J. Lowery, Mayor Pro Tem



Calvin K. Hastie, Sr., Councilman



Steven H. Corley, Councilman



Colin C. Davis, Councilman



James B. Blassingame, Councilman



Gifford M. Shaw, Councilman

ATTEST:



Linda D. Hammett, City Clerk

First Reading: November 17, 2020
Second/Final Reading: December 1, 2020

ATTACHMENT TO ORDINANCE NO. 2716

ARTICLE III. - SEWAGE AND SEWAGE DISPOSAL^[3]

Footnotes:

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State Law reference— Authority to establish, maintain, etc., a sewerage system, S.C. Code 1976, § 5-31-810; sewage collection, disposal and treatment by governmental entities, S.C. Code 1976, § 6-15-10 et seq. ; extension of sewer system, S.C. Code 1976, § 5-31-1510 et seq.; additional powers as to sewage collection and disposal, S.C. Code 1976, § 5-31-2010 et seq.

DIVISION 1. - GENERALLY

Sec. 98-175. - Definitions.

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

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Authorized representative of an industrial user means:

(1) If the user is a corporation:

- (i) the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation, or
- (ii) 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 control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively; or

(3) a duly authorized representative of the individual designated in subsections (1) or (2) above if:

- (i) The authorization is made in writing by the individual described in subsections (1) or (2);
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authority is submitted to the control authority.

- (4) If an authorization under subsection (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operations of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (3) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

BMP (best management practice) means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in S.C. Reg. 61-9.403.5(a)(1) and (b). BMPs also 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.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius in accordance with testing methods established under 40 CFR Part 136.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the sewage from soils, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning ten (10) feet outside the inner face of the building wall.

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

Categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR chapter I, subchapter N, parts 405-471.

City means the City of Sumter or any duly authorized official acting in its behalf.

Color means the true color of the solution as measured in accordance with 40 CFR Part 136.

Control authority means the designated official of the city or his duly authorized agent or representative.

Director means the individual assigned to the position of director of utility plants for the city.

Domestic strength wastewater means wastewater with a combined BOD and TSS in mg/l that is not greater than 600. This wastewater does not receive a surcharge.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication of EPA proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act and does not meet the definition of new source under S.C. Reg. 61-9.403.3(i).

Fats, Oils, and Greases (Greases or FOG) means any fats, oils or grease derived from vegetable or animal sources that are used in, or are byproducts of, the cooking or food preparation process and that have potential to cause interference with or obstruction to the POTW.

Food Service Establishments or FSE means those establishments, including, but not limited to, restaurants, bars, motels, hotels, hospitals, schools, long-term care facilities, industrial facilities with cafeterias, engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation

or serving activity that produces a hot, non-drinkable food product in or on a receptacle requiring washing to be reused.

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

Grab sample means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Industrial strength wastewater means wastewater with a combined BOD and TSS in mg/l that is greater than 600. This wastewater is assessed a surcharge which is discussed in section 98-420(1).

Industrial user or user means any user of the POTW that discharges nondomestic waste.

Interference means a discharge which alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city'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 Management Plan; the Clean Air Act; the Toxic Substance Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Living unit means a combination of rooms including at least one bedroom, kitchen and bathroom.

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

New source means:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b. or c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as herein defined has commenced if the owner or operator has:

- a. Begun, or caused to begin, as part of a continuous onsite 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 which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Monthly average means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Monthly average limit means 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.

Parts per million (ppm) means parts per million by weight in water and wastewater analysis (the equivalent of milligrams per liter).

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

Peak flow means the maximum rate of flow occurring at any time and measured in terms of gallons per normal calendar day of 24 hours.

Person means an individual, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Person means an individual, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

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

POTW (publicly owned treatment works) means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a municipality. It includes sewers, pipes, or other conveyances to the wastewater treatment plant.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirement means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or standards means prohibited discharge standards, categorical pretreatment standards, and/or local limits.

Prohibited discharge standards or prohibited discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 98-254.

Public sewer means a sewer owned or controlled by the city which carries sewage or industrial waste.

Sewage means a combination of water and/or water-carried wastes from residences, business buildings, and institutions.

Sewer system means all facilities for collecting, pumping, treating, and disposing of domestic sewage and industrial wastes.

Significant industrial user means any discharger which meets the criteria set forth in (1) and (2) below unless excepted by (3) or (4):

- (1) Except as provided in subsections (3) and (4) below, an industrial user subject to categorical pretreatment standards; or
- (2) Except as provided in subsections (3) and (4) below, an industrial user that:
 - a. Has a process flow of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
 - b. Contributes five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Discharges a toxic organic or toxic inorganic substance; or
 - d. Has a reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in S.C. Reg. 61-9.403.12(q), together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsection (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in S.C. Reg. 61-9.403.8(f)(6), determine that such user should not be considered a Significant Industrial User.

Significant noncompliance means a violation of discharge limitations that meets one or more of the following criteria or a violation of a compliance schedule milestone as follows:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by S.C. Reg. 61-9.403.3;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by S.C. Reg. 61-9.403.3 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by S.C. Reg. 61-9.403.3 (daily maximum, long term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the pretreatment program.

Slug Discharge means 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) Code means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Surcharge means a charge placed on industrial strength waste.

Total suspended solids (TSS) means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering in accordance with 40 CFR part 136.

Wastewater means the liquid and water-carried wastes from residences, business buildings, institutions, and industries together with any groundwater, surface water and stormwater that may be present.

Wastewater treatment plant means any arrangement of devices, equipment and structures used for treating sewage and/or wastewater.

(Ord. No. 2477, div. 1, § 1, 11-19-2013)

Secs. 98-176—98-203. - Reserved.

DIVISION 2. - BUILDING SEWERS AND CONNECTIONS

Sec. 98-204. - Written permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written authorization from the city.

(Ord. No. 2477, div. 2, § 1, 11-19-2013)

Sec. 98-205. - Connection to system required.

- (a) All new construction of buildings designed with toilet facilities within the city limits shall connect to the city sewer, if available. The city will require all residences within the city limits to connect to the sewer line within 90 days when the following conditions are met;
 - (1) The city sewer system is available and accessible;
 - (2) The existing septic tank and/or drain field become noncompliant pursuant to S.C. Reg. 61-56, *Onsite Wastewater Systems*]; and
 - (3) The owner receives notification from the city requiring connection to the sewer system.
- (b) If city sewer is not available, the building or residence must be connected to a properly approved and installed septic system. In the event the city annexed existing buildings and property within the city, owners of property annexed will abide by this division. Outhouses, privies, and cesspools are prohibited within the city limits.

(Ord. No. 2477, div. 2, § 2, 11-19-2013)

Sec. 98-206. - Open discharge of wastewater prohibited.

It shall be unlawful for any person to discharge wastewater into any ditch, storm drain, or upon any street or lot in the city. It shall be unlawful for any person to discharge any septic tank effluent or cesspools overflow into any open drain, ditch, stream, or well penetrating waterbearing formation or into the sewer system except as authorized by the city and at points designated by the city.

(Ord. No. 2477, div. 2, § 3, 11-19-2013)

Sec. 98-207. - Residential/commercial; industrial permits available.

- (a) There shall be two classes of building sewer and connection permits:
 - (1) Residential and commercial service as provided in the plumbing code of the city; and
 - (2) Service to establishments producing industrial wastes as provided in this article.

- (b) In either case, the owner or his agent shall make application on special forms furnished by the city. Permit applications for industrial wastewater connections shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the control authority. A permit and inspection fee for both residential or commercial building sewer and industrial building sewer permits shall be provided in the plumbing code of the city for residential and commercial building sewers and paid to the city at the time the application is filed.

(Ord. No. 2477, div. 2, § 4, 11-19-2013)

Sec. 98-208. - Responsibility for cost.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

(Ord. No. 2477, div. 2, § 5, 11-19-2013)

Sec. 98-209. - Requirements for connection to system.

The connection of the building sewer into the public sewer system shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

(Ord. No. 2477, div. 2, § 6, 11-19-2013)

Secs. 98-210—98-226. - Reserved.

DIVISION 3. - REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

Sec. 98-227. - Wastewater generated outside city; intermunicipal agreement.

If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city shall enter into an intermunicipal agreement with the contributing municipality. Prior to entering into the required agreement, the city shall obtain the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW;
- (3) Such other information as the city may deem necessary.

(Ord. No. 2477, div. 3, § 1, 11-19-2013)

Sec. 98-228. - Intermunicipal agreement; conditions established.

An intermunicipal agreement, as required by section 98-227, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits that govern the city. The requirement shall specify that such ordinance limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;
- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement will be conducted by the contributing municipality; which of these activities will be conducted by the city; and which of these activities will be conducted jointly;
- (4) A requirement for the contributing municipality to provide the city with access to all information that the contributing municipality obtains as a part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the city access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. No. 2477, div. 3, § 2, 11-19-2013)

Secs. 98-229—98-249. - Reserved.

DIVISION 4. - USE OF THE PUBLIC SEWERS

Sec. 98-250. - Stormwater discharge to sanitary sewer prohibited.

No person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff or subsurface drainage to any sanitary sewer.

(Ord. No. 2477, div. 4, § 1, 11-19-2013)

Sec. 98-251. - Storm sewers.

Stormwater shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet as allowed by federal and/or state laws.

(Ord. No. 2477, div. 4, § 2, 11-19-2013)

Sec. 98-252. - Cooling waters.

No person shall discharge uncontaminated cooling waters to the city sewer system. Uncontaminated cooling waters may be discharged directly into the stormwater system as allowed and approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

Any waters sought to be discharged into the stormwater system should be sampled and analyzed for non-contamination. This information and an application requesting approval for direct discharge shall be forwarded to SCDHEC.

(Ord. No. 2477, div. 4, § 3, 11-19-2013)

Sec. 98-253. - Industrial waste; individual contract.

Recognizing a variance in the waste treatment needs of different types of industry and in order to promote the interests of both the city and private industry, the city may, subject to the approval of the council, after such testing and examination as may be required by the control authority of the nature and volume of the waste to be treated, contract in writing for the treatment of the industrial waste of producers of waste on an individual basis, taking into consideration the requirements of the particular industry and the acceptability to the city and the proper state agency of such waste for treatment under existing circumstances, notwithstanding the other provisions of this chapter and make such charges for such service as may be agreed upon to cover the cost to the city of handling the particular waste treatment needs of such industry. Such contract shall expressly provide that the industrial user remains subject to the pretreatment standards and permitting requirements set forth in revisions of this chapter.

(Ord. No. 2477, div. 4, § 4, 11-19-2013)

Sec. 98-254. - Prohibited discharge to public sewers.

No person shall discharge or cause to be discharged any waste or any of the following described waters or wastes into the POTW:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas or any pollutant which may create a fire or explosion hazard in the POTW.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient form or quantity, to injure or interfere with any wastewater treatment process, or constitute a hazard in the receiving waters.
- (3) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property likely to cause damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Any solids or viscous pollutants in amounts which can obstruct the flow in the sewer system resulting in interference, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in amounts that may cause acute worker health and safety problems.
- (6) Pollutants which create a fire or explosive hazard into the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit as determined using 40 CFR 261 methods.
- (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (8) Trucked or hauled wastes, except at discharge points designated by the POTW.

- (9) Any pollutant, including oxygen demanding pollutant (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either alone or by interaction with other pollutants, will cause interference with the POTW.
- (10) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred forty (140) degrees Fahrenheit.
- (11) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (12) Any liquid or vapor having a temperature higher than one hundred forty (140) degree Fahrenheit at the point of discharge into the city sewer system, or that would cause the influent temperature at the treatment plant to exceed one hundred four (104) degrees Fahrenheit.
- (13) Any water or waste specifically prohibited by local, state, or federal regulations.
- (14) Any water or waste in violation of national categorical pretreatment standards.

(Ord. No. 2477, div. 4, § 5, 11-19-2013)

Sec. 98-255. - Restricted discharge to public sewers.

Except where authorized by a permit, no person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, wastewater treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as the acceptability of these wastes, the control authority will give consideration to such factors as the quantities of such wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances referred to are:

- (1) Any garbage that has not been properly shredded and the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the city.
- (2) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (3) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the state and federal regulations.
- (4) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

- c. Unusual volume of flow or concentration of waste constituting "slugs" as defined herein.
 - d. Unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the wastewater treatment works.
 - e. Unusual amounts of scum produced by substances such as grease, fiber, wax and straw that may interfere with the operation of the wastewater treatment plant or cause undue additional labor in connection with its operation.
 - f. Excessive quantities of chlorine for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of all other waste entering the plant.
- (5) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the receiving streams standards.
 - (6) Any waters or wastes having a pH in excess of 9.0.
 - (7) Any waters or wastes containing iron, chromium, copper, zinc, and any similar objectionable or toxic substances.
 - (8) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations that after treatment of the wastewater, they fail to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(Ord. No. 2477, div. 4, § 6, 11-19-2013)

Sec. 98-256. – Local Limits.

- (a) The utilities director is authorized to establish local limits pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following monthly average limit.

Pollutant	Limit (mg/l)
Ammonia	100
Arsenic	0.005
Cadmium	0.25
Chromium	1.72
Copper	0.55
Cyanide	0.11
Lead	1.09
Mercury	0.004
Molybdenum	4.9
Nitrogen (total)	—

Nickel	0.46
Oil and/or grease(total)	100
Selenium	0.18
Silver	0.27
Total phenols	—
Zinc	1.88

The above local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The utilities director may impose mass limitations in addition to the concentration-based limitations above.

(Ord. No. 2477, div. 4, § 7, 11-19-2013)

Sec. 98-257. - Discharge resulting in interference of system prohibited.

No person shall discharge any pollutant which may cause interference with or pass through of the POTW.

(Ord. No. 2477, div. 4, § 8, 11-19-2013)

Sec. 98-258. - Discharge deleterious to system; city action.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 98-254 or 98-255, and which in the judgment of the city may have a deleterious effect upon the sewer system, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the city may successively:

- (1) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charge.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(b) Failing to meet these requirements, the city shall:

- (1) Require control over the quantities and rates of discharge.
- (2) Prohibit/disconnect such sewer connections.

(Ord. No. 2477, div. 4, § 9, 11-19-2013)

Sec. 98-259. - Compliance data reporting requirements.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, before commencement of the introduction of wastewater into the city sewer, any user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average

and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(Ord. No. 2477, div. 4, § 10, 11-19-2013)

Sec. 98-260. - Compliance schedule development.

If additional pretreatment and/or O & M will be required to meet the pretreatment standards, a schedule by which the user will provide such additional pretreatment will be developed by the city. The completion date in this schedule shall not be later than the compliance date established for any applicable pretreatment standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of process in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, competing construction, etc.).
- (2) No increment referred to in subsection (1) of this section shall exceed nine (9) months.
- (3) The user shall submit monthly progress reports to the city including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. The reports shall include attempts being made to come into compliance.

(Ord. No. 2477, div. 4, § 11, 11-19-2013)

Sec. 98-261. - Periodic compliance reports.

- (a) All significant industrial users must submit at least twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard by June 30th each year.
- (b) The control authority shall impose mass limitations on all users' discharge. The report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent to the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR part 136, or 40 CFR 261 for closed cup flashpoint, and amendments thereto, or with any other test procedures authorized by the control authority. Sampling shall be performed in accordance with the techniques approved by the city. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and

equipment shall be subject to the review and approval of the city, and subject to the requirements of all applicable codes, ordinances, and laws.

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

(Ord. No. 2477, div. 4, § 12, 11-19-2013)

Sec. 98-262. – Hauled Wastewater.

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the city and in accordance with the terms and conditions of an individual wastewater discharge permit issued by the city to the hauler.
- (b) Industrial waste haulers may discharge loads only at locations designated by the city. No load may be discharged without prior consent of the city. Industrial waste haulers must provide a waste analysis and waste-tracking form for every load prior to discharge. The waste-tracking form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (c) The city may collect samples of each hauled load to ensure compliance with applicable standards.

Sec. 98-263. - Interceptors.

- (a) All FSEs discharging wastewater to the city sewer system are required to comply with all FOG regulations promulgated by the city. All FSEs are required to install, operate, and maintain a grease interceptor in compliance with the sizing requirements and specifications set forth in the FOG regulations promulgated by the city.
- (b) In addition to the grease interceptors required for FSEs, a discharger may be required to install, operate, and maintain a grease, oil, and sand interceptor when, in the opinion of the city, an interceptor is necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(Ord. No. 2477, div. 4, § 14, 11-19-2013)

Sec. 98-264. – Industrial user control facility.

When required by the city, the owner of any property serviced by a building sewer carrying industrial waste shall install a suitable control facility together with such necessary meters and other appurtenances as may be necessary to facilitate observation, sampling, and measurement of the wastes. Such facilities, when required, shall be accessible and safely located, and shall be

constructed in accordance with general pretreatment program requirements. These facilities shall be installed by the owner at his expense, and shall be maintained by the owner so as to be safe and accessible at all times. A permit to construct must be obtained from SCDHEC's industrial wastewater division before beginning construction of such a facility.

(Ord. No. 2477, div. 4, § 15, 11-19-2013)

Sec. 98-265. - Sampling—Analysis.

In the absence of agreement to the contrary, all measurements, tests, and analyses of the characteristics of waters and waste to which reference is made in this division shall be determined in accordance with 40 CFR part 136. If test is not covered by 40 CFR part 136 or 40 CFR part 261 for flashpoint, then approved methods authorized by the city shall be used. In the event that no special facility has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. All testing done in accordance with 40 CFR part 136 must be reported.

(Ord. No. 2477, div. 4, § 16, 11-19-2013)

Sec. 98-267. - Special agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, provided the waste does not cause interference or pass through at the treatment plant, or cause the contravention of stream standards or the violation of the NPDES permit limits of the treatment plant or violation of any federal or state regulation, or pretreatment program requirements, or cause health or safety problems.

(Ord. No. 2477, div. 4, § 18, 11-19-2013)

Sec. 98-268. - Established limits; right to revise.

The city reserves the right to revise and adjust the limits that have been established by ordinance or permit as needed to correct operational or maintenance problems at the wastewater treatment plant to comply with all federal, state, local, or pretreatment regulation, or any other pertinent reason. The city may implement and enforce limits, by ordinance or by permit, that are more stringent than federal or state limits. All significant industrial users must have a wastewater discharge permit.

(Ord. No. 2477, div. 4, § 19, 11-19-2013)

Sec. 98-269. – Industrial user discharge; permit required.

Industrial user (non-domestic) discharges will be required to obtain a permit to discharge unless specifically exempt because:

- (1) Their discharge is domestic sewage; or
- (2) Their discharge contains no toxic substance.

An industrial user required to obtain a permit shall make written application to the city on such forms as required by the city along with safety data sheets (SDS) for chemicals and products purchased, stored on-site or used at the applicant's facility and any other information deemed necessary by the city to determine the character and nature of user's discharge. No later than six months prior to the expiration of any industrial user permit, the user shall submit to the City an updated user questionnaire on a form provided by the City. If the City takes no action upon the receipt of the updated questionnaire to alter the user's permit requirements, the current permit shall automatically renew with its existing requirements for a period of one year following expiration, and the City shall issue a new permit cover page reflecting the term of coverage.

(Ord. No. 2477, div. 4, § 20, 11-19-2013)

Sec. 98-270. - Permit; elements addressed.

The permit may be valid for up to five (5) years from the date issued. The permit shall identify the permit issuance date, expiration date, and effective date. The permit shall include a statement that the wastewater discharge permit is not transferable with prior notification to the City and agreement of the new owner or operator to comply with the terms and conditions of the permit. The permit may contain the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics by both concentration and mass;
- (2) Limits on average and maximum rate and time of discharge;
- (3) Requirements for installation and maintenance of inspection and sampling facilities;
- (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule and additional periodic or episodic sampling as deemed appropriate by the city;
- (5) Compliance schedules;
- (6) Effluent limits, including best management practices, based on applicable pretreatment standards;
- (7) Requirements for the development, implement, and maintenance of a best management practice (BMP) plan to identify and control the discharge of significant amounts of hazardous and toxic substances listed in 40 CFR part 117 and tables II and III of appendix D to 40 CFR part 122;
- (8) Requirements for the (BMP) documentation to be maintained by the user;
- (9) Requirements for submission of technical reports or discharge reports;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- (11) Requirements for notification of the city of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (12) Requirements for notification of accidental discharges exceeding permit limits;

- (13) Other conditions as deemed appropriate by the city to ensure compliance with this article;
- (14) The unit charge or schedule of user charges and fees for the wastewater to be discharged;
- (15) Requirements to control slug discharge, if determined by the city to be necessary;
- (16) Significant industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. No. 2477, div. 4, § 21, 11-19-2013)

Sec. 98-271. - Sample collection.

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

- (1) Except as indicated in this subsection and subsections (2) and (3) of this section, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 6.1 and 6.3, 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by this section (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 ensure compliance with applicable pretreatment standards and requirements.

(Ord. No. 2477, div. 4, § 22, 11-19-2013)

Sec. 98-272. – Categorical pretreatment standards.

Users must comply with categorical pretreatment standards. Upon the promulgation of federal or state categorical pretreatment standards for a particular industrial subcategory, that standard, if more stringent than limitations imposed under this division for services in that subcategory, shall immediately supersede the limitation imposed under this division. Users must provide accurate information to identify all sources of wastewater for discharge to determine the applicability of categorical pretreatment standards. Pursuant to S.C. Code Ann. Reg. 61-9.403.8(f), the City shall notify industrial users of all applicable standards and requirements.

(Ord. No. 2477, div. 4, § 23, 11-19-2013)

Sec. 98-273. - Dilution of discharge.

No user shall increase the use of process water for the purpose of or in any way attempt to dilute its discharge in order to comply with permit requirements or pretreatment standards.

(Ord. No. 2477, div. 4, § 24, 11-19-2013)

Sec. 98-274. - Bypass.

(a) For purposes of this section:

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

Severe property damage means substantial physical damage to property, or damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (b) A user may allow any bypass to occur which does not cause pretreatment standards to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.
- (c) If a user knows in advance of the need for a bypass, it shall submit prior notice at least ten (10) days before the date of the bypass. A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- (d) The bypass is prohibited, and the city may take an enforcement action against a user for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance;
 - (3) The user submitted notice as required under subsection (c) of this section.
- (e) The utilities director may approve an anticipated bypass, after considering its adverse effects, if the utilities director determines that it will meet the three conditions listed in paragraph (d) of this section.

(Ord. No. 2477, div. 4, § 25, 11-19-2013)

Sec. 98-275. - Upset.

(a) For the purpose of this section:

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

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

(Ord. No. 2477, div. 4, § 26, 11-19-2013)

Sec. 98-276. - Recordkeeping.

Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under this article. Records shall include date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; the certified laboratory number for the laboratory which performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning

the user or the city, or where the user has been specifically notified of a longer retention period by the city.

(Ord. No. 2477, div. 4, § 27, 11-19-2013)

Sec. 98-277. - Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in this division if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. 2477, div. 4, § 28, 11-19-2013)

Sec. 98-278. - Violation of standards; action necessary.

When a violation of permit limits occurs, the industry must notify the POTW within twenty-four (24) hours, resample, and submit the results of both (all) tests within thirty (30) days of becoming aware of the violation.

(Ord. No. 2477, div. 4, § 29, 11-19-2013)

Secs. 98-279—98-304. - Reserved.

DIVISION 5. - PROTECTION FROM DAMAGE

Sec. 98-305. - Tampering prohibited.

No unauthorized person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest and prosecution.

(Ord. No. 2477, div. 5, § 1, 11-19-2013)

Sec. 98-306. - Accidental discharge; notification required.

All dischargers shall notify the city's wastewater treatment plant immediately by phone when an accidental discharge or slug loading occurs. A written report of the incident will be forwarded to: City of Sumter, Pretreatment Compliance Section, P. O. Box 1449, Sumter, S.C. 29151, within five (5) days.

(Ord. No. 2477, div. 5, § 2, 11-19-2013)

Secs. 98-307—98-330. - Reserved.

DIVISION 6. - POWERS AND AUTHORITY OF INSPECTORS

Sec. 98-331. - Authority to enter; slug control plans.

- (a) The control authority and other duly authorized employees of the city shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, copying reports, and testing in accordance with the provisions of this division.
- (b) The city will evaluate each significant industrial user annually to determine whether or not there is a need for the industry to develop a slug control plan. If it is determined the significant industrial user must implement a slug control plan, the significant industrial user will draft a slug control plan and submit it to the city for approval within 90 days of written notice from the city that such plan is required. If required, the plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of Slug Discharges, including any discharge that would violate a prohibition under section 403.5(b) with procedures for follow-up written notification within five days;
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(Ord. No. 2477, div. 6, § 1, 11-19-2013)

Sec. 98-332. - Records access.

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 city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets of 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, state disposal system 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 proceeding involving the person furnishing the report. Self-monitoring (or periodic compliance) reports cannot be considered confidential. Also, wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restrictions.

(Ord. No. 2477, div. 6, § 2, 11-19-2013)

Sec. 98-333. - Noncompliant users; identification.

The city shall at least annually publish in a local newspaper a list of the users which were in significant noncompliance as defined in 98-175 of Division 1 of this article. The notification shall include reasons for significant noncompliance and summarize enforcement actions taken against the user during the calendar year.

(Ord. No. 2477, div. 6, § 3, 11-19-2013)

Secs. 98-334—98-354. - Reserved.

DIVISION 7. - ADMINISTRATIVE ENFORCEMENT REMEDIES

Sec. 98-355. - Notification of violation.

Whenever the city finds that any industrial user has violated or is violating this article, or a wastewater permit or order issued thereunder, the city may serve upon said user written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the city. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(Ord. No. 2477, div. 7, § 1, 11-19-2013)

Sec. 98-356. - Consent orders.

The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to sections 98-358 and 98-360. A consent order may include a civil penalty in an amount not to exceed \$2,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. In cases where noncompliance results in actual damages to the POTW, the city may include charges for cost recovery in a consent order.

(Ord. No. 2477, div. 7, § 2, 11-19-2013)

Sec. 98-357. - Show cause hearing.

The city may order any industrial user which causes or contributes to violation of this article or wastewater permit or order issued thereunder, to show cause why a 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 and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice will be served on an authorized representative of the industrial user. Notice of the hearing served by registered or certified mail

will be effective upon mailing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(Ord. No. 2477, div. 7, § 3, 11-19-2013)

Sec. 98-358. - Administrative order.

When the city finds that an industrial user has violated or continues to violate the article or a permit or order issued thereunder, the city may issue an administrative order to the industrial user responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(Ord. No. 2477, div. 7, § 4, 11-19-2013)

Sec. 98-359. - Cease and desist orders.

When the city finds that an industrial user has violated or continues to violate this article or any permit or order issued thereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith;
- (2) Take such appropriate remedial or preventive actions as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. No. 2477, div. 7, § 5, 11-19-2013)

Sec. 98-360. - Administrative order with civil penalty.

Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, or permits and orders issued thereunder, may be fined in an amount not to exceed two thousand dollars (\$2,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as to collect other service charges. In cases where violations result in actual damages to the POTW, the city may include charges for cost recovery in an administrative order with civil penalty. Unpaid charges, fines, and penalties shall constitute a lien against the industrial user's property. Noncompliant industrial users will be notified of the proposed enforcement action under this section and be offered an opportunity to show cause under section 98-357 why the proposed action should not be taken.

(Ord. No. 2477, div. 7, § 6, 11-19-2013)

Sec. 98-361. - Emergency suspensions.

- (a) The city may suspend the water services, wastewater treatment service, and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- (b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in section 98-362 is initiated against the user.
- (c) An industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city within 15 days of the endangerment.

(Ord. No. 2477, div. 7, § 7, 11-19-2013)

Sec. 98-362. - Termination of permit.

- (a) Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the city. Any user who violates the following conditions of this article or a wastewater discharge permit or order, or any applicable state or federal law, is subject to permit termination:
 - (1) Violation of permit conditions;
 - (2) Failure to accurately report the wastewater constituents and characteristic of its discharge;
 - (3) Failure to report significant changes in operations or wastewater constituents and characteristics;
 - (4) Refusal of access to the user's premises for the purpose of inspection, monitoring, or sampling.
- (b) Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under section 98-357 why the proposed action should not be taken.

(Ord. No. 2477, div. 7, § 8, 11-19-2013)

Sec. 98-363. - Order of enforcement action.

The order of enforcement will be determined using the city's enforcement response plan (ERP). The order of enforcement actions presented in the ERP does not represent the order of enforcement that must be taken. The city may choose any action appropriate for any violation of a permit or order.

(Ord. No. 2477, div. 7, § 9, 11-19-2013)

Sec. 98-364. – Administrative hearing on enforcement action.

- (a) Service of an administrative order, a cease and desist order, an emergency suspension or a termination of permit under this division shall be by personal delivery or by registered or certified mail and shall be effective upon receipt. Any person who has been issued a administrative order, a cease and desist order, an emergency suspension or a termination of permit under this division may request a hearing by filing a request for hearing within 10 calendar days of receipt of such enforcement action. The request shall be filed with the city clerk and shall include a copy of the notice of the enforcement action and the reasons for the request for a hearing. The filing of a request for hearing on an administrative order or a termination of permit shall stay the effect of such enforcement action pending a decision of the hearing officer. A cease and desist order or an emergency suspension is effective upon receipt and is not stayed by the filing of a request for hearing under this section.
- (b) Hearing officers; determination of penalties. The city manager shall from time to time designate hearing officers who shall conduct hearings and make determinations upon those matters identified in the enforcement action issued by the city under this division. The hearing officer shall review and approve or modify the penalties imposed under an enforcement action, subject to the limitations contained in S.C. Code 1976, § 6-11-285.
- (c) Hearing procedures. The hearing procedures shall be conducted in accordance with the following procedures:
 - (1) A hearing shall be conducted within 10 days of the filing of a request for hearing on a cease and desist order or an emergency suspension;
 - (2) A hearing on an administrative order or a termination of permit shall be conducted within 30 days of the filing of a request for hearing;
 - (3) The hearing officer shall observe the rules of evidence as applied in civil cases in the court of common pleas;
 - (4) All testimony shall be taken under oath and all parties shall have the right to cross-examination of the witness;
 - (5) The hearing shall be recorded by a certified court reporter and may be transcribed at the request of any party at the expense of the requesting party;
 - (6) The party requesting review of an administrative order without a civil penalty, a cease and desist order, an emergency suspension or a termination of permit shall bear the burden of proof to establish matters by a preponderance of the evidence, and the city shall bear the burden of proof in a hearing for the imposition of civil penalties;
 - (7) The party having the burden of proof shall present its case first;
 - (8) The hearing officer shall issue a written decision on a cease and desist order or an emergency suspension within 10 days of the hearing. The hearing officer shall issue a written decision on an administrative order or a termination of permit with 30 days of the hearing;
 - (9) A request for hearing may be amended only by leave of the hearing officer;

(10) The city may promulgate regulations to establish hearing procedures not otherwise established in this section.

(d) The decision of a hearing officer under this section may be appealed to the court of common pleas for Sumter County.

98-365—98-383. - Reserved.

DIVISION 8. - JUDICIAL REMEDIES

Sec. 98-384. - Legal and/or equitable relief.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this article or any order or permit issued thereunder, the city, through the city attorney, may commence an action for appropriate legal and/or equitable relief in state court for Sumter County or the county in which the violation occurred.

(Ord. No. 2477, div. 8, § 1, 11-19-2013)

Sec. 98-385. - Injunctive relief.

Whenever an industrial user has violated or continues to violate the provisions of this article or permit or order issued thereunder, the city, through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The city shall have such remedies to collect these fees as it has to collect other sewer service charges.

(Ord. No. 2477, div. 8, § 2, 11-19-2013)

Sec. 98-386. - Civil penalties.

- (a) Any person or industrial user who has violated or continues to violate this article or any order or permit issued thereunder, shall be liable to the city for a civil penalty of not more than two thousand dollars (\$2,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the city may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- (b) The city shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user and any other factor as justice requires.

(Ord. No. 2477, div. 8, § 3, 11-19-2013)

Sec. 98-387. - Criminal prosecution.

(a) *Violations; general.*

(1) Any industrial user who willfully or negligently violates any provision of this article or any order or permit issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500 or imprisonment for not more than 30 days or both in accordance with the procedures set forth in section 1-7 of this code.

(2) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$500 or imprisonment for not more than 30 days, or both.

(b) *Falsifying information.*

(1) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$500 or imprisonment for not more than 30 days, or both in accordance with the procedures set forth in section 1-7 of this code.

(2) In the event of a second conviction, the user shall be punishable by a fine not to \$500 or imprisonment for not more than 30 days, or both.

(Ord. No. 2477, div. 8, § 4, 11-19-2013)

Secs. 98-388—98-417. - Reserved.

DIVISION 9. - SEWAGE SERVICE CHARGE

Sec. 98-418. - Basis and procedure.

(a) For billing purposes, the volume of waste discharged into the sewer system shall be normally based on the metered water consumption of the user as shown in the records of meter reading maintained by the city. All costs of separate meter installation, calibration, and maintenance shall be borne by the user at his own expense. The type of meter shall be acceptable and approved by the city and such meters shall be accessible at all times for inspection by the city.

(b) Whenever any user purchases all their water from the city and considers that significant quantities of water used are not returned to the sewer system, he may request that the billings be based upon metered wastewater quantities. If approved by the city, such user may then provide and maintain at his own expense a meter acceptable to the city for the measurement of the quantities of wastewater discharged. The meter shall be accessible for inspection by the city at all times and shall be maintained to produce an accurate record of the true quantities of wastewater discharged. The meter shall be calibrated at least annually at the sole expense of the user and in accordance with manufacturer's specifications. Whenever any user obtains any part of his water supply from sources other than the city, the quantities of wastewater may be determined from the metered quantities of wastewater discharged to the sewer system, the cost of metering to be borne by user. All wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of wastewater discharged to the sewer system.

(Ord. No. 2477, div. 10, § 1, 11-19-2013)

Sec. 98-419. - Explanation of charges.

- (a) *Fixed costs.* The charge shall be sufficient to provide for all fixed costs of all sanitary sewer facilities owned and/or operated by the city, including, but not limited to, local capital cost, as determined by the city.
- (b) *User charge.* The user charge to be levied on users of treatment works shall be sufficient to provide for the cost of operation and maintenance of all facilities owned and/or operated by the city as required by Public Law 92-500.

(Ord. No. 2477, div. 10, § 2, 11-19-2013)

Sec. 98-420. - Amount of charges.

The city shall develop a system of user classifications and charges for use in preparing billing which will be fair and equitable to all users, and subject to change as conditions warrant.

- (1) All users which are classified as an industry by Public Law 92-500 are termed "industrial users." These users shall be charged according to the strength of its discharge, including TSS and BOD, which shall be determined through sampling and analysis. Unless the city determines that more frequent sampling is necessary to establish the characteristics of a user's discharge, the discharge of an industrial users shall be sampled quarterly by the industrial user. In its sole discretion, the city may also sample a user's discharge. All results of sampling within a calendar quarter, whether conducted by the user or the city, shall be averaged to determine the succeeding quarter strength charge.
- (2) All users that are not classified as an industry by Public Law 92-500 are termed "commercial users" or "residential users."
 - a. Commercial users shall be classified and billed according to group 1 of the rate schedule. If it is determined that a commercial user discharges waste that has a higher strength than domestic waste, the user shall be billed according to the strength determined.
 - b. Residential users shall contribute domestic waste only and shall be classified according to group 1 of the rate schedule.

(Ord. No. 2477, div. 10, § 3, 11-19-2013)

Sec. 98-421. - Pretreatment program.

- (a) The city may levy a fee(s) to defray the cost of the pretreatment program in accordance with federal and state requirements. The amount of this charge shall be periodically established based on the following.
 - (1) Reimbursement of all costs of setting up and operating the pretreatment program, inclusive of legal, consulting and administrative expense.
 - (2) Monitoring, inspections, and surveillance procedures.
 - (3) Sampling and analyses.
 - (4) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications.
 - (5) Permitting.

- (6) Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.
- (b) The city may charge an individual industrial user for the costs incurred by the city in conducting sampling to assess and evaluate an industrial user's compliance with the provisions of this chapter or a permit issued pursuant to the provisions of this chapter.

(Ord. No. 2477, div. 10, § 4, 11-19-2013)

Sec. 98-422. - Billing.

- (a) The charges for this service shall be billed and payable monthly on a bill rendered by the city utility finance department. Said bills shall be through the United States mail notifying all persons of the amount and date due. Failure to receive notice shall not be an excuse for nonpayment of bills.
- (b) Persons not having paid their bills within eighteen (18) days of the billing date will be delinquent. After twenty-five (25) days from the billing date, the water connection serving the premises may be severed and not turned on again until the bill, plus a charge for restoring service, is paid.

(Ord. No. 2477, div. 10, § 5, 11-19-2013)

Secs. 98-424—98-442. – Reserved

DIVISION 10. - VALIDITY

Sec. 98-443. - Repeal of conflicting ordinances or regulations.

All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this article are hereby repealed. This article supersedes Ordinance No. 2138.

(Ord. No. 2477, div. 11, § 1, 11-19-2013)

Sec. 98-444. - Severability.

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

(Ord. No. 2477, div. 11, § 2, 11-19-2013)

Secs. 98-445—98-471. - Reserved.

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