

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER) ORDINANCE NUMBER 12-_____

AN ORDINANCE SUPPLEMENTING THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY REPEALING CHAPTER 44, ARTICLE III AND ARTICLE IV, AND ENACTING IN PLACE THEREOF A NEW ARTICLE III OF CHAPTER 44 GOVERNING BOTH WATER AND SEWER SERVICES AND USES FOR DORCHESTER COUNTY.

WHEREAS, Dorchester County is empowered to adopt ordinances as may appear to be necessary and proper for the security, general welfare and convenience of the County and for preserving health, peace, order and good government; and

WHEREAS, Dorchester County has experienced unprecedented growth in population which growth places increased demands upon County infrastructure and the services necessary to secure the general welfare and health of Dorchester County citizens; and

WHEREAS, the sanitary sewerage services and water services provided by Dorchester County are necessary to promote harmonious living conditions and to maintain quality standards of living for Dorchester County residents; and

WHEREAS, to ensure adequate provision and continuity of such services to the citizens of Dorchester County, it is necessary to establish various charges and fees, as well as procedures to provide for the orderly collection of such fees and charges relating to connection to Dorchester County’s water and sewer systems; and

WHEREAS, it is necessary to ensure the safety, general welfare, and convenience of the citizens of Dorchester County by promulgating rules and regulations, to include enforcement activities, rights, and procedures for both Dorchester County and its citizens relating to Dorchester County’s water and sewer systems.

NOW, THEREFORE, BE IT ORDAINED by the Dorchester County Council, duly assembled that the Code of Ordinances, Dorchester County, South Carolina is hereby supplemented by repealing Chapter 44, Article III and Article IV, and enacting in place thereof a new Article III of Chapter 44 governing both water and sewer services and uses for Dorchester County, which shall read as follows:

CHAPTER 44 UTILITIES. ARTICLE III. – WATER AND SEWER SERVICES.

DIVISION 1. GENERALLY.

Sec. 44-52. - Definitions.

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

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

Appendix A or B. When used in this Ordinance refers to Appendices of rates and charges in Division 23 of this Chapter of the Dorchester Code of Ordinances

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

Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

- a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 44-131 [SC R.61-9-403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs may also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical Pretreatment Standards and effluent limits.

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

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

Civil Litigation. Causes of action maintained against the Industrial User, Customer, Owner or Person which seeks equitable relief, monetary penalties, actual, consequential, special and/or punitive damages.

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

Commercial. Of or relating to the exchange of goods and services of non-industrial nature.

Contract Customer. Any legal entity, firm, company, or corporation licensed or governed by the State of South Carolina to provide sewer service to an area or political sub-division of the County.

Control Authority. Dorchester County Water and Sewer Department (“DCWS”, the “Department”, the “County”).

County. Dorchester County, its departments, employees, and agents, including the Control Authority as defined herein, or the County Council of Dorchester County.

Criminal Prosecution. Pursuing punitive measures against an individual and/or organization through a court of law.

Customer. A person who receives or is financially responsible for water and/or sewer service from Dorchester County Water and Sewer Department whether individually, or through or provided to the person’s agent or authorized representative.

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

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

Department. The Dorchester County Water and Sewer Department.

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

Director of Water and Sewer 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

Ordinance. The term also means a Duly Authorized Representative of the Director of Water and Sewer.

Domestic. Of or relating to residential and household uses.

Dwelling. A residential unit.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Equivalent Residential Unit (ERU). Equal to that number of Single Family Dwelling Unit. One ERU shall be defined as 250 gallons per day (GPD) for the Lower Wastewater Treatment Plant and 400 gallons per day (GPD) for the Upper Wastewater Treatment Plant.

Existing Source. Any source of discharge that is not a “New Source.”

Fine. Monetary penalty assessed by Control Authority officials. Fines should be assessed by the Department.

Food Service Establishment (Establishment(s)). Any commercial facility discharging kitchen or food preparation (raw, pre-cooked, or cooked) wastewaters including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, fish markets, coffee shops, bakeries, etc., and any other facility which, in the Department’s opinion, would require a grease trap installation by virtue of its operation. Such definition normally includes any establishment which is required to have a South Carolina Department of Health and Environmental Control (SC DHEC) foodservice license.

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

Garbage Disposal. A device which shreds or grinds up bio-degradable waste materials into smaller portions for discharge into the County wastewater system. The smallest disposal must be equipped with a motor of $\frac{3}{4}$ HP or greater and shall be subject to review and approval by the Department.

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

Gray Water. All of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer (on the bottom of the tank).

Grease. A material either liquid or solid, composed primarily of fat, oil, and grease from animal or vegetable sources. The terms “fats, oils, and grease (FOG), and oil and grease, or oil and grease substances” shall be included in this definition.

Grease Hauler. A person who collects the contents of a grease trap/interceptor and transports it to an approved recycling or disposal facility. The Grease Hauler pump truck will have a DHEC license prominently displayed. The Grease Hauler may also provide other services to a Food Services Facility related to grease interceptor maintenance.

Grease Interceptor. A device located underground and outside of a food service establishment designed to collect, contain, or remove food wastes and grease from the wastewater stream while allowing the balance of liquid waste to discharge in the wastewater system by gravity. Interceptors shall have two inspection hatches on the top surface.

Grease Trap. A device usually located in a food service establishment under a double sink designed to collect, contain or remove food wastes and grease from the wastewater stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Traps shall have a removable lid on the top surface to facilitate inspection, cleaning and maintenance. A grease trap is generally the smaller device and is serviced by a food service facility employee. The terms grease trap and grease interceptor are often used interchangeably.

Grease Trap Inspector. (County Inspector). A County employee appointed by the Department's Director and trained to do inspections of grease traps/interceptors. They will be identified by a photo County ID..

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

Industrial Service. Service to Customers engaged in a process which creates or changes raw or unfinished materials into another form or product.

Industrial Wastes. The liquid wastes from commercial and industrial processes and operations, as distinct from domestic sewage.

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.

Institution. Any building used as a hospital, church, school or similar public facility.

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 is a cause of a 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 Limit. Specific discharge limits developed and enforced by the County upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in SC R.61-9-403.5(a)(1) and (b).

May. Permissive.

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.

Meeting. An informal compliance meeting with the IU to resolve recurring noncompliance.

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

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

Multiple Family Dwelling Unit. Any building containing two (2) or more single family dwelling units and having individual water connections to each dwelling unit.

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

New Source.

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

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

Non-Transient Water Usage. Stationary, site-specific water usage from a single hydrant for the purpose of construction.

NPDES Permit. National Pollution Discharge Elimination System Permit issued to the County pursuant to Section 402 of the Federal Clean Water Act.

Owner. A person, who is not a tenant, who has the right to possess, use, or convey property, or is recognized as such in equity because use and vested title belong to that person, even though legal title may belong to someone else. Where indicated by context, the agent and duly authorized representatives of such persons.

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

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

Permissive Non-conforming Customer. An owner whose property is a multi-unit building consisting of four (4) or more residential units served by a single sewerage connection, and where water service is not available from the Department, is not separately metered by the Department, or has not been purchased from the Department based on previous policy.

pH. The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance. A ph value of 7.0 is considered neutral. A stabilized ph will be considered as a ph which does not change beyond the specified limits when the waste is subjected to aeration. ph below 7.0 is acid, above alkaline.

Pollutant. 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).

P.P.M. Parts per million by weight expressed in pounds. One million pounds of water or sewage

equals approximately 120,000 gallons.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. 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 Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

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

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 44-131 of this Ordinance.

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 1/2 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 or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Receiving Stream. That body of water, stream or watercourse receiving the discharged waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

Sanitary Sewer. A sewer which carries sewage or polluted industrial waste and to which storm, surface and ground waters or unpolluted industrial waste are not intentionally admitted.

Septic Tank. A private domestic sewage 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.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service. The provision of water and/or sewer rights to a person, including availability to and/or access by a person to the water and sewerage systems.

Service Area. The place of use of water and/or sewer rights available to and served by Dorchester County.

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

Sewage Treatment Plant. Any arrangement or device and structures for treating sewage.

Sewer. A pipe or conduit for carrying sewage.

Sewerage System. All facilities for collecting, conveying, pumping, treating and disposing of sewage.

Shall. Mandatory

Show Cause. A formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

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

- (1) An Industrial User subject to Categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or,
 - c. Is designated as such by 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, at its discretion, may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the County's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in Section 44-135(14) [*see* SC R.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) of this part 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 an Industrial User, and in accordance with procedures in SC R.61-9-403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Violator (“SV”). Any person permitted to discharge industrial wastewater into the County's system whose discharge exceeds any of the following:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC= 1.4 for B.O.D., TSS, fats, oils, and grease, and 1.2 for all other pollutants except PH.)
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone, or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or 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 30 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 the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Single Family Dwelling Unit. Any building containing one (1) or more single family dwelling units and having only one (1) water connection for all dwelling units, or only one (1) water connection for more than one (1) but not all dwelling units.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

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

Tenant. A person renting or leasing property from the owner or the owner's selected representative.

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

Transient Water Usage. Water usage from pre-identified hydrant locations for the purpose of filling a tanker or other water vessel vehicles.

User or Industrial User (IU). Any person who directly or indirectly discharges, or causes or permits the discharge of, wastewater to the POTW, or whom otherwise maintains an open connection, whether shared or individual, for direct or indirect discharge of wastewater to the POTW.

Unit. Including but not limited to each apartment in a complex, each business in a business park, each residential apartment in a condominium, each store in a shopping center, each separate lot in a subdivision, each separate mobile home in a mobile home park, each residence in a duplex or quadraplex, and generally the premises of each separate dwelling place, place of business, and/or place of manufacture receiving water and/or sewer service from the Department.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

Water Connection. All materials including valves, pipe, fittings, meter, and meter box necessary to convey water from the most convenient water main to the most convenient property line of the Customer.

Waterworks System. All property, wells, equipment, pumps, piping, water storage tanks, water connections, records, structure, and any other associated appurtenances necessary to provide water service owned and operated by the County of Dorchester.

DIVISION 2. REQUIREMENTS OF SERVICE CONNECTIONS.

Sec. 44-53. – Property to be connected.

Unless otherwise excepted by the provisions of this Ordinance, all owners of improved real estate in the County who have property that abuts upon, is accessible, or located within one hundred fifty (150) feet of any water and/or gravity sewer line maintained by the County, and upon which property is situated or shall be erected any building, shall connect with sewer lines

and/or water lines, all water closets, bathtubs, lavatories, sinks and the like so that their contents may be made to empty into that sewer and so that an adequate water supply can be provided and maintained through the County's water supply.

Sec. 44-54. – Preexisting building and preexisting septic system connections; exceptions.

- (1) It shall be unlawful for any person, firm or corporation to build, erect, keep or maintain any building to be used for human occupancy, employment, recreation, or other purpose by one or more persons on any lot or parcel within one hundred fifty (150) feet of any existing water main or sewer main without providing and maintaining adequate water closets connected with the County sewer, and providing and maintaining from the County's water system adequate water supply for the use of any occupant.
 - (a) Provided, however, that if a preexisting building is connected to a preexisting and properly operating septic system (septic tank), sewer connection shall not be required unless there is a malfunction of the existing system or upon notice from SCDHEC that the existing means of waste disposal is a community health hazard, or is in violation of federal, state or County law.
 - (b) A preexisting building and preexisting septic system shall be defined as a building or system existing prior to adoption of this Ordinance.
- (2) The one hundred fifty (150) foot distance herein shall be measured by the perpendicular distance from the closest heated space of any building to the property line along which the water main or sewer main is located.
- (3) The connection described herein shall be made upon the sooner of:
 - (a) Within 90 days of the sewer or water line becoming operational;
 - (b) Immediately if there is a malfunction of the existing system; or,
 - (c) Immediately upon notice of SCDHEC that the existing means of waste disposal is a community health hazard or is in violation of federal, state or County law.

Sec. 44-55. – Construction or modification after adoption of Ordinance but before service available; connection required upon availability.

- (1) Where either water or sewer is not available at the time of new construction or modification of a preexisting building such that the building constitutes a new source as defined by this Ordinance, a private well or septic tank built by the owner shall be maintained by the property owner until such time a water line or sewer line shall be extended to serve the property.
- (2) At such time as the County's water or sewer line becomes available to a parcel of property being serviced by a private well or a private wastewater disposal system, the property owner must make application and connect the structure(s) using the services of the County within ninety (90) days after receipt of notice of availability from the County.
- (3) The property owner must pay the connection fee then in effect when application for connection is made, unless said property owner has a tap receipt issued by County Council, which receipt waives sewer connection fees.
 - (a) Sewer connection fees may be paid through a written agreement with the County authorizing up to five (5) years of interest free installment payments.
 - (b) Prior to entering into any installment payment plan, the property owner shall pay all administrative fees and costs then in effect.

Sec. 44-56 – Backflow preventer for fire protection devices.

All unmetered water connections installed for fire protection devices must be equipped with a backflow preventer with a detector check meter at the Customer's expense.

Sec. 44-57. – Council approval for source connection; prohibition against hazardous connections.

Under no circumstance shall any part of the Waterworks System be connected in any way with any other water source except as specifically approved in writing by County Council. Any hazardous connection between the waterworks system and any source of contamination is expressly prohibited.

The Department may reject any application for service not available under a standard rate, or which includes excessive service costs, or which may affect the supply of service to other Customers or may be detrimental to the waste treatment process due to the volume, character or content of the discharge

Sec. 44-58. – County protection of water supply; County emergency action authorized; testing of potable supply.

- (1) During any and all improvements, expansions, extension, repairs, or fire calls the County shall exercise all reasonable precaution to protect the quality of the water supply including, but not limited to, flushing of mains and chlorination.
- (2) In the interest of the Public Health and Safety, the County shall be permitted to take such emergency action as may be deemed necessary in the operation of the wastewater or waterworks system including, but not limited to, the right to close down any water or sewer line or portion of the system for the purpose of making connections, alterations, or repairs.
- (3) The County shall conduct periodic tests in a recognized and generally accepted manner to ensure a potable water supply to the Customer. These tests are to be in accordance with the Rules and Regulations of the South Carolina Department of Health and Environmental Control.

Sec. 44-59. – Connection permits and fees; specifications of connection; unauthorized connection penalties.

- (1) It shall be unlawful to make any connection with the water and/or sewerage system of the County without having first secured a permit therefore and upon payment of the required fees.
- (2) Applications shall be made to the Department and shall be accompanied by a statement as to the purpose of the connection, the premises to be serviced and the specifications of the pipe to be connected, and the specifications of the drain from the building to the sewer pipes.
- (3) No connection shall be made to any water or sewer main until such written application has been submitted by the property owner or his agent on forms provided by the Department and approved thereby.
- (4) If a person, as defined by this Ordinance, ties into the potable water or sanitary sewer system without applying for service and paying all applicable fees, the Department will levy an unauthorized connection fine outlined in Appendix A.

- (a) By virtue of their connection to the system, said person shall be further billed accordingly for all past and present service as if that person were an authorized Customer of the Department, and shall be further subject to the rules, regulations, and penalties promulgated by this Ordinance.
 - (b) Although said person may be billed in like manner as an authorized Customer, they shall be deemed unauthorized and shall remain subject to all appropriate penalties and remedies until such time as application is made and the connection approved by the Department.
- (5) The Department may reject any application for service not available under a standard rate, or which includes excessive service costs, or which may affect the supply of service to other Customers or may be detrimental to the waste treatment process due to the volume, character or content of the discharge

Sec. 44-60. – No shared service; exceptions; penalties for unapproved or unmetered connection.

No water or sewer service shall be furnished to any lot from an existing service on another lot except as herein provided or by special authorization, in writing, of the County Council. Any unapproved/unmetered connection to a new system, not yet approved for operation, shall be defined as illegal and may be subject to a daily penalty charge, plus the cost of the water and/or sewer consumed or discharged as may be determined by the County. This penalty plus applicable costs must be paid in full prior to establishment of the approved connection. The penalty is outlined in Appendix A.

DIVISION 3. OWNERSHIP.

Sec. 44-61. – Ownership and maintenance of lines and equipment.

- (1) The County shall provide necessary service to the Customer at the point of street right of way or easement line established for the water and/or sewer lines.
 - (a) Service lines from the street right of way or easement line shall be installed, owned, and maintained by the Customer.
 - (b) Service connections, including laterals to and including curb stops, meter boxes, and other appurtenances shall be and remain the property of the County, and the County shall be responsible for the maintenance and repair of such facilities, subject to any agreements covering the installation of such facilities.
- (2) All meters, meter boxes, pipes, shut off valves and other equipment furnished by the County in installing any water or sewer connection shall be and remain the property of the County.
 - (a) No person, firm or corporation, except a qualified employee of the County, shall turn on, cut upon, or tamper with in any way any water main/line, meter, hydrant or sewer main/line owned by the County, unless written permission shall have been granted by the Department.
 - (b) Any person, firm or corporation violating this section of the Ordinance will be fined a tampering fee. The amount of this fee is outlined in Appendix A.

Sec. 44-62. – Access to private property; purposes, notice and exceptions.

- (1) The Director and his/her authorized employees shall have free and clear access at all

reasonable hours to all meters for the purpose of reading, removing, repairing, testing and for any other lawful purpose.

- (2) The County shall have the right to enter the Customer's premises without notice for the purpose of making emergency repairs, disconnection or reconnection of service, necessary installations, or reading of meters.
- (3) The County shall further have the right to enter the Customer's premises for general inspections and/or any other reason for administering reasonable service, provided that the Customer is notified twenty-four hours in advance.
 - (a) Advance notice shall be accomplished by a written notice mailed or personally delivered to, and/or otherwise conspicuously posted at, the Customer's last known address and/or the property where such entry is necessary.
 - (b) Verbal or other permission of the Customer, or their agent, for immediate entry or entry prior to the expiration of the twenty-four hour notice period shall constitute a waiver of the twenty-four hour notice period by the Customer.

Sec. 44-63. – Severance of service for violations.

To the extent allowed by law, the County may discontinue service immediately, and all water and/or sewer connection may be removed or severed, if it is found that any provision of this Ordinance has been violated.

Sec. 44-64. – Removal of structures, etc.; liability for costs and damage to system.

- (1) The Dorchester County Water and Sewer Department (DCWS) may remove any structure, personal property, or vegetation situated upon, above, below or adjacent to, within three feet (3'), a water and/or sewer line.
- (2) Any person, through their acts and/or omissions, or those of their agents, assigns, or employees, who so causes such action to be taken by DCWS shall be liable to DCWS for the costs resulting therefrom, including damage to DCWS property.
- (3) Such action shall be deemed necessary if, in the sole discretion of DCWS, the structure or vegetation prevents access to water and/or sewer lines or any connections thereto for repairs, maintenance and/or inspection, or otherwise interferes with, obstructs, damages, or in the sole discretion of DCWS, causes risk of interference with, obstruction, damage, and/or loss of access to water and/or sewer lines.
- (4) DCWS shall not be responsible for replacing or repairing any structure or vegetation removed or altered, and the receipt of water and/or sewer service from DCWS by a Customer constitutes the express consent of the Customer for any such actions by DCWS described herein.

Sec. 44-65. – Damages; remedies; no customer offset.

- (1) In addition to civil remedies, attorney's fees, and/or criminal penalties imposed by a Court of competent jurisdiction, any person causing damage to County property by any willful or negligent act shall be responsible for the payment of costs incurred by the County as a direct or indirect result thereof.
- (2) The owner of property within which any water or sewer service line may be located shall be liable for any damage done or resulting to such service line by the willful or negligent acts or omissions of the owner, their agents, employees, licensees or invitees, except for damage done by employees of Dorchester County.

- (a) In the event a property owner should refuse or neglect to pay for such damage, the water and/or sewer service may be shut off from the premises and not provided until such damage shall be paid or reasonable payment arrangements are made with the Department, the terms and conditions of which shall be at the discretion of the Department.
- (b) Damaged service lines shall be repaired by the Water and Sewer Department at the expense of the owners or person(s) aforesaid, and the cost of such repair shall be assessed in the same manner as the monthly water and/or sewer usage bill, and the County shall be entitled to all remedies available for collection.
- (c) Any appeals of the assessed cost of repair shall be directed to County Council.
- (d) In no event shall claims or demands that the Customer may have against the County shall be considered as an offset against payment for services provided to the Customer under this Ordinance.

Sec. 44-66. – Purposes of service; prohibition against transfer.

Water and/or sewer service as provided by this Ordinance is rendered to the Customer for the use of the Customer in the operation of his residence, rentals, services, business, commercial activity, or institution; and said service shall not be sub-leased, assigned, transferred, sold, or disposed of to others, in whole or any part thereof.

Sec. 44-67. – Wrongful and malicious use or interference; person guilty of misdemeanor.

Any person who shall wrongfully and maliciously appropriate or use Department water and/or sewer or wrongfully and maliciously interfere with any officer, agent, or employee of the Department in the proper discharge of his or her duties shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$500 or imprisoned for not more than 30 days, or both. Provided further, that the Department damaged by any such act may also bring civil action for damages sustained, and in any such proceeding shall also be entitled to attorney's fees and costs.

DIVISION 4. OPERATIONS AND CONTROL.

Sec. 44-68. – County to operate system pursuant to Regulations; no liability for interruption.

The County shall provide personnel to operate the system in number and of skill required by the Rules and Regulations of the South Carolina State Board of Health and the South Carolina Department of Health and Environmental Control. The County shall use reasonable diligence in providing a regular and uninterrupted supply of water and sewer service. In the event the supply of water or sewer service shall be interrupted or fail by accident, or any other cause whatsoever, the County shall not be liable for any damages sustained by the Customer by reason thereof.

Sec. 44-69. – County authorized to take emergency action.

In the interest of the public health and safety, the Department shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system for the purpose of making connections, alterations, or repairs.

Sec. 44-70. – Tests and analyses; standards therefor.

All tests and analyses of the characteristics of sewage to which reference is made in this Ordinance shall be made in accordance with the procedures given in the most current edition of "Standard Methods for Examination of Water and Sewage", as revised, published by the American Public Health Association. Such tests and analyses shall be determined at the control manhole provided for in this Ordinance, or at the point of discharge of any sewage at the site of their origin on the premises of any person discharging such sewage into the sewers.

Sec. 44-71. – Volume of flow computation for sewer charges.

The volume of flow used in computing sewer user charges and surcharges shall be based upon the following:

- (1) Residential Users: Residential Users will be charged the Department's flat residential rate per month.
- (2) Commercial, Industrial and Institutional Users: Every commercial, industrial and institutional user will be required to install and maintain, at their own expense, a County approved sewage flow meter. If, for any reason, a sewer meter is not available, the user will be billed according to the readings taken from the water meter installed to serve their business. A meter reading will be taken once a month to calculate the monthly billing. The user will be charged the Department's sewer commercial rates. If, for any reason, a water and/or sewer meter is not available, the Department shall base the monthly usage on the ERU of the user. If a portion of water used by the customer does not enter into the County's wastewater system, the Customer may install a sewer meter at their expense and this reading will be used to base the sewer usage for the monthly billing. Dry Cleaners and Car Washes, where all the water does not enter into the sewer system, will be billed at 80% of the water usage for the determination of the sewer charges.

Sec. 44-72. – Sewer lines to conform to requirements; sewer line sizes.

All sewer service lines shall conform to the requirements of the Department on location, size, type, materials, and methods used shall be inspected and approved by the County.

- (1) Single family dwelling units shall have a six (6) inch connection minimum to the wye and 4" thereafter. Apartments or duplexes containing less than six (6) single family dwelling units shall have a six (6) inch connection minimum.
- (2) Multi-Family units containing more than four single family dwelling units shall have a connection sized upon the equivalent number of bedrooms and flow as specified by the South Carolina Department of Health and Environmental Control Criteria, or Equivalent Residential Units whichever is greater.
- (3) All line sizes and connections shall be approved by the Department in advance.

Sec. 44-73. – Service provided at street right of way or line of easement.

When application has been made under the terms of this Ordinance, the County shall provide the necessary service to the Customer at the point of street right-of-way or property line of easement established for the water or sewer main. Such line shall be owned and maintained by the County.

Sec. 44-74. – Release of customer information and data; exceptions; nondisclosure of personal identifying information.

- (1) Information and data on a person obtained from reports, questionnaires, permit

- applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction unless the person specifically requests in writing and is able to demonstrate to the satisfaction of the County that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the person.
- (2) Pursuant to the Family and Personal Identifying Information Protection Act or data that would or could compromise a Customer's credit rating or otherwise result in the disclosure of family and personal identifying information as defined by the Act will not be released to the public for any reason, and all information released by the County shall be subject to redaction prior to release as may be required by law.
 - (3) To the limits allowed by the Freedom of Information Act, when requested by a person furnishing a report to the County, the portions of a report which might disclose trade secrets or secret processes may not be made available for inspection by the public but shall otherwise be available upon request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or Pretreatment programs.
 - (a) Notwithstanding the preceding, all portions of a report shall be available at all times for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.
 - (b) Wastewater constituents and characters will not be recognized as confidential information.
 - (c) Nothing herein shall obligate the County to refuse to release any information which may otherwise be required to comply with a proper request pursuant to the Freedom of Information Act or as may otherwise be required by law, and the County shall not be liable for any damages which may arise from release of the same.
 - (4) By accepting, receiving, and applying for service, or otherwise providing information to the County, a Customer and/or Person expressly acknowledges that the County will from time to time collect, retain, disclose, and use information about Customers or Persons, without notice, for the following reasons:
 - (a) When the County believes it will help administer the County's business or provide products, services, and other opportunities to Customers, or otherwise aid the County in collections for past due charges to Customers or Persons.
 - (b) When necessary for specific business or operational purposes of the County.
 - (c) To comply with certain laws and regulations.
 - (d) In furtherance of debt collection activities of the County with regard to services provided to the Customer or Person, or in response to a subpoena, summons, or warrant.
 - (5) In the interests of Homeland Security regarding governmental infrastructure, potable water supply, and sewerage service to the citizens of Dorchester County, any information requested by a Person that does not pertain to that Person's account or current business relationship(s) with the Department may, at the discretion of the Department, be subject to release only upon receipt by the Department of a request for release of information pursuant to, and in compliance with, the Freedom of Information Act.

DIVISION 5. APPLICATION FOR SERVICE.

Sec. 44-75. – Eligibility for service.

Only property within the Department's service area boundary is eligible for water and/or sewer service from the Department unless an agreement is reached between other utilities for provision of the same.

Sec. 44-76. – Application for service to property or changes to existing service.

- (1) Each person applying for new water and/or sewer service, or applying for changes in the nature of an existing service, shall complete an appropriate application provided by the Department.
 - (a) The applicant shall agree within the application to abide by all Department rules and regulations and shall furnish such information as the Department may reasonably require to establish service.
 - (b) Each applicant shall describe the type of development proposed for the property.
 - (c) The applicant shall provide any and all information that will assist the Department in properly sizing and locating the service lateral and meter, including water and plumbing plans of the private facilities if required.
 - (d) Applications shall be accompanied by payment of the service connection fee, origination fee, inspection fee and, if required, impact fee.
 1. All new connections shall be approved by County Council prior to the Department accepting any fees.
 2. In the case of an application or request for new residential or non-residential water and/or sewer service to an individual parcel involving not more than ten (10) ERU, such an application or request may, in the discretion of the Water and Sewer Department, be approved by the Department without referral to county council.
- (1) Applicants for water and/or sewer service through existing service connections without changes in the nature thereof shall provide all required information on forms provided by the Department.
 - (a) Applications for existing water and/or sewer service shall be accompanied by payment of the origination fee.
 - (b) The origination fee may be waived by the Department if the applicant meets one of the criteria below:
 1. The applicant is transferring from an active service address to another service address and ending the service at the previous address;
 2. The applicant provides proof that he or she has resided at the address, the account is in good standing, and has contributed to the payment of the water and/or sewer bill; or
 3. The applicant is a property management group in good standing with the Department whom has paid an origination fee previously.

Sec. 44-77. – Each connection constitutes separate service; exception for shared connection.

- (1) With the exception of Permissive Non-conforming Users and structures containing more than one (1) unit on a shared sewer connection, each water and/or sewer connection shall constitute a separate service in the records of the Department.
- (2) For Permissive Non-conforming Users and structures containing more than one (1) unit on a shared sewer connection, each unit served thereby shall constitute a separate service in the records of the Department.
- (3) The owner or financially responsible person of the property in which water and/or sewer service is provided shall comply with all provisions of this Ordinance regarding

service thereto.

Sec. 44-78. – Origination fees; nonrefundable.

Water and/or sewer origination fees shall be assessed for each new service established by the Department. The amount of the fee is outlined in Appendix A. The origination fee shall be nonrefundable.

Sec. 44-79. – No service furnished or rendered free of charge.

No water or sewer service shall be furnished or rendered free of charge to any person or entity.

Sec. 44-80. – Rejection of service applications.

- (1) Applications for service through existing or new service connections may be rejected if the account of applicant at the same or other locations is delinquent.
- (2) Applications for service through existing or new service connections may be rejected if the purpose of the applicant, in the opinion of the Department, is to circumvent discontinuance of service in another name because of nonpayment of water and/or sewer bills.

DIVISION 6. DEVELOPMENT PLAN REVIEW FEES.

Sec. 44-81. – Plan review and new construction inspection fees.

- (1) The department shall charge a plan review fee for any new systems constructed by a private entity. The fee cost is outlined in Appendix A. The fee shall be paid prior to the issuance by the department of its willingness and ability letter to SCDHEC based upon the estimated cost of construction of the water and/or sewerage system. The department shall charge additional fees if the final actual construction costs are greater than the original estimated construction costs.
- (2) A new construction inspection fee will be assessed at a per hour rate. The fee will be assessed for time waiting for an inspection which does not begin at the specified time as well as for all inspections conducted after a failed “final” inspection. The fee shall be paid prior to issuance by the Department of its acceptance letter to SCDHEC. A per hour rate is outlined in Appendix A.

Sec. 44-82. – Televising of lines; fees.

- (1) The Department requires televising of new construction for all sanitary sewer lines.
 - (a) All lines to be televised shall be clean and free of debris to allow televising to proceed.
 - (b) If lines are unable to be televised due to accumulated debris, then the Department will notify the appropriate inspector for rescheduling and the lines must be cleaned at no expense to the County before televising is rescheduled.
 1. The County shall not be liable for any delay in project close-out due to inability to televise a line, whether due to debris or any other reason.
 2. The County shall not be responsible for cleaning debris from any line to be televised.

- (2) A televising fee will be charged for the final video inspection of new construction if performed by the Department, which fee is outlined in Appendix A and shall be paid in full prior to final approval.
- (3) Customers may hire a private company to conduct the video inspection.
 - (a) If the Customer chooses to hire a private company, a Department inspector shall be on-site during the inspection.
 - (b) A compact disc (or other acceptable means of media storage) of the video inspection shall be provided to the Department.

Sec. 44-83. – Hydrostatic flow tests; fees.

- (1) The Department will perform hydrostatic flow tests when requested by persons with a valid purpose for the test data.
 - (a) Valid purposes shall include the design of water main extensions and building plumbing.
 - (b) The Department will charge a hydrostatic flow test fee for each test in accordance with Appendix A.
 - (c) If test data is found to be invalid, the test will be redone at no additional cost.
- (2) Flow tests performed at the request of a fire department for the purpose of an Insurance Service Office (ISO) Public Protection Classification (PPC) survey or similar study will be done at no cost to the fire department.

DIVISION 7. IMPACT FEE CHARGES.

Sec. 44-84. – Imposition of impact fees.

Dorchester County shall impose an impact fee upon all development which shall include any residential property, real estate development, commercial, industrial, or institutional complex which shall be connected to the water and/or sewerage system.

Sec. 44-85. – Use of impact fees.

Impact fees collected under this Ordinance are to be specifically used for the upgrading and/or expansion or improvement of the transmission system and treatment facilities, to supply additional capacity to serve development of vacant property or redevelopment of properties served by the system.

Sec. 44-86. – Rate of impact fee assessment; when charged.

- (1) The Impact fee shall be charged at the rate specified in Appendix A. The rate is assessed per ERU (equivalent residential unit).
 - (a) A single family residential unit shall be 1 ERU. Non-residential users shall be based on the expected flow but will not be less than 1 ERU. One ERU for non-residential users throughout the County shall be equal to 250 gallons per day.
 - (b) Domestic users shall be based on SCDHEC's unit contributory loadings as found in the "Standards for Wastewater Facility Construction: R, 61 – 67," most current edition.
 - (c) Requests for a reduced flow calculation may be reviewed upon petition with accompanying flow determinations acceptable to the Control Authority and

SCDHEC.

- (2) An impact fee will be charged when a parcel has a change in use that will result in additional water usage and/or additional wastewater entering the Department's water and/or sewerage system.
 - (a) The fee will be based on the new use's additional ERUs beyond the previous use's ERUs, and will be assessed at the impact fee rate in effect at the time of application for the new use.
 - (b) No credits will be issued for a reduction in ERUs for an existing development or a new development which has passed final inspection, except in a case where the impact fee can be applied to further development within the parcel or subdivision.

DIVISION 8. MAINTENANCE WARRANTY PERIOD AND BOND.

Sec. 44-87. – Warranty period and correction of deficiencies; maintenance bond.

Any Developer desiring to connect to Dorchester County water and/or sewer shall warrant the system so constructed and correct all deficiencies found by the Department for a period of 24 months beginning on the date of the SCDHEC permit to operate. Any such corrections shall be made within a period of 30 days from notice of such deficiency. The Developer shall provide a maintenance bond to pay for corrections to the system should the Developer fail to make requested corrections to the system. The bond amount shall be at least 10% of the value of the system as stated on the engineer's letter submitted by the Developer. The form of the maintenance bond may be in the form of an irrevocable letter of credit or a cash bond.

- (1) A Developer may provide an irrevocable letter of credit from his or her financial institution. The letter of credit shall name Dorchester County Water and Sewer Department as the beneficiary, shall be in force until the Department releases the applicant from the warranty provided, and shall be without conditions. Upon correction of the system deficiencies, approval of required repairs by the Department, and completion of the warranty period, the Department will notify the Developer's financial institution of the Developer's fulfillment of his or her warranty repairs. In the event the Developer defaults on the obligation to make warranted repairs to the system within thirty (30) days of notification, the Department will proceed to correct all system deficiencies and notify the Development's financial institution of the warranty default. All costs incurred by the Department for correction of system deficiencies shall be collected from the Developer's financial institution and the Developer as may be necessary.
- (2) A Developer may provide to the Department a cash bond that will be escrowed for the project warranty period. Upon correction of the system deficiencies, approval of the required repairs by the Department, and completion of the warranty period, the Department will refund the total bond amount to the Developer. In the event the Developer defaults on the obligation to make warranted repairs to the system within thirty (30) days of notification, the Department will proceed to correct all system deficiencies. Any remaining bond amount will not be released until the deficiencies are corrected. Should the escrowed bond amount be insufficient to correct deficiencies, all excess costs shall be collected from the Developer.

Sec. 44-88. – Reserved capacity impact fees.

- (1) Prior to final inspection, a portion of the reserved capacity/remaining permit capacity

- impact fees paid to the Department may be reimbursed to the Developer if a project is cancelled or the scope of the project is reduced.
- (2) Upon determination by the Department that a portion of the fees are eligible for reimbursement, the applicable amount will be refunded, but only at such time the SCDHEC has released the capacity from their reserved capacity/remaining permit capacity inventory.
 - (3) After a final inspection, the Department will not refund any portion of the fees paid by the Developer.
 - (4) If a project or phase is restarted after receiving a refund, the fees must be repaid prior to new water and/or sewer construction.
 - (a) Repayment of fees shall occur according to the prevailing rate at the time of repayment.
 - (5) Any associated SCDHEC construction permits must be cancelled or modified to state the new flow and/or system improvements before the fee will be reimbursed.

Sec. 44-89. – Withdrawal of availability for no activity by developer.

- (1) To the extent it does not conflict with any applicable SCDHEC regulation or policy, any project without “Activity” for a period of twelve (12) months from the Developer, the Developer’s Engineer, or the Developer’s Utility Contractor sufficient to demonstrate an intent to proceed with the project will be deemed cancelled by DCWS, and any letter of availability issued by DCWS for utility service shall be withdrawn.
 - (a) “Activity” shall include, but is not limited to, such actions as plan submittals, payment of fees, meetings with DCWS, written correspondence concerning design, submittal of permit applications, and actual water/wastewater construction activities of sufficient scope to indicate the Developer’s intent to proceed with the scope of the submitted project.
 - (b) “Activity” does not include submittals to other municipal planning departments or review boards, telephone calls, or correspondence with other permitting agencies.
 - (c) Upon cancellation, reserved capacity/remaining permit capacity impact fees paid to DCWS may be reimbursed in accordance with current policies and this Ordinance.
- (2) Once a project has been cancelled by DCWS, any continued progress will require the Developer or his Engineer to resubmit the project plans.
 - (a) DCWS will reevaluate the project on the basis of service availability, fees and design standards to ensure conformance with requirements in place at the time the project is reinitiated.
 - (b) When the project is reinitiated, all appropriate fees will be assessed in conformance with the prevailing DCWS fee structure.
- (3) To the extent such action does not conflict with SCDHEC regulation or policy, any availability letter issued prior to the adoption of this Ordinance will be cancelled by DCWS if there is no “Activity” as defined herein within 12 months after the adoption of this Ordinance.

DIVISION 9. CONNECTION FEES.

Sec. 44-90. – Connection fees levied; payment required prior to building permit.

Connection charges shall be levied against a property whenever a connection is made to the County water and/or sewerage system at the rate set forth in Appendix A. All connection fees shall be paid prior to issuance of a building permit. Connection fees shall be nonrefundable.

Sec. 44-91. – Connection fee to pay for basic cost of County.

- (1) A single connection fee will cover the basic cost of the County for tapping a main and construction within the public right-of-way of a line to water or sewer service for a single family residential structure that is no more than 50' in length, installed by open cut, crosses a County road or does not cross a paved surface, and/or is no larger than 2" in diameter for water and 6" in diameter for sewer.
- (2) Any additional connection costs shall be the responsibility of the owner/applicant and must be paid prior to construction. Items requiring additional cost will include but are not limited to:
 - (a) Services greater than 50' in length;
 - (b) Directional drill and jack and bore;
 - (c) Crossing of roads other than County roads;
 - (d) Utility/storm drain conflicts (relocation of lines, conflict boxes, etc.);
 - (e) Engineering and permitting; and/or,
 - (f) Services greater than 2" in diameter for water and 6" in diameter for sewer.

Sec. 44-92. – Water meter installation.

If the water meter requested by the applicant is under 2", the Department will provide and install the water meter and meter box. If the water meter requested is 2" or larger, the Department shall only provide and install the water meter. All other associated materials and costing are the responsibility of the applicant, and must meet specifications of the Department.

Sec. 44-93. – Sewer system connection; type of connection.

- (1) If the sewer connection requested by the applicant is to service a single family residential property, the Department will provide and install the necessary sewer connection. If the sewer connection requested by the applicant is to service a business or multi-family residential property, the developer or contractor will be responsible for connecting to the County sewer system, which connection shall be done in the presence of a representative from the Department.
- (2) The owner/applicant may choose to have the sewer connection made by a qualified contractor and consultant. If so, the contractor and consultant must be experienced in the type of work to be performed, and shall so warrant to the Department. The owner/applicant will be responsible for all fees due to the contractor or consultant for work performed.

Sec. 44-94. – Location of connections.

- (1) The applicant or their representative must connect to the water and/or sewer tap at the location provided by the County.
- (2) All connections shall be located upon the public right-of-way or a County easement.
- (3) A sewer connection must be inspected and approved by the Department before the line is put into use.
- (4) If any condition is found which, in the opinion of the County, constitutes a health hazard or potential hazard to the water supply or operation of the waterworks system

or wastewater system, the County shall require immediate action to be taken by the Customer or may sever the water and/or sewer connection until remedial measures are instituted and the health hazard eliminated to the complete satisfaction of the Department.

- (5) An existing tap will not be moved unless obstructions prevent the Customer from connecting to the tap.
 - (a) If a Customer requests a connection to be moved, DCWS will provide a cost estimate to the Customer, which cost must be paid in advance.
 - (b) If, in its sole discretion, DCWS deems any such move impracticable or infeasible, the service will not be moved.
 - (c) Subject to appeal to County Council, no valves or elder valves shall be permitted beneath a structure or paved surface, nor shall such structure or pavement be placed upon an existing valve or elder valve.

Sec. 44-95. – Inspection fee.

An inspection fee at the rate set forth in Appendix A shall be required to cover cost of inspection when service to a building is connected to the water or sewer system. If a sewer connection inspection fails, the customer will be charged a re-inspection fee outlined in Appendix A for each visit required thereafter. Inspection fees shall be nonrefundable.

DIVISION 10. BILLING PROCEDURES; ACCOUNT INFORMATION.

Sec. 44-96. – Services to be metered; billing of metered services.

- (1) All water and commercial, industrial and institutional sewer services will be metered.
- (2) Where water meters fail to register, bills shall be arrived at by comparison with the same month of the previous year.
 - (a) If the Customer has received service at the current address for less than one year, the bill shall be arrived by averaging the past six months of service.
 - (b) If the Customer has received service for less than six months, the bill shall be derived by averaging the service received by the Customer to-date.
- (3) If the exact usage by the Customer during the billing period(s) cannot be determined, the bill shall be based on an appropriate usage as may be determined from all information available to the County regarding the property serviced and its uses.
- (4) Customers are responsible for payment of all water recorded as having passed through a meter regardless of whether the water was put to beneficial use.

Sec. 44-97. – Testing of water meters; adjustments; fees.

- (1) When, at the request of the Customer, or otherwise, water meters have been tested by the Department or any other party approved by the Department and found to be more than three percent (3%) fast, previous bills reflecting such inaccuracy will be adjusted accordingly, but in no case will the adjustment exceed six months prior billing.
- (2) If a meter is tested at the Customer's request more than once in any six month period, the Customer shall pay a service order charge (Appendix A) for such service, but in the event the meter is found to be more than three percent (3%) fast, then the Customer will have their bill adjusted as set forth herein and no service charge will be applied.

Sec. 44-98. – Billing when reader obstructed or inoperative.

If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used, and a bill shall be issued for the estimated service. The next succeeding bill that is based upon actual meter readings will reflect the difference between prior estimates and actual consumption. If a meter is found to be inoperative, consumption shall be estimated and billed, considering all pertinent factors.

Sec. 44-99. – Customer obligation to pay regardless of bill receipt.

The Department will make every reasonable effort to see that each Customer receives their bill, however, no responsibility will be assumed by the Department for non-delivery when the same has been placed for mailing with the United States Postal Service. Failure to receive a bill does not relieve the Customer of the obligation to pay for services rendered.

Sec. 44-100. – Classification of accounts; right to redress; appeal.

Each account for water and/or sewer service shall be classified for billing purposes at the discretion of the Department and according to the Definitions contained herein. The Customer shall have the right of redress to the Department for purposes of reclassification through presentation of sufficient evidence to the Department. Upon a denial following redress with the Department, the Customer may appeal to County Council which appeal shall be submitted within ten (10) days of the Department's denial.

Sec. 44-101. – Billing of shared water connections.

Property owners or financially responsible persons having more than one house, business, apartment, dwelling unit or establishment on one water meter, shall be charged the water rate per consumption according to the meter reading, or minimum rate times the number of units connected to the water meter, depending upon the classification of the property and whichever rate is applicable. So long as such meter has not been deactivated by the Department, the above rates shall be charged regardless of whether individual houses, dwelling units or businesses connected to such meter are occupied or vacant.

Sec. 44-102. – Owner of multi-unit building with four or more residential units on master meter or single connection to agree to be responsible for all charges billed.

- (1) Upon adoption of this Ordinance, all owners of a multi-unit building consisting of four (4) or more residential units served by a master meter or single connection for water and/or sewer, shall execute an agreement with the Department to be responsible for all charges billed to the premises whether or not a unit is leased by a tenant.
- (2) Should any such owner fail or refuse to execute such an agreement, the Department may discontinue or refuse to provide service to the units/premises on the basis of the owner's refusal to execute such an agreement to be responsible for all charges billed to the units/premises.

Sec. 44-103. – Permissive Non-conforming User; calculation of sewer bill.

- (1) An owner whose property is a multi-unit building consisting of four (4) or more residential units served by a single sewerage connection where water service is either unavailable from the Department, is not separately metered by the Department, or is

not purchased from the Department based on previous policy, shall be classified as a Permissive Non-conforming User.

- (2) A Permissive Non-conforming User shall be billed using the product of the number of units connected to the sewerage system via the shared connection, times the monthly residential flat rate.
- (3) Rates shall be charged to any connected unit regardless of the status of individual houses or dwelling units as occupied, vacant, leased, or owner-occupied.
- (4) Service accounts for Permissive Non-conforming Users shall be maintained in the name of the property owner at all times unless otherwise excepted herein.
- (5) For service accounts in existence at the time of the adoption of this Ordinance which qualify as Permissive Non-conforming Users, and for which the Department is then billing tenants, such accounts may, at the sole discretion of the Department, remain in the name of the tenants then being billed, provided the account is in good standing and remains as such with the Department.
 - (a) Any such action allowed by the Department shall not constitute a waiver by the Department of the liability of the owner for the sewer service supplied to his or her property, which liability attaches upon adoption of this Ordinance.
 - (b) Upon expiration of the current lease term of such tenants, or at the request of the owner, the service account for such units shall be placed in the name of the owner for collection and billing without exception.
 1. Such owners, upon request, shall have access to information from the Department regarding the payment status of an account which may be allowed to remain in the name of a tenant, together with usage data in the event such data is applicable to or a determinative factor in billing by the Department.
 2. At any time such an account is delinquent, the Department may elect to place the account in the property owner's name for collection and future billing.
 3. Any account for which no payment has been received for a period of ninety (90) days shall be placed in the name of the property owner for collection, and all future billings for sewer service shall be made to the property owner without exception.

Sec. 44-104. – Separately owned units and multi-unit building with three or less units on shared sewer connections; financially responsible party; landlord and tenant duties to report; penalties.

- (1) When individual dwelling units are separately owned but are connected to the sewerage system through a shared connection with owners of other units, and in circumstances where a multi-unit building consists of three (3) or less residential units served by a single sewerage connection, and where water service is either unavailable to such units from the Department, is not separately metered by the Department, or is not purchased from the Department based on previous policy, the owner of each separate unit shall be billed the residential flat rate for sewer service, unless such unit is leased.
- (2) Rates shall be charged to any connected unit regardless of the status of individual houses or dwelling units as occupied, vacant, leased, or owner-occupied, subject to exception as provided by this Ordinance.
- (3) In the event an owner shall lease any such unit to a tenant, and unless otherwise agreed in writing between the owner and the tenant, such a tenant shall have sole financial responsibility for sewerage services provided to the unit/premises leased by

- a tenant, and an owner is not liable for a tenant's account during the period of tenancy.
- (4) Notwithstanding the preceding, it shall be unlawful for an owner of such a unit/premises to fail to notify the Department when an owner is not, or ceases to be, the financially responsible person for sewerage services provided to the unit/premises leased to a tenant by the owner.
- (a) Notice to the Department shall be made within thirty (30) days of the cessation of the owner's financial responsibility for the sewerage service provided to the unit/premises, and such notice shall be made on the form proscribed by the Department setting forth, at a minimum, the term of a tenant's lease, the identity of the tenant, and the tenant's address.
 - (b) Any person who shall violate this provision shall, upon conviction, be guilty of a misdemeanor and shall be fined in an amount not to exceed \$250 or imprisoned for not more than 30 days, or both.
 - (c) Each day the violation continues thereafter shall constitute a separate offense.
- (5) It shall further be unlawful for an owner of such a unit/premises to fail to notify the Department when the unit/premises leased to a tenant is no longer leased, or when a tenant is no longer financially responsible for the sewerage services to the unit/premises due to the leasing of the property by the owner to a different tenant.
- (a) Notice to the Department shall be made within thirty (30) days of the resumption of the owner's financial responsibility for the sewerage services provided to the unit/premises, or the leasing of the property to a different tenant.
 - (b) Notice shall be made on the form proscribed by the Department setting forth, at a minimum, the term of a tenant's lease, the identity of the tenant, and the tenant's address; or in the event of resumption of financial responsibility by an owner, the owner's identity, address, and social security number.
 - (c) Any person who shall violate this provision shall, upon conviction, be guilty of a misdemeanor and shall be fined in an amount not to exceed \$250 or imprisoned for not more than 30 days, or both.
 - (d) Each day the violation continues thereafter shall constitute a separate offense.
- (6) It shall further be unlawful for any tenant that is financially responsible for sewerage service to any such unit/premises leased from an owner to fail to provide to the Department, within ten (10) days of written notice from the Department requesting the same, the tenant's identity, address, social security number, and term of lease, which information shall be provided to the Department on the form proscribed.
- (a) Any person who shall violate this provision shall, upon conviction, be guilty of a misdemeanor and shall be fined in an amount not to exceed \$500 or imprisoned for not more than 30 days, or both.
 - (b) Each day the violation continues thereafter shall constitute a separate offense.

Sec. 44-105. – Owners may obtain separate water meters and sewer connections.

Property owners having more than one house, business, dwelling unit or establishment serviced by the same water meter or sewer connection may obtain separate water meters or sewer connections and billing for each unit or establishment by paying connection fees for each unit or establishment as indicated in Appendix A, and undertaking the proper installation procedures to separately connect or meter their property.

Sec. 44-106. – Accounts to be maintained in name of proper party; customer liability.

- (1) Subject to any exceptions within this Ordinance, all accounts shall be maintained in the name of the owner or financially responsible person who personally, or by his/her authorized agent, shall apply for or receive such service.
- (2) For all purposes, the owner or financially responsible person shall be deemed the Customer.
- (3) A Customer shall be liable for water and sewer service supplied to his/her property, whether he/she is occupying the property or not.
- (4) A Customer will be responsible for all fees and fines associated with the water and/or sewer service so provided.
- (5) Every Customer will be held fully responsible and liable by and to the Department for all that is done or omitted on, in or about any premises by any agent or tenant or other persons not in the employ of the Department who may gain access thereto and cause damage to or loss by the Department.
- (6) When an account has past-due charges that have existed for sixty (60) days or more, those past-due charges may be transferred to any other account of the same customer or financially responsible person. Should the account remain unpaid, normal nonpayment procedures will be followed.

Sec. 44-107. – Procedure for excepting property from sewer service fees; penalties.

- (1) Where the Department provides solely sanitary sewer service, no financially responsible person shall be relieved of liability for applicable sewer service charges or fees on the basis a unit or property is unoccupied, unless the person satisfies the following criteria:
 - (a) Such unit or property also receives water service from a utility service or similar company other than the Department; and,
 - (b) The utility or company providing the water service verifies that such water service to the unit or property has been severed or disconnected.
- (2) Upon satisfaction of the preceding, the Department shall relieve the financially responsible person of liability for sewer service charges and fees until such time water service is restored to the unit or property.
- (3) It is the duty of a financially responsible person to procure verification from the utility or company providing water service and to provide such information to the Department on a form or in a manner satisfactory to the Department to confirm the same.
- (4) Upon the date of reactivation of water service by the water service provider, the financially responsible person shall be liable for all sewer service charges or fees of the Department accruing from such date regardless of the occupancy status of the unit or property, and such person shall be responsible for notifying the Department that such water service has been reactivated.
- (5) It shall be unlawful for a financially responsible person to fail to notify the Department within ten (10) days of reactivation of water service to such unit/premises.
 - (a) Any person who shall violate this provision shall, upon conviction, be guilty of a misdemeanor and shall be fined in an amount not to exceed \$500 or imprisoned for not more than 30 days, or both.
 - (b) Each day the violation continues thereafter shall constitute a separate offense.
- (6) Nothing herein shall prevent a person receiving both water and sewer service from the Department from being relieved from sewer service charges upon termination of the water services provided by the Department.

Sec. 44-108. – Adjustments for undercharges and overcharges.

If it is found that the Department has directly or indirectly, by any device whatsoever, demanded, charged, collected, or received from any Customer a greater or lesser compensation for any service rendered or to be rendered than that prescribed in the approved rate schedules of the Department, or if it is found that any Customer has received or accepted any service from the Department for a compensation greater or lesser than that prescribed in such schedules, or if, for any reason, a billing error has resulted in a greater or lesser charge than that incurred by the Customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as follows:

- (1) Customer inadvertently overcharged. If the Department has inadvertently overcharged a Customer as a result of misapplication of the rate schedule, or any other human or machine error, the Department shall credit the amount billed to the Customer's monthly water and/or sewer account.
- (2) Customer inadvertently undercharged. Notwithstanding any other provision of this division, if the Department has undercharged any Customer as a result of misapplication of the rate schedule, or any human or machine error, the Department may recover the deficient amount by debiting the amount to the Customer's monthly water and/or sewer account.
- (3) The Department may adjust the Customer's account for the period of time during which the incorrect charges accrued, not to exceed a period of six (6) months.

Sec. 44-109. – After-hours service charge.

An after-hours service charge may be assessed to any Customer who requests a water and/or sewer employee to respond to their property after hours for a non-emergency situation. An emergency situation is considered a sewage overspill into a residence or onto any property or a heavy water leak. The charge may be assessed if it is a sewer stop on the Customer's service line (from connection at public system to house) or if the water needs to be turned off at the meter due to a leak on the Customer's service line. After-hours is any time outside of normal business operating hours for the Department, including weekends and County observed holidays. A two hour minimum shall be charged. The afterhours charge is listed in Appendix A.

Sec. 44-110. – Bacteriological testing; charges.

At a Customer's request, the Department will send employees to conduct bacteriological testing on the Customer's water. The first water sample will be conducted free of charge. If a second request is made by the Customer within one calendar year, a fee outlined in Appendix A will be assessed on the monthly bill.

Sec. 44-111. – Running water detection and fee.

At a Customer's request, the Department will send employees to turn the water meter on at a service address. If running water is detected by the employee, the employee will attempt to make contact with the Customer. If unable to make contact, the employee will turn the water meter off. When an employee returns to a service address to turn on the water meter, the Customer will be charged a running water fee for each visit. The fee outlined in Appendix A

will be assessed on the monthly bill.

Sec. 44-112. – Past Due and Delinquent Fees.

When the monthly water and/or sewer bill is not paid in full by the due date stated on the monthly bill, the Department may charge a past due fee as set forth in Appendix A. If the account remains unpaid for thirty (30) working days after the bill date, a delinquent fee will be added to the account and the service may be turned off for non-payment.

Sec. 44-113. – Disconnection for nonpayment; reconnection requirements; remedies for nonpayment on shared connections.

- (1) If water and/or sewer service is disconnected for non-payment, it shall be the responsibility of the current account holder or financially responsible person to pay, in full, the severance fee and all past due charges in order to restore service. The fee is listed in Appendix A.
- (2) In the event the property of a Customer cannot be disconnected from service for non-payment due to a shared system or service connection with other Customers, the defaulting Customer shall continue to accrue monthly service charges as a result of the property's continuously open connection to the system and the benefit derived by the owner or financially responsible person as a result of the availability of the same.
- (3) To the extent allowed by law, any unpaid service charges or fees shall constitute a lien upon the property receiving such service, and/or shall otherwise be subject to debt setoff through the South Carolina Department of Revenue as may be appropriate under the circumstances or advisable.
- (4) Nothing herein shall preclude the Department from maintaining a cause of action in a court of competent jurisdiction seeking a judgment, injunction, or other appropriate remedy as may be necessitated to collect unpaid service charges and fees, and to redress a Customer's failure to pay for service. A Customer shall be liable for reasonable attorney's fees and costs incurred by the Department in collection of service charges and fees.

Sec. 44-114. – Voluntary severance of service.

When any property shall be vacated for six (6) consecutive months, and which property is capable of severance of service, the financially responsible person therefore, shall give at least twenty-four (24) hours' notice of the vacating of such premises to the Department should the financially responsible person desire that the water and/or sewer be turned off at the street curb. Upon reoccupying the premises, the financially responsible person shall give at least twenty-four (24) hours notice thereof to the Department in order that the water and/or sewer may be turned on; and for this service, the financially responsible person of the premises shall pay a courtesy turn-off fee due in the same manner as the monthly water and/or sewer bill.

Sec. 44-114. – Returned payments; charges; no partial payments accepted.

Any and all payment methods presented to the Department which are returned by a bank shall be treated as though no payment had been made and a returned payment charge will be levied by the Department as set forth in Appendix A. Redemption of returned payments may be required to be by cash or equivalent. No payment arrangements or partial payments will be received.

Sec. 44-115. – Annual adoption of service charges and fees.

The Department shall at least annually adopt an adequate schedule of water and/or sewer service charges to defray the cost of operating and maintaining the system. The costs to be used as a basis of determining charges shall include, but are not limited to, direct operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The service charges adopted shall be such that each user pays at least their proportionate share of all costs herein noted. The service charges shall be published in a form for public distribution and notice and shall become a part of this Ordinance upon adoption and public notification.

Sec. 44-116. – Sewer grinder pumps; County maintenance with fee.

- (1) When individual sewer grinder pumps are maintained by the Department, owners or financially responsible persons will be charged a monthly maintenance fee per dwelling. This fee will be utilized in the repair and maintenance of said grinder pump in the event of malfunction. Non-payment of this fee may result in discontinuance of service until the account is paid in full. The monthly maintenance fee is outlined in Appendix B.
- (2) All existing grinder pumps maintained by the Department at the time of the adoption of this Ordinance will be maintained by the Department until such time it is necessary, in the sole discretion of the Department, to replace the existing pump. Upon replacement of the pump all future maintenance, repairs or replacement shall be the responsibility of the property owner or financially responsible persons, unless such maintenance, repair or replacement is required by the SCDHEC or the Department is responsible for such by virtue of a legally binding contract or development agreement.

Sec. 44-117. – Minimum sewer rate charged upon installation of water meter.

If a water meter is installed at a location where sewer service is or will be available upon successful sewer tap inspection, that location will be charged a minimum of the monthly sewer rate. Once a sewer tap has successfully passed a sewer tap inspection, the account will begin receiving monthly sewer charges pursuant to the adopted schedule.

Sec. 44-118. – Monthly charges based upon rates adopted in appendix section.

Monthly water and/or sewer charges shall be based upon the rates found in Appendix B as may be adopted by County Council pursuant to this Ordinance.

Sec. 44-119. – Fire department charges.

Fire Departments in the Dorchester County service area are responsible for only minimum per meter charges, plus water usage regardless of meter size.

Sec. 44-120. – Credit card and ACH convenience fees.

When a Customer uses a debit or credit card in payment of their account, or makes a payment by ACH withdrawal, a convenience fee may be imposed on that account. This fee will be due and collected at the time of the transaction. In accordance with any applicable credit card policies, the credit card fee will not be charged when the card is present for swiping by the Department or the Customer establishes recurring payment options with the Department. The credit card fee is outlined in Appendix A.

Sec. 44-121. – Upper County phased-in sewer rate; new upper County customers.

Certain residential Customers with sewer treated by the Upper Dorchester County Wastewater Plant will receive a phased-in rate until July 1, 2016. This rate is applied to only those listed by the Town of St. George as minimal users at the time the system was purchased in November 2009. As new residential Customers come into the service address, those addresses shall be charged the full rate. The phased-in rate is outlined in Appendix A.

Sec. 44-122. – Proration of bills.

Residential sewer Customers whom have service for less than one full month will be charged a pro-rated amount. The pro-rated amount will be billed by calculating the number of days of service times the daily rate. The daily rate is calculated at the monthly rate divided by 30.

Sec. 44-123. – Fire suppression system fee.

Customers with a fire suppression sprinkler system will pay a monthly fee as outlined in Appendix B. Unless the sprinkler service is measured by a water meter, the Customer will pay the normal monthly base rate, plus additional charges for usage as set forth by this Ordinance.

DIVISION 11. BACKFLOW PREVENTION DEVICES.

Sec. 44-124. – Backflow prevention required for each connection; backflow prevention on irrigation systems.

- (1) Each connection to the Department's water system shall be equipped with a backflow prevention device that is approved by the department.
- (2) All irrigation systems shall have an approved reduced pressure backflow prevention device, pressure vacuum break, or a double check as the backflow prevention device on all line sizes.

Sec. 44-125. – Testing of backflow prevention devices; submission of reports; fines.

- (1) Each backflow prevention device shall be tested by a certified tester, as defined by the state Department of Health and Environmental Control, after installation and before use by the Customer.
- (2) Any Customer equipped with a backflow prevention device shall cause each such device to be inspected and tested at least once annually by a certified tester, who shall submit a written report of the inspection and testing results to the Department.
- (3) Written reports of inspection and testing rests for all backflow prevention devices shall be submitted to the Department on a form prepared by the Department within thirty (30) days of inspection and testing.
- (4) If any Customer fails to submit to the Department the completed written report of the inspection and testing results within thirty (30) days, the Department shall fine the Customer for each device, per month, until the inspection report is received by the Department. Such amount shall be added to the Customer's monthly water bill. The fine is listed in Appendix A.
- (5) If any inspection or testing fails to meet the current specifications, the Department will notify the Customer in writing. The Customer has thirty (30) days from the date

of the notice to provide the Department with a passing inspection report without being fined by the Department.

- (6) If any Customer fails to pay the backflow prevention fine or provide a passing inspection report after notice from the Department, the Department will discontinue service to the Customer.

DIVISION 12. PRETREATMENT PROGRAM.

Sec. 44-126. – General provisions for pretreatment regulation.

This Division sets forth uniform requirements for Users of Publicly Owned Treatment Works for Dorchester County and enables the County to comply with all applicable State and Federal laws, as may be amended from time to time, including but not limited to the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.), General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403), and the State of South Carolina General Pretreatment Regulations for Existing Sources of Pollution (SC R. 61-9.403). The objectives of this Division are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and To enable the County to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

Sec. 44-127. – Application of Division.

This Division shall apply to all Users of the POTW. This Division authorizes the issuance of individual wastewater discharge permits or general permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 44-128. – Wastewater discharge permits.

Individual wastewater discharge permits or general permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the County. Permits may contain conditions as deemed appropriate by the County to ensure compliance with this Ordinance.

Sec. 44-129. – Administration of pretreatment standards.

Except as otherwise provided herein, the Director of Water and Sewer (“Director”) shall administer, implement, and enforce the provisions of this Division. Any powers granted to or duties imposed upon the Director may be delegated by the Director to a duly authorized County employee.

Sec. 44-130. – Division abbreviations.

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

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

Sec. 44-131. – General Sewer Use Requirements

(1) Prohibited Discharge Standards.

- (a) General Prohibitions. No User Shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21, or be in any other way injurious to persons, the POTW or the operations of the POTW;
 2. Wastewater having a pH less than 6.0 or more than 10.0, or other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the POTW;
 3. Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc., except fibers, scraps, wipes (flushable or nonflushable), etc., which will pass through a 1/4" mesh screen or its equivalent in screening ability;
 4. Any liquid waste in which the suspended solids exceed 250 ppm

unless specifically approved in writing by the Control Authority.

5. Any liquid waste having BOD of more than 250 ppm unless specifically approved in writing by the Control Authority.
6. cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances in POTW resulting in Interference;
7. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
8. Wastewater having a temperature greater than 140° F (71° C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
9. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
10. Any waters or waste containing any substance which exceeds the limitations set forth in the Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (c) of the Federal Clean Water Act;
11. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
12. Any garbage that has not been properly shredded;
13. Trucked or hauled pollutants;
14. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
15. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the County's NPDES permit;
16. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
17. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted industrial or commercial wastewater, unless specifically authorized by the Director;
18. 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 Control Authority, be discharged to storm sewers or storm drains;
19. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
20. Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit or a general permit;
21. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

22. Any substance prohibited by this Ordinance, or in excess of limits established by permit which will cause the sewage treatment works to violate its NPDES Permit;
 23. 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 POTW;
 24. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
 25. Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works;
 26. Any substance which may contaminate or interfere with the processing of or disposal of sludge in accordance with the sludge management method for the facility as approved by the South Carolina Department of Health and Environmental Control;
 27. Any substance which may cause the sewage treatment work's effluent or other product such as residues, sludges, or scums, to be unsuitable for reclamation, reuse, and disposal;
 28. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; and/or
 29. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.
- (c) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (d) The County may protect the POTW by halting or preventing the discharge of any waste in noncompliance with this Section or violation of any permit conditions issued to the discharger.

(2) National Categorical Pretreatment Standards.

- (a) Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, as amended. 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 Division for sources in that subcategory, shall immediately supersede the limitations imposed under this Division.
- (b) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with the below Sections.
- (c) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed whether as mass of pollutant discharged per day or equivalent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (d) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with SC R. 61-9.403.6(f), as amended.
- (e) The County, at its discretion, may allow a CIU to obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the

following paragraphs of this Section.

1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the County. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of Subsection 2. of this Subsection are met.
 2. Criteria for adjustment shall be either the applicable categorical Pretreatment Standards contained in 40 CFR subchapter N, as amended, specifically provide that they shall be applied on a net basis; or the Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 3. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 4. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 5. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The County may waive this requirement if it finds that no environmental degradation will result.
- (f) 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 Director. The County may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in the below Sections.
1. To be eligible for equivalent mass limits, the Industrial User must:
 - (i) Employ, or demonstrate that it will employ, water conservation 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 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.
2. 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 Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in an above paragraph.
 - (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to the above paragraphs of this Section so long as it discharges under an equivalent mass limit.
3. When Developing equivalent mass limits, the Director of Water and Sewer:
- (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 discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Subsection 6 of this Section. The Industrial User must also be in compliance with Section 44-142(3) of this Division regarding the prohibition of bypass.
- (g) The Director may convert mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455, as amended, to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
 - (h) 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.
 - (i) 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.

- (j) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director 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 Director 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.
- (3) State Pretreatment Standards. Users must comply with State of South Carolina General pretreatment Regulations for Existing and New Sources of Pollution codified at SC R. 61-9.403, as amended.
- (4) Local Limits. The Director is authorized to establish Local Limits pursuant to SC R.61-9.403.5(c) and (d), as amended.
 - (a) The 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 Director may impose mass limitations in addition to concentration-based limitations.
 - (b) The Director may develop Best Management Practices (BMPs), by Ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Subsection (1) of this Section.
 - (c) If limits exceed the amount set forth in the pretreatment program, the Customer shall be fined a minimum fee as set forth in Appendix A. DCWS may add to the fine the costs of preparing administrative enforcement actions, such as notices and orders. DCWS may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Department.
- (5) County's Right of Revision. The County reserves the right to establish, by Ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Ordinance.
- (6) 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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.

Sec. 44-132. – Pretreatment of Wastewater

- (1) Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this Division and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 44-131 of this Division within the time limitations specified by EPA, the State, or Director of Water and Sewer, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way

relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions of this Division.

- (2) Additional Pretreatment Measures. Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- (a) The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
 - (b) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users, but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. All interception units shall be of a type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense and shall be in continuously efficient operation at all times.
 - (c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - (d) Any person who is now discharging any wastewater into the County's POTW may be required to make written application to the Control Authority giving complete information as to the nature and characteristic wastewater as determined by an analysis of a composite sample of the waste made by an independent laboratory.
 - (e) Any person discharging industrial wastes into the County's POTW 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 wastewater enters the County's POTW. Such manholes shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the Control Authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and or control of the wastewater discharged.
- (3) Accidental Discharge/Slug Discharge Control Plans. The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User.
- (a) An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - 1. Description of discharge practices, including non-routine batch discharges;
 - 2. Description of stored chemicals;

3. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 44-135(6) of this Division; and
 4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (4) Hauled Wastewater Tank Waste Discharge. Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by Director. Such waste shall not violate any part of this Ordinance or any other requirements established by the County. The Director may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
- (a) The Director may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
 - (b) Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
 - (c) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
 - (d) A user proposing to discharge holding tank waste into a public sewer must secure a permit from the Department. If a permit is granted for discharge of such waste into a public sewer, the user shall pay the applicable user charges and fees and shall meet such other conditions as required by the Department. The discharge of holding tank wastewater shall be subject to the following conditions:
 1. Haulers shall discharge the wastes only at the authorized locations by the Department.
 2. Haulers shall be responsible to see that septage does not leak onto the ground at or near the discharge point and that all bar racks are raked and exposed areas are washed to remove traces of septage where odors might develop.
 3. The fee for discharging septage shall be set per load. The fee will not be based on the number of gallons dumped or the size of the holding tank. The fee is outlined in Appendix A.
 4. A septage disposal form shall be filled out for every load of septage discharge prior to actual discharge of the wastes. This form will state the time of day the discharge is to occur, the estimate volume of the

- discharge, and the wastewater constituents and characteristics.
5. The Department retains the right to discontinue any or all holding tank discharges if such materials interfere with the satisfactory operation of the treatment plant.
 6. Haulers proposing to discharge commercial or industrial holding tank wastewater will not be permitted to dump.
 7. Haulers proposing to discharge grease will not be permitted to dump.
 8. The Department will evaluate the data submitted on the septage disposal form and may require additional information. After evaluation and acceptance of the data furnished, the Department may:
 - (i) Grant permission to discharge the wastewater as requested;
 - (ii) Grant permission to discharge the wastewater with conditions;
 - or,
 - (iii) Refuse the request.

Sec. 44-133. – Individual Wastewater Discharge Permits and General Permits.

- (1) Wastewater Analysis. When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.
- (2) Individual Wastewater Discharge permit and General Permit Requirement. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Director, except that a Significant Industrial User that has filed a timely application pursuant to Subsection (3) of this Section may continue to discharge for the time period specified therein.
 - (a) The Director may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this Division.
 - (b) Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this Division and subjects the wastewater discharge permittee to the sanctions set out in this Division. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
- (3) Individual Wastewater Discharge and General Permitting: Existing Connections.
 - (a) Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for an individual wastewater discharge permit or a general permit in accordance with Subsection (5) of this Section, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by the Director.
 - (b) Where a User, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Subsection (4) of this Section, the User shall apply for a Wastewater Discharge Permit within one hundred eighty (180) days after the

promulgation of the applicable Federal Categorical Pretreatment Standard.

- (4) Individual Wastewater Discharge and General Permitting: New Connections. Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Subsection (5) of this Section, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- (5) Individual Wastewater Discharge and General Permit Application Contents. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Subsection (6) of this Section.
 - (a) The Director may require Users to submit all or some of the following information as part of a permit application:
 1. Identifying Information.
 - (i) The name and address of the facility, including the name of the operator and owner.
 - (ii) Contact information, description of activities, facilities, and plant production processes on the premises.
 2. Environmental Permits.
 - (i) A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - (i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - (iii) Number and type of employees, hours of operation, and proposed or actual hours of operation.
 - (iv) Type and amount of raw materials processed (average and maximum per day).
 - (v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 4. Time and duration of discharges.
 5. The location for monitoring all wastes covered by the permit.
 6. Flow Measurement.
 - (i) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 44-131 of this Ordinance (SC R.61-9-403.6(f)).
 7. Measurement of Pollutants.
 - (i) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

- (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - (iii) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 44-135(10) of this Division. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
 - (v) Sampling must be performed in accordance with procedures set out in Section 44-135(11) of this Division
- 8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 44-135(4)(b) (SC R.61-9-403.12(e)(2), as amended).
 - 9. Any request to be covered by a general permit based on Subsection (6) of this Section.
 - 10. Any other information as may be deemed necessary by the Director to evaluate the permit application.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revisions.
- (6) Wastewater Discharge Permitting: General Permits. At the discretion of the Director, the Director may use general permits to control SIU discharges to the POTW if the following conditions are met.
- (a) All facilities to be covered by a general permit must:
 - 1. Involve the same or substantially similar types of operations;
 - 2. Discharge the same types of wastes;
 - 3. Require the same effluent limitations;
 - 4. Require the same or similar monitoring; and,
 - 5. In the opinion of the Director, be more appropriately controlled under a general permit than under individual wastewater discharge permits.
 - (b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 44-135(4) of this Division for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 44-135(4) of this Division.
 - (c) The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 44-133(6)(a) of this Division and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
 - (d) The Director may not control an SIU through a general permit where the

facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Waste stream Formula (Section 44-131) or Net/Gross calculations (Section 44-131).

- (7) Application Signatories and Certifications. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 44-135(14) of this Division.
- (a) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.
- (b) A facility determined to be a Non-Significant Categorical Industrial User by the Director must annually submit the signed certification statement in Section 44-135(14) of this Division.
- (8) Individual Wastewater Discharge and General Permit Decisions. The Director will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Director will determine whether to issue an individual wastewater discharge permit or a general permit. The Director may deny any application for an individual wastewater discharge permit or a general permit.

Sec. 44-134. – Individual Wastewater Discharge and General Permit Issuance.

- (1) Individual Wastewater Discharge and General Permit Duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the Director. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.
- (2) Individual Wastewater Discharge Permit and General Permit Contents. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- (a) Individual wastewater discharge permits and general permits must contain:
1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the County in accordance with Subsection (5) of this Section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
 4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State,

and local law.

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 44-135(4) of this Division.
 6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 7. Requirements to control Slug Discharge, if determined by the Director to be necessary.
 8. Any grant of the monitoring waiver by the Director (Section 44-135(4)) must be included as a condition in the User's permit [or other control mechanism].
- (b) Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW.
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
 7. A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit.
 8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

(3) Permit Modification.

- (a) The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 3. A change in the POTW that requires either a temporary or permanent

- reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the County's POTW, County personnel, the receiving waters, or to the POTW's beneficial sludge use;
 5. Violation of any terms or conditions of the individual wastewater discharge permit;
 6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to SC R.61-9-403.13, as amended;
 8. To correct typographical or other errors in the individual wastewater discharge permit; or
 9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Subsection (5) of this Section.
- (b) The Director may modify a general permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 3. To correct typographical or other errors in the individual wastewater discharge permit; or
 4. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Subsection (5) of this Section.
- (c) The user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (4) Individual Wastewater Discharge Permit and General Permit Transfer. Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the individual wastewater discharge permit or the general permit coverage transfer.
- (a) The notice to the Director must include a written certification by the new owner or operator which:
1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 2. Identifies the specific date on which the transfer is to occur; and
 3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.
- (b) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.
- (5) Individual Wastewater Discharge Permit and General Permit Revocation.
- (a) The Director may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:
1. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the Director of changed conditions pursuant to Section 44-135(5) of this Division;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow the Director timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this Ordinance.

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

(6) Individual Wastewater Discharge Permit and General Permit Reissuance. A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 44-134 of this Division, a minimum of one-hundred eighty (180) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

(7) Regulation of Waste Received from Other Jurisdictions. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director shall enter into an inter-municipal agreement with the contributing municipality.

(a) Prior to entering into an agreement, the Director shall request 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; and
3. Such other information as the Director may deem necessary.

(b) An inter-municipal agreement 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 Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 44-131 of this Division. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the County'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 individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
4. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as 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 Director 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 Director; and
8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

Sec. 44-135 – Reporting Requirements.

(1) Baseline Monitoring reports. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under SC R.61-9-403.6(b)(4), as amended, whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Director a report which contains the information listed. A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(a) Users described above shall submit the information set forth below:

1. All information required in Section 44-133(5) of this Division.
2. Measurement of pollutants.
 - (i) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (ii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in SC R.61-9-403.6(f), as amended, to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with SC R.61-9-403.6(f), as amended, this adjusted

limit along with supporting data shall be submitted to the Control Authority;

(iii) Sampling and analysis shall be performed in accordance with Subsection (10) of this Section;

(iv) The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(v) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the User's Representative and certified by a professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Subsection (2) of this Section.

5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Subsection (14) of this Section and signed by an Authorized Representative.

(2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by this Section:

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

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

(c) The User shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

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

(3) Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the

information described in Section 44-133(5) of this Division. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 44-131(2) of this Division, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Subsection (14) of this Section. All sampling will be done in conformance with Section (11) of this Section.

(4) Periodic Compliance Reports. Except as specified in Subsection (4) of this Section, all Significant Industrial Users must, at a frequency determined by the Director 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. The schedule for report submittal shall be determined by the Director. 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 Director or the Pretreatment Standard necessary to determine the compliance status of the User.

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

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5(8) of this Division.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed and include the certification statement in Subsection (14) of this Section (SC R.61-9-403.6(b)(2)(ii), as amended).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136, as amended, with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver

must be maintained by the Director for three (3) years after expiration of the waiver.

7. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Subsection (14) of this Section, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
 8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Subsection (4) of this Section, or other more frequent monitoring requirements imposed by the Director, and notify the Director.
 9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (b) The County may reduce the requirement for periodic compliance reports [*see* Subsection (4) of this Section (SC R.61-9.403.12(e)(3), as amended)] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
1. 0.01 percent of the POTW's design dry-weather *hydraulic capacity* of the, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
 2. 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW; and
 3. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 44-131(4) of this Division.
- (c) Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 44-138 of this Division. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this Industrial User would result in data that is not representative of conditions occurring during the reporting period.
- (d) All periodic compliance reports must be signed and certified in accordance with Subsection (14) of this Section.
- (e) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (f) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Subsection (11) of this Division, the results of this monitoring shall be included in the report.

- (g) Users that send electronic (digital) documents to the County to satisfy the requirements of this Section must:
1. Satisfy the requirements of 40 CFR Part 3 – (Electronic Reporting); and,
 2. For any documents submitted electronically, submit duplicate hard copies in accordance with the provisions of Section 44-135 of this division.
- (5) Reports of Changed Conditions. Each User must notify the Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.
- (a) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 44-133(5) of this Division.
 - (b) The Director may issue an individual wastewater discharge permit or a general permit under Section 44-134(7) of this Division or modify an existing wastewater discharge permit or a general permit under Section 44-134(4) of this Division in response to changed conditions or anticipated changed conditions.
- (6) Reports of Potential Problems. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (a) Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Division.
 - (b) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in the paragraph above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
 - (c) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (7) Reports from Unpermitted Users. All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Director as the Director may require.
- (8) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director 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.

(9) Notification of the Discharge of Hazardous Waste.

- (a) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, as amended. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, as amended, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 44-135(5) of this Ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Subsections 44-135(1),(3)-(4) of this Division.
- (b) Dischargers are exempt from the requirements of the paragraph, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), as amended. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), as amended, requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under section 3001 of RCRA, as amended, identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Division, a permit issued thereunder, or any applicable Federal or State law.

(10) 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, as amended, 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 Director or other parties approved by EPA. All analyses shall be performed in accordance with SCDHEC's Approved Test Methods and meet the Practical Quantitation Limits (PQL) as set forth by SCDHEC. Such tests and analyses shall be determined at the control manhole provided for in Section 44-132(2) of this Division, or at the point of discharge of any wastewater at the site of origin on the premises of any User discharging such wastewater into the County's POTW.

(11) 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 the indicated in Sections 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 the Director. 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, as amended, 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 in Section 44-135 of this Ordinance [SC R.61-9-403.12(b) and (d), as amended], 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 Director may authorize a lower minimum. Historical sampling data consists of a minimum of four (4) previous grab samples from the facility. For the reports required by paragraphs Section 44-135(4) of this Ordinance (SC R.61-9-403.12(e) and 403.12(h), as amended), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) 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.

(13) 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 Section 44-131(4). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the County, or where the User has been specifically notified of a longer retention period by the Director.

- (14) Certification Statements. 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 in accordance with Section 44-133(7); Users submitting baseline monitoring reports under Section 44-135(1); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 44-135(3); Users submitting periodic compliance reports required by Section 44-135(4), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 44-135(4). The following certification statement must be signed by an Authorized Representative as defined in this Division:

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.

- (15) Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to this Division must annually submit the following certification statement signed in accordance with the signatory requirements of this Division. This certification must accompany an alternative report required by the Director:

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

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in the Dorchester Code of Ordinances;
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) the facility never discharged more than 100 gallons of total categorical

wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

- (16) Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 44-135(4) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

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

Sec. 44-136. - Compliance Monitoring.

- (1) Right of Entry: Inspection and Sampling. The Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. The Director shall notify, if available, the User or a representative of the User prior to entering the premises. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (b) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
 - (c) The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated once per year to ensure their accuracy.
 - (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
 - (e) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Ordinance.
 - (f) Any monitoring facility constructed in the public right-of-way or easement shall be in an unobstructed location.
 - (g) The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis.

- (h) Whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Director's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Director to perform independent monitoring activities.
- (2) Search Warrants. If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the appropriate tribunal.

Sec. 44-137 – Confidential Information.

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, as amended, shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 44-138 – Publication of Users in Significant Noncompliance.

The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 44-131;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 44-131 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 44-131 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that

the Director 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 the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 44-139 – Administrative Enforcement Remedies.

The County maintains an Enforcement Response Guide that has been reviewed and approved by SCDHEC to be in compliance with Section 403.8 of the General Pretreatment Regulations of the State of South Carolina, as amended. The Enforcement Response Guide is an integral part of the County's Industrial Pretreatment Program, and defines a range of appropriate enforcement actions based on the nature and severity of noncompliance events and other relevant factors. This Section reinforces the County's authority for the administrative enforcement remedies provided in the Enforcement Response Guide.

- (1) Notification of Violation. When the Director finds that a User has violated, or continues to violate, any provision of this Division, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. As required, but in no instance greater than thirty (30) days after the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (2) Consent Orders. The Director 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 Subsection 44-139(4)-(5) of this Division and shall be judicially enforceable.
- (3) Show Cause Hearing. The Director 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 Director 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 thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined by this Division and required by any Sections thereof. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

- (4) Compliance Orders. When the Director finds that a User has violated, or continues to violate, any provision of this Division, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (5) Cease and Desist Orders. When the Director finds that a User has violated, or continues to violate, any provision of this Division, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:
 - (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (6) Administrative Fines. When the Director 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 Director may fine such User, the maximum amount per day of such violation as provided or authorized by State law. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
 - (a) Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at the legal rate of interest as set forth in Section 34-31-20 of the Code of Laws of South Carolina. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
 - (b) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within sixty

(60) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(c) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(7) Emergency Suspensions.

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

(b) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 44-139(8) of this Division are initiated against the User.

(c) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Subsections 44-139(3),(8) of this Division.

(d) Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(8) Termination of Discharge.

(a) In addition to the provisions in Section 44-134(6) of this Division, any User who violates the following conditions is subject to discharge termination:

1. Violation of individual wastewater discharge permit or general permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the Pretreatment Standards in Section 44-131 of this Division.

(b) Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 44-139(3) of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

Sec. 44-140 – Judicial Enforcement Remedies.

The County maintains an Enforcement Response Guide that has been reviewed and approved by SCDHEC to be in compliance with Section 403.8 of the General Pretreatment Regulations of the State of South Carolina. The Enforcement Response Guide is an integral part of the County's Industrial Pretreatment Program, and defines a range of appropriate enforcement actions based on the nature and severity of noncompliance events and other relevant factors. This Section reinforces the County's authority for the judicial enforcement remedies provided in the Enforcement Response Guide.

- (1) Injunctive Relief. When the Director 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 Director may petition the Court of the County through the County's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this Ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.
- (2) Civil Penalties. In addition to any other civil liability that may be imposed, a User who 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 shall be liable to the County for a maximum civil penalty of \$2,000.00 per violation per day as provided by State law. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - (a) The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the County.
 - (b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
 - (c) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
- (3) Criminal Prosecution.
 - (a) A User who willfully or negligently violates any provision of this Division, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of up to \$2,000.00 per violation per day, or imprisonment, or both, as provided by State law.
 - (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be subject to a penalty of up to \$2,000.00 per violation, per day, or be subject to imprisonment, or both, as provided by State law. This penalty shall be in

addition to any other cause of action for personal injury or property damage available under State law.

- (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of up to \$2,000.00 per violation, per day, or imprisonment, or both, as provided by State law.
- (d) In the event of a second conviction, a User shall be punished by a fine of up to \$2,000.00 per violation, per day, or imprisonment, or both, as provided by State law.
- (4) Remedies Nonexclusive. The remedies provided for in this Ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the County's Enforcement Response Guide. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

Sec. 44-141. – Supplemental Enforcement Action.

- (1) Penalties for Late Reports. A penalty up to \$2,000 per day, or as may otherwise be established by applicable law, may be assessed to any User for each day that a report required by this Division, a permit, or order issued hereunder is late, beginning five days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by the Director to collect late reporting penalties shall not limit the Director's authority to initiate other enforcement actions that may include penalties for late reporting violations.
- (2) Performance Bonds. The Director may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of this Division, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the County, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.
- (3) Liability Insurance. The Director may decline to issue or reissue an individual wastewater discharge or a general permit to any User who has failed to comply with any provision of this Division, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (4) Payment of Outstanding Fees and Penalties. The Director may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Division, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.
- (5) Water Supply Severance. Whenever a User has violated or continues to violate any provision of this Ordinance, an individual wastewater discharge permit, a general

permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

Sec. 44-142. – Affirmative Defenses to Discharge Violations.

- (1) Upset. For the purposes 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.
 - (a) 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 paragraph, below, are met.
 - (c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the User can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The User has submitted the following information to the Director 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]:
 - (i) A description of the indirect discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) 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 shall 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.
- (2) Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 44-131 of 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:
 - (a) 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

(b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the County was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass. For the purposes of this Subsection, Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(a) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of the following paragraphs:

1. Bypass Notifications.

(i) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.

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

2. Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The User submitted notices as required of this Section.

3. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in this Section.

Sec. 44-143. – Wastewater Treatment Rates – [Reserved].

Reserved.

Sec. 44-144 – Miscellaneous Provisions.

(1) Pretreatment Charges and Fees.

(a) The County may adopt reasonable fees for reimbursement of costs incurred for establishing and operating the County's Pretreatment Program, which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals;
5. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Director to address IU noncompliance; and
6. Other fees as the County may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Division and are separate from all other fees, fines, and penalties chargeable by the County.

(b) The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, cost recovery and surcharges.

(2) Severability. If any provision of this Section is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

DIVISION 13. RECLAIMED WATER.

Sec. 44-145. – Intent.

Reclaimed water is highly treated wastewater that can be used for beneficial purposes. As available water supplies become increasingly scarce, communities throughout the world are turning to reclaimed water as a way to conserve and extend their available water resources. By using reclaimed water for non-potable purposes, higher quality water can be saved for drinking water supplies. The most common use of reclaimed water is for irrigation, including agricultural lands, golf courses and parks. It can also be used for a variety of commercial processes. Other beneficial uses for reclaimed water include environmental projects such as groundwater recharge and stream flow and wetland enhancement.

It is the intent of this Division to establish the use of reclaimed water within the Dorchester County Water & Sewer Department in accordance with all environmental regulations. It is the intent of the County to minimize the use of potable water supplies for non-potable uses. It is the intent of the County to establish a reclaimed water system for the County's service area in a manner which benefits the community.

Sec. 44-146. – Availability of Service.

Reclaimed water service shall be available for properties located within the boundaries of the County's service area which comply with the provisions for such service as set forth in this Division. Reclaimed water shall be available to properties within the County as the distribution system is extended and reclaimed water becomes available.

The existence of a reclaimed water main adjacent to or near the premises of an applicant for the service does not necessarily mean that service is available to that location. Generally, no taps will be made to reclaimed water transmission mains unless approved by the Department. Service in areas where only transmission mains exist will normally require the installation of a distribution main for service. Reclaimed water shall be considered available to a Customer, upon approval of the Department, when reclaimed water distribution facilities (i.e. reclaimed water service lines) are located within one hundred fifty feet (150') of a Customer's property.

Sec. 44-147. – Public Easement Requirements.

No reclaimed water main shall be constructed, installed, or accepted by the County for maintenance unless they are located in public rights-of-way or public easements suitable for such purpose. Any new easement shall be adequately sized to accommodate the construction, installation, and maintenance of any reclaimed water system component. No obstruction of whatever kind shall be planted, built, or otherwise created within the limits of the easement or right-of-way without written permission of the director.

Sec. 44-148. – Ownership.

- (1) All reclaimed water facilities and appurtenances, when constructed, installed, or accepted by the County, shall become and remain the property of the County. By constructing or installing facilities or appurtenances accepted by the County, no person shall acquire any interest or right therein other than the privilege of connecting to the reclaimed water system utility and receiving services there from.
- (2) All facilities and appurtenances that have been accepted by the County shall become the property of the County and will be operated and maintained by the County. No person shall perform any work on, nor be reimbursed for any work on, the system without written authorization of the director prior to commencement of the work.

Sec. 44-149. – Reclaimed Water Mains and Services.

- (1) The minimum size of reclaimed water system mains shall be four inches in diameter. Service lines shall be at least one inch in diameter. The customer shall determine the exact size of service line required subject to approval of the director.
- (2) Reclaimed water system extensions shall be accepted by the County upon the appropriate approval of the Director. Applications to install reclaimed water extensions shall be submitted to the engineering department for approval prior to construction.
- (3) No payment of costs, submittal of an application, or other act to receive reclaimed water service shall guarantee such service. The County shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the judgment of the director, applying sound engineering principles, will cause the extension not to be of benefit of the County.

- (4) Hydrants may be installed on reclaimed water mains constructed within the County at such locations as deemed appropriate by the director.
- (5) The location of reclaimed water service lines and points of delivery to private property shall be determined by the County, but in no instance shall be closer than five feet from the potable water service line. The normal location of the reclaimed water point of delivery (including meter, when required) is behind the right-of-way line on the property being served.

Sec. 44-150. – Extent of County Maintenance.

The County shall make a reasonable effort to inspect and keep the facilities and appurtenances in good repair but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance or due to situations not reported to or known by the County in sufficient time to cause repairs including, but not limited to, damage due to breaking of pipes, poor quality of water caused by unauthorized or illegal entry of foreign material into the system, and faulty operation of fire protection facilities.

Sec. 44-151. – Maintenance by the Customer.

The property owner and the customer shall be responsible for proper connection to and maintenance of all private reclaimed water systems or appurtenances downstream of the County's point of delivery on property served by the County. The County reserves the right to disconnect service to any property on which an irrigation system or other user system of reclaimed water is not properly maintained. In addition, should the customer require reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the County, the customer shall be responsible for the necessary devices to make these adjustments; provided, however, that such devices shall require the prior approval of the director.

Sec. 44-152. – Tapping and connection.

- (1) Tapping of all existing reclaimed water mains and installation of service lines from the mains to the service connection shall be done by the County. Title to all service lines from the main to the service connection is vested in the County, and the same shall at all times be the sole property of the County, and shall not be trespassed upon or interfered with in any respect. Such property shall be maintained by the County and may be removed or changed by it at any time. The customer shall give to the County the perpetual right to install, operate and maintain the service line and point of connection if located on privately owned property, as a precondition of receiving reclaimed water service from the County.
- (2) The County shall furnish and install equipment for reclaimed water service and may charge for such furnishing and installation according to a schedule of fees therefor to be established by ordinance by the County commission. All charges according to the schedule shall be paid when applying for service.
- (3) Every service line shall be provided by the customer with an easily accessible and fully protected shutoff valve on the discharge side of the service connection. The County shall not be responsible for maintenance of or for damage caused by water escaping from the service pipe or any other pipe or fixture on the outlet side of the service connection.
- (4) The liability of the customer for such service shall begin on the day the customer's line is connected to the County's service line and shall continue thereafter unless disconnected for non-payment or other cause or until written notice is given the

County by the customer to terminate the service.

Sec. 44-153. – Discontinuation of Service By County.

The County may discontinue reclaimed water service to any customer due to an infraction of these procedures and regulations, nonpayment of bills, for tampering with any service, for plumbing cross-connections with another water source, or for any reason that may be detrimental to the system. The County has the right to cease service until the condition is corrected and all costs due the County are paid. These costs may include delinquent billings, connection charges, and payment for any damage caused to the system. Should discontinued service be turned on without authorization, the department shall remove the service and make an additional charge as provided by Division 3. The provisions of Division 3 relating to notices, appeals, fees, and penalties shall apply to the discontinuation of reclaimed water service by the County.

Sec. 44-154. – Service Interruption.

- (1) The County may discontinue service to any portion of, or the entire, reclaimed water system as deemed necessary by the director.
- (2) The director shall have the authority to establish schedules which restrict the use of the reclaimed water system at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited reclaimed water availability.
- (3) The County will reasonably attempt to deliver an adequate supply of reclaimed water of sufficient quality at all times. However, the County makes no assurances or guarantees as to the quantity or quality of the water available as a result of circumstances beyond County control or actions necessitated for proper maintenance, operation, or protection of the County system.

Sec. 44-155. – Metered Service.

The County will require reclaimed water meters for all reclaimed water customers. The monthly rate will be calculated as set forth in Appendix B.

Sec. 44-156. – - Cross-connection Control.

In all premises where reclaimed water service is provided, the public potable water supply shall be protected from actual or potential cross connections by a backflow prevention device. All such devices shall be provided and installed by the County, and shall remain the property of the County. Where any cross-connection is found, it shall be disconnected.

To determine the presence of any potential hazards to the public potable water system, the County shall have the right to enter upon the premises of any customer receiving reclaimed water. Each customer of reclaimed water service shall, by application or by use of service, be deemed to have given implied consent to such entry upon the premises.

Sec. 44-157. – Irrigation Wells.

No person or entity shall install a new irrigation well to serve property where reclaimed water distribution facilities (i.e. reclaimed water service lines) are available as defined herein.

Sec. 44-158. – Process Use.

Reclaimed water service may be provided as a source of water for cooling and miscellaneous process applications. However, reclaimed water may not be piped into any building used for residential purposes. All applications for service shall be reviewed by the director who shall approve such service. Any effluent reclaimed water from cooling and/or process use must be discharged to the sanitary sewer and must meet all County, state and federal discharge regulations. A sewer charge for processing of said discharge will be applied in addition to the cost of the reclaimed water. Any discharge to the County's sanitary system must meet the County's minimum pre-treatment standards.

DIVISION 14. PROHIBITED USE OF PUBLIC SEWERS.

Sec. 44-159. – Prohibited use of public sewers; generally.

No person shall discharge or cause to be discharged into any sanitary sewers any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

Sec. 44-160. – Discharge to storm sewers prohibited; exception.

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 Department, be discharged to storm sewers or storm drains.

Sec. 44-161. – Specific discharge prohibitions.

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following:

- (1) Any clothing, rags, textile, remnants or wastes, cloth, scraps, flushable wipes etc., except fibers, scraps, etc., which will pass through a 1/4" mesh screen or its equivalent in screening ability.
- (2) Any liquid or vapor having a temperature higher than 160 degrees F.
- (3) Any water or waste containing more than 100 parts per million by weight or fats, oils or grease.
- (4) Any liquids, solids, or gases which by reason of their nature or quality may cause fire or explosion hazard in the POTW, including but not limited to, waste stream with a closed up flashpoint of less than 14 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21, or be in any way injurious to persons, the sewage system, the sewage treatment works or the operation of the sewage treatment works.
- (5) Any liquid wastes in which the suspended solids exceed 400 parts per million by weight, with excess of 250 ppm allowed only upon acceptance of the Department.
- (6) Any liquid wastes having B.O.D. of more than 400 parts per million, with excess of 250 ppm allowed only upon acceptance of the Department.
- (7) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 8.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- (8) Any waters or waste containing any substance which exceeds the limitations set forth in the Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (c) of the Federal

Clean Water Act.

- (9) 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.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (11) Any garbage that has not been properly shredded.
- (12) 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.
- (13) Any materials which form 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.
- (14) Any waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment.
- (15) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.
- (16) Any substance which may contaminate or interfere with the processing of or disposal of sludge in accordance with the sludge management method for the facility as approved by the South Carolina Department of Health and Environmental Control.
- (17) Any substance which may cause the sewage treatment work's effluent or other product such as residues, sludges, or scums, to be unsuitable for reclamation, reuse, and disposal.
- (18) Any substance prohibited by this Ordinance, or in excess of limit established by permit which will cause the sewage treatment works to violate its NPDES Permit.
- (19) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- (20) Any trucked or hauled pollutants.

Sec. 44-162. – Dilution to meet standards prohibited.

No person shall dilute by artificial means discharge as a partial or complete substitute for treatment to achieve compliance with Federal Categorical Pretreatment Standards, or other specific limitation of pollutants.

Sec. 44-163. – Federal pretreatment standards to control if more stringent than County.

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 Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance.

Sec. 44-164. – County rights of enforcement and regulation.

- (1) The County may protect the wastewater system by halting or preventing the discharge of any waste in noncompliance with this Section or violation of any permit conditions issued to the discharges.
- (2) The County may impose mass discharge limitations on persons discharging industrial waste to the County's sewerage system.
- (3) The County reserves the right to establish and enforce more stringent limitations or requirements than those required by Federal or State law on discharges to the

wastewater disposal system as may be necessary from time to time, with appropriate adjustment in permits authorized by the County.

DIVISION 15. SEWER USAGE.

Sec. 44-165. – Discharge permitted; flow rates.

Any sewage discharged by any person, which has an average working day flow greater than 5,000 gallons of tributary to the sewage pumping stations, or 5,000 gallons of tributary to the main gravity system may be admitted into the sanitary sewers provided such sewage is discharged at rates which will not overload the sewerage system.

Sec. 44-166. – Holding tanks required; County direct device parameters.

Where necessary in the opinion of the Department, and whenever the total volume of sewage to be discharged by any Person in any one day shall exceed the limits set forth above, such Person may 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 approved device, and the operation and setting of the device shall be directed by the Department. Notice shall be given the Department when normal operations of the Person will be interrupted for 24 hours, or longer, and wastes will not be available for discharge.

Sec. 44-167. – Discharge exceeding pretreatment requirements; provisions therefor.

- (1) Whenever the waste characteristics of sewage being discharged by any Person exceed those requirements of Division 12, or where necessary in the opinion of the Department, the Person discharging sewage shall construct or cause to be constructed at no expense to the County such preliminary handling or treatment as may be required to:
 - (a) Reduce the B.O.D to 400 parts per million by weight, and the suspended solids to 400 parts per million by weight; and/or
 - (b) Change the objectionable characteristics or constituents to come within the maximum limits provided for in Division 12.
- (2) Where the volume of any sewage discharged by any Person exceeds the limits set forth under this Ordinance, the entire volume of such wastes shall come within the requirements set forth.

Sec. 44-168. – County to review and approve plans for preliminary treatment facilities; maintenance standards.

Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the Department and no construction of such facilities shall be submitted for the approval of the Department and no construction of such facilities shall be commenced until such approval is obtained in writing. Where preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the County.

Sec. 44-169. – Current discharger may be required to make application.

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

Sec. 44-170. – County approval required for change in nature or quantity of discharge.

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

Sec. 44-171. – Application required for connection and discharge.

Any Person who should wish to make such connection and discharge such sewage as described above, shall make written application to the Department and may be required to furnish the Department a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to payment and compliance with all other Divisions of this Ordinance.

DIVISION 16. GREASE, OIL AND SAND INTERCEPTORS STANDARDS.

Sec. 44-172. – General requirements; prohibitions.

There are certain substances that should not be discharged into the Dorchester County Wastewater Treatment System: No person shall discharge or cause to be discharged the following described substances, material, waters or wastes, if it appears likely, in the opinion of the Dorchester County Water & Sewer Department Director, that such wastes can harm either the sewers, sewage treatment process, or equipment having adverse affect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. Any wastewater containing fats, oils or grease (FOG) of an animal or vegetable origin in excess of one hundred (100mg/liter), or any flammable wastes, and grit, or other harmful ingredients being discharged into the wastewater system without prior approval of the Dorchester County Water & Sewer Department is prohibited. Liquid grease from any source (e.g. deep-fat fryers, etc.) shall be disposed of using a DHEC licensed grease hauler. Any garbage or refuse that has not been properly shredded (reduced in size not to exceed ½” cube) by a garbage disposal unit is prohibited. FOG and roots are the two primary stoppages in most wastewater disposal systems.

Sec. 44-173. – Persons required to have interceptors; requirements for same.

- (1) All Commercial Food Service Facilities, including restaurants, motels, hotels, cafeterias, bakeries, bars, schools, etc. discharging food preparation wastewaters into the Dorchester County Wastewater Treatment System shall have a Grease Trap or Grease Interceptor installed prior to operation.
- (2) All interceptors shall be of a type and capacity approved by the Department and shall be located to be readily and easily accessible for cleaning and inspection.
- (3) All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner at his expense.

- (4) This Division does not apply to a single family residential dwelling unless it is operating as a food service establishment.

Sec. 44-174. – Intent; definitions.

It is the intent of this Division to provide specific design, installation, construction, operation and maintenance to comply with the above requirements for new and existing grease trap/interceptors. It should be noted that failure to comply with this Division shall be considered a violation of applicable sections of this Division and subject to applicable penalties and/or denial or discontinuance of sewer service.

- (1) Abbreviations of this Division shall be as follows unless indicated otherwise:
 - (a) BMP – Best management Practices
 - (b) DHEC – Department of Health and Environmental Control
 - (c) FOG – Fats, Oils, and Grease
 - (d) MSDS – Material Safety Data Sheets
 - (e) NOV – Notice of Violation
 - (f) PDI – Plumbing Drainage Institute

Sec. 44-175. – General Requirements.

- (1) Requirements. All food service establishments are required to have a grease trap or grease interceptor. The requirements of this Division are in addition to any applicable requirements of the International Code for Plumbing that has been adopted by the state of South Carolina and Dorchester County. Establishments whose grease handling facilities are not in accordance with this Ordinance shall be given a Notice of Violation (NOV) with a deadline (not to exceed 3 months from the initial notification date) to correct the noted discrepancy.
 - (a) New Facilities On or after the effective date of this Ordinance, food service establishments which are newly proposed or constructed, or existing establishments which will be expanded or renovated to include a food service establishment, where such establishment did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap in accordance with this Division. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.
 - (b) Existing Establishments For the purpose of sizing and installation of grease interceptors, all food service establishments existing within the County prior to the effective date of this Ordinance shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.
- (2) On or after the effective date of this Ordinance, the County may require an existing food service establishment to install, operate and maintain a new grease interceptor or trap that complies with the requirements of this Division or to modify or repair any noncompliant plumbing or existing interceptor or trap within 90 days of written notification by the County when any one or more of the following conditions exist:
 - (a) The facility is found to be discharging oils and grease in quantities sufficient to cause the line stoppages or necessitate increased maintenance on the wastewater collection system.
 - (b) The facility does not have a grease interceptor or grease trap.
 - (c) The facility has an undersized or defective grease interceptor or great trap.
 - (d) Remodeling of the food preparation or kitchen waste plumbing system is

- performed which requires a plumbing permit to be issued by the Department.
- (e) The existing facility is sold or undergoes a change of ownership.
 - (f) The existing facility does not have plumbing connections to a grease interceptor or grease trap in compliance with the requirements of this Ordinance.
 - (g) The facility has not operated as a food service establishment for 12 consecutive months prior to opening.
- (3) Plumbing Connections. Grease interceptors or grease traps shall be located in the establishment's lateral sewer line between all fixtures which may introduce grease into the sewerage system and the connection to the County's wastewater collection system. Such fixtures shall include but not limited to sinks, kettles, wok stations, dishwashers, garbage disposals, automatic hood wash units, floor drains in the food preparation and storage areas, and any other fixture which is determined to be a potential source of grease. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into the grease interceptor or grease trap under any circumstances.

Sec. 44-176. – Grease traps prohibited for new food establishments; exceptions; design, inspection and cleaning.

- (1) Grease traps (small under sink grease traps) shall be prohibited for new food service establishments, except for those establishments where inadequate space is available for the installation of a grease interceptor.
- (2) Approval of the installation of a grease trap instead of a grease interceptor at a new food establishment shall meet the following criteria:
 - (a) Trap capacity, design and location. Grease traps shall conform to the standards in the Plumbing and Drainage Institute (PDI) Standards G101. Grease traps shall be installed in strict accordance with the manufacturer's instructions. Grease traps shall be equipped with a cover that can be easily opened by a single person for inspection and sampling and a mechanism for a secure closing.
 - (b) Inspection, cleaning and maintenance. Each food service establishment shall be solely responsible for the cost of trap installation, inspection, cleaning and maintenance. Each food service establishment shall contract with a DHEC licensed grease hauler for cleaning services or the establishment may develop a written protocol and perform its own grease trap cleaning and maintenance procedures. Cleaning and maintenance must be performed when the total volume of captured grease and solid material displaces more than 20% of the total volume of the unit.
 - (c) Inspection. Grease traps shall be inspected by a County Inspector quarterly to assure compliance and to assure proper cleaning and maintenance schedules are being adhered to.
 - (d) Repairs. The food service establishment shall be responsible for the cost and scheduling of all repairs to its grease trap(s). Repairs required by the County Inspector shall be completed within 14 calendar days after the date of written notice of required repairs is received by the establishment, unless the County approves in writing a different schedule.
 - (e) Disposal. Grease and solid materials removed from a grease trap shall be disposed of in the solid waste disposal system.
 - (f) Record Keeping. The establishment shall maintain records of the date and time of all cleaning and maintenance of the trap in a logbook and shall have

this book available for inspection by the County Inspector. These records must be maintained for a period of three years. The establishment shall also maintain the written protocol concerning grease trap scheduled cleaning and maintenance procedures.

Sec. 44-177. – Grease interceptors; variances; design, inspection and cleaning.

- (1) Grease interceptors shall be installed at all new food service establishments except where physical space is limited. All new and existing grease interceptors shall meet the following criteria:
 - (a) Interceptor design and location. Grease interceptors shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. The outlet shall be equipped with an extended elbow or sanitary tee terminating 6” to 12” above the tank floor. Both chambers must be accessible from the surface. Two manhole lid and rims (Pamrex cover and frames) will be utilized for access to the grease interceptor. The minimum access opening dimensions shall be of 24” in diameter. Two (2) access openings are required (to observe the inlet and the outlet pipes). Lids shall be opened with ease by one person. The manhole ring and cover access over each compartment shall be installed at the owners/operators sole expense. Interceptors shall be located in accordance with Environmental Protection Agency (EPA) Guidance Document, “On Site Wastewater Treatment and Disposal Systems” Chapter 8. This generally means underground and within 5’ of the perimeter of the building and provides easy access at all times for inspections, cleaning and proper maintenance.
 - (b) Interceptor capacity. All newly constructed (or newly located) establishments shall calculate the size of interceptor needed using a minimum of 20 gallons of tank capacity multiplied by the total number of seats will equal the minimum capacity tank needed. In no case will an interceptor be less than 1000 gallons. An approval letter for each new trap/interceptor will be issued by the Department prior to issuing a building permit. Where sufficient capacity cannot be achieved with a single unit, installation of a second (1,000 gallon) grease interceptor hooked in series will be required.
 - (c) Inspection, pumping and maintenance. Each establishment shall be responsible for the costs of installing, inspecting, pumping, cleaning and maintaining its grease interceptor. All establishments shall utilize a DHEC licensed grease hauler to pump out and complete removal of all contents, including floating materials wastewater and bottom sludge and solids from both chambers of the interceptor. (Grease interceptor cleaning shall include scarping excessive solids from the walls, floors, baffles and all pipe.) A minimum of 18” of water is required in a grease interceptor for its proper operation. The return of gray water back into the grease interceptor from which the wastes were removed is allowable, provided that the hauler has allowed a minimum of 20 minutes to allow the solids to settle out.
 - (d) Interceptor pumping frequency. Each establishment shall determine the frequency at which their grease interceptor cleaned, but all grease interceptors shall be opened, inspected, pumped and cleaned a minimum of every quarter (every 3 months). In addition to the required quarterly pumping, each establishment shall determine an additional frequency at which its grease interceptor(s) shall be pumped according to the following criteria:
 1. When floatable grease layer exceeds six inches (6”) in depth.

2. When the settled solids layer exceeds eight inches (8") in depth.
 3. When the total volume of captured grease and solid material displaces more than 20% of the capacity of the interceptor.
 4. When the interceptor is not retaining/capturing oils and grease; or the removal efficiency of the device, as determined through sampling and analysis, is less than eighty percent (80%).
- (e) Establishments whose operations cause or allow excessive grease to discharge or accumulate in the sewer collection system are liable to the Department for all costs related to service calls for line blockages, line cleaning, line and pump repairs, property damages, including all labor, materials, equipment, and overhead.
- (f) Variance Procedure. If an establishment determines that quarterly pumping of their grease interceptor is unnecessary in order to remain in compliance with the criteria of paragraph 4 above, the facility may make written application for a variance from the quarterly pumping requirements of the Department. The variance procedure shall be as follows:
1. The establishment shall submit an application for a variance on a form provided by the Department. The application shall include the next date and time the facility intends to have its interceptor pumped and cleaned.
 2. A County Inspector shall observe the pump-out procedures and inspect the interceptor on the specified date and time.
 3. If the interceptor is in good working condition, during the initial inspection, the County Inspector shall re-inspect the interceptor approximately one month after the initial inspection.
 4. After the initial re-inspection, the County Inspector shall inspect the interceptor at periodic intervals to determine the grease and solids levels.
 5. At the re-inspection, when either the level of grease reaches six inches (6"), or the level of solids reaches eight inches (8"), the County Inspector shall use the time elapsed from the initial cleaning date to the final re-inspection date as the new pumping frequency requirement to be included in the variance granted.
 6. In any event, pump-out and cleaning of an interceptor shall be required at least every six months (180 days).
- (g) Inspection. Grease interceptors shall be inspected by a County Inspector quarterly and as necessary to assure compliance with this Division and to determine if proper and maintenance schedules are being adhered to.
- (h) Repairs. Each establishment shall be responsible for the cost and scheduling of all repairs to its grease interceptor(s). Repairs required by the County Inspector shall be corrected within 14 calendar days after the date of written notice of requiring the repairs is received by the establishment or unless notice for the Department establishes a different compliance date.
- (i) Disposal. Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes. Neither grease nor solid waste materials removed from the interceptors shall be returned to any grease interceptor, private sewer line or to any portion of the Department's wastewater collection system or Water Reclamation Facility.
- (j) Record Keeping. Each establishment shall maintain a record of all interceptor maintenance and cleaning is entered, including the date and time of the maintenance, details of any repairs required and dates of repair completion

and any other records pertaining to the interceptor. Procedures for scheduled cleaning and Grease Hauler information should be kept in this log book. This log book shall be made available for review upon request by the County Inspector.

- (k) Interceptor additives. Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives shall be approved by the Director prior to their use by the establishment or the grease hauler. Material Safety Data Sheets (MSDS Sheets) and any other applicable information concerning the composition, frequency of use and mode of action of the proposed additive shall be sent to the Department together with a written statement outlining the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the Department shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the Department at any time.
- (l) Professional Plumber. All grease interceptors shall be designed, installed and located in accordance with the standards established by this Ordinance. All equipments must be installed by a licensed plumbing contractor.
- (m) Alternative grease removal devices or technologies. Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by the Department prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Department may approve these types of devices depending on manufacturer's specifications on a case by case basis. The establishment may be required to furnish analytical data demonstrating that grease discharge concentrations to the wastewater collection system will not exceed the limitations established in this Division.

Sec. 44-178. – Entry authorized.

Each establishment shall allow the County Inspector and other duly authorized employees or agents of the Department bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, and records examination, measurement, sampling and testing in accordance with the provisions of this Division. The refusal of any establishment to allow the County Inspector entry to, or upon the establishment's facility's premises for purposes of inspection, sampling effluents or inspecting and copying records or performing such other duties as required by this Division shall constitute a violation of this Division.

Sec. 44-179. – Inspection.

- (1) All establishments shall be inspected as follows:
 - a. Pre-permit inspections. A pre-building permit inspection shall be done. All new structure plans and building renovation plans involving plumbing are reviewed and approved by the Department prior to issuing a Building Permit in the Building Department. Any plan for a new or upgraded grease trap/interceptor must receive prior approval from the Department.
 - b. Pre-opening inspection. A County Inspector shall visit the establishment prior to its grand opening to ensure the facility is being built to plans and specifications of this Division. i.e. Floor drains, dishwasher connections, food preparation sinks and hood cleaning drains are discharging via grease interceptor/traps and sanitary sewers are discharged via other means. The

grease interceptor is an approved product of this Division and is installed as prescribed by this Division.

- c. Regular Inspections. A County Inspector shall inspect establishments on both an unscheduled and unannounced basis. The inspection shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease trap/interceptor. The County Inspector shall record all observations in a written report. Any deficiencies shall be noted including but not limited to grease trap operations, logbook entries, condition of the entry point of wastewater into the sewerage system and any repairs as may be needed. The establishment will receive a report of any deficiencies that needs the attention of the owners. A re-inspection may be scheduled.
- d. Re-inspections and fines. The establishment shall be notified of any deficiencies noted during the regular inspection. The critical deficiencies shall be addressed by mail. A deadline shall be assigned and a re-inspection shall be scheduled. The first re-inspection is free. Should a second re-inspection be required, a re-inspection fee shall be assessed on the establishment's bill. Should a third re-inspection be required, a re-inspection fee will be assessed. Should the discrepancy be a faulty grease interceptor allowing grease to flow into the wastewater system, the Department has the right to clean the establishment's faulty grease interceptor using County equipment and shall back-charge the establishment a fee outlined in Appendix A in the sewer bill. The water and/or sewer service may be terminated.

Sec. 44-180. – Legal Proceedings.

- (1) Police Escort. Should the County Inspector feel threatened in the execution of his duty to make regular inspections, he has the authority to request a police escort from the Dorchester County Sheriff's Department or municipality within the Dorchester County lines, to perform his duty to protect the County wastewater system and to enforce this Division.
- (2) Citation to Magistrates Court. Notwithstanding any of the above, the Director may cite any food service facility to appear in Magistrates Court for violation of any provision of this Division. A violation of any condition or requirement of an establishment shall be deemed to be a violation of this Division.
- (3) Injunctive and other relief. The County Administrator, through the County attorney, may file a petition in the name of Dorchester County in the Circuit Court of the County or such other courts as may have jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this Ordinance or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the Department as a result of any action or inaction of any person who causes or suffers damage to occur to the Department's wastewater collection system, or for any other expense, loss or damage of any kind or nature suffered by the County, including attorney's fees.
- (4) Criminal Mischief. No person shall maliciously, willfully or deliberately break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Department.
- (5) Remedies nonexclusive. The remedies provided for in the Division are not mutually exclusive. The Director may take any, all, or any combination of these actions against a noncompliant person.

Sec. 44-181. – Penalties.

- (1) Violations. Any violation of the Dorchester County Water and Sewer Ordinance is unlawful and any person found to be in violation, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not to exceed \$500 or imprisonment for not more than 30 days, or both. Each day such violation remains uncorrected, shall be deemed a separate offense.
- (2) In addition to the penalties provided herein, the Department may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Division or the orders, rules and regulations.
- (3) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with or knowingly renders inaccurate information shall, upon conviction, be subject to a penalty in an amount not to exceed \$500 or by imprisonment for not more than 30 days, or both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Sec. 44-182. - Administrative Enforcement and Abatement.

- (1) Food Service Establishment Enforcement. Enforcement actions against establishments in violation of this Division shall be as follows:
 - (a) Notice of Violation. A Notice of Violation (NOV) shall be issued to an establishment for any one or more of the following reasons:
 1. Failure to properly maintain the oil and grease interceptor or trap in accordance with the provisions of this Division.
 2. Failure to make needed repairs to their grease interceptor or trap even after given ample instruction and allowing grease to enter the wastewater system.
 3. Failure to provide logs, files, records or access for inspection or monitoring activities.
 4. Failure to report pumping activities when requested.
 5. Any other failure to comply with the requirements of this Division.
 - (b) Notice of Violation (NOV) Response. Any establishment issued an NOV shall respond to the Department in writing within 10 working days of receipt of the NOV describing how the non compliance occurred and what steps will be taken to prevent the recurrences of the non compliance. If an establishment violates or continues to violate the provisions set forth in this Ordinance or fails to initiate/complete corrective action in response to a NOV, then the Department may pursue one or more of the following options:
 1. Dispatch the County Vac truck (a permitted grease hauler) to pump the grease interceptor and bill the establishment a fee outlined in Appendix A.
 2. Impose an administrative order and fee.
 3. Best Management Practice (BMP) Training. All establishments that receive NOVs or Administrative Orders may be required to send both managerial and other staff to an approved training session regarding BMPs. These training sessions will be located and times as will be announced by the Department.
 4. Disconnection of sewer and/or water service to the establishment.

- (c) Administrative Order. The Department may enter into consent agreements, compliance agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents will include specific actions to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall be judicially enforceable. An Administrative Order may include, but not be limited to, the following items:
1. Required corrective actions, including but not limited to submittal of records for interceptor/trap maintenance, immediate pump-out of the grease interceptor, or establishment of an ongoing contract with a permitted grease hauler. When required by the Department, the establishment manager and/or other designated employee shall attend an educational program approved by the Department. This program will cover kitchen practices, food handling and waste disposal procedures to minimize loading on the grease interceptor/trap, as well as explaining grease interceptor/trap design, operation and maintenance; and
 2. Requirements for submittal of plans for installation or upgrade of grease interceptors/traps, including time frames for preparation of plans, acquisition of necessary equipment, initiation of construction (including time for permit approval, where required), completion of construction, and a date for achievement of final compliance with the provisions of the Administrative Order and of this Division.
- (d) Recovery of Costs. When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the Department, the Director shall assess the expenses incurred by the Department to clear the obstruction, repair the damage to the establishment, and any other expenses or damage of any kind or nature suffered by the Department. The Director shall file a claim with the user or any other person or entity causing such damages seeking reimbursement for any and all expenses or damages suffered by the Department. If the claim is ignored or denied, the Director shall notify the County Attorney to take such measures as shall be appropriate to recover such expenses.
- (e) Remedies Nonexclusive. The remedies provided for in this Division are not exclusive. The Department may take any, all, or any combination of these actions against a person violating this Division. Enforcement of violators will generally be in accordance with this Ordinance; however, the Department may take other action against any person when the circumstances warrant. Further, the Department is empowered to take more than one enforcement action against any person in violation of this Division.

DIVISION 17. SYSTEM EXTENSIONS.

Sec. 44-183. – Person responsible for construction of new lines.

Construction of water and sewer lines in any new development shall be the responsibility of the person responsible for such development (“Developer”).

Sec. 44-184. – Conveyance of lines to County.

- (1) Water and sewer lines constructed within new developments may be conveyed to the County provided all such lines are located in the Department's service area and are designed and constructed to the Department and SCDHEC standards, and all such lines are located within public rights-of-way or upon approved easements of adequate unobstructed widths to provide maintenance vehicle access.
- (2) When all other requirements of this Ordinance have been satisfied and approved, the Owner shall prepare and submit to the Department an Instrument of Conveyance, conveying the constructed system to the County, at no cost to the County, and the system shall thereafter be owned, operated and maintained by the County as provided for in this Ordinance. Additional documents for permanent easements and other conveyances may be required as may be determined by the County.

Sec. 44-185. – New sewerage system or extension to be connected to County; conformance of plans; requirements.

Any new sewerage system within the Department's sewer service area shall be connected to the County Sewerage System where it is economically and technically feasible. The system shall conform to plans and specifications prepared by the Registered Engineer who is authorized by laws of the State of South Carolina and approved or approvable by any and all local, County and state authorities having jurisdiction. Where the County sewerage system is not available, the sanitary sewers shall be connected to a properly operating disposal system. At such time as the County sewerage system is made available or the disposal system malfunctions, a direct connection shall be made to the County system and the disposal system abandoned.

Sec. 44-186. – Construction or extension of new water distribution lines; requirements.

Any new development proposing to construct water distribution lines or extensions to existing transmission mains to connect directly into the County's water system shall conform to plans and specifications prepared by a Registered Engineer who is authorized by laws of the State of South Carolina and approved or approvable by any and all local, County and state authorities having jurisdiction.

- (1) The following administrative procedures shall be followed:
 - (a) Submit conceptual plans to the Department in sufficient detail to indicate location, system layout, line sizes, service connections, flow, pressures and point of connection to the County's system. The plans must meet all County required specifications.
 - (b) In the case of an application or request for new residential or non-residential water and/or sewer service to an individual parcel involving not more than ten (10) ERU, such an application or request may, in the discretion of the Water and Sewer Department, be approved by the Department without referral to the water and sewer committee or approval by county council.
 - (c) Prepare construction drawings and documents for Department approval.
 - (d) Secure all other agency approvals of construction drawings and contract documents.
 - (e) Upon receipt of all approvals, proceed with construction; notify the Department of construction schedules within three (3) days of initiation of water and/or sewer construction.
 - (f) Provide the Department permission for on-site inspection during construction.
 - (g) Furnish to the Department a certificate of completion, record drawings, instrument of conveyance, maintenance bond and fees, warranty together with such other documents as may be required for project closeout.

Sec. 44-187. – Registered licensed contractor required for construction.

Construction of the proposed water and/or sewerage system shall be accomplished by a registered licensed contractor under the laws of the State of South Carolina who shall have paid all fees and licenses required by the County.

Sec. 44-188. – Certificate of completion.

Upon completion of construction, the Engineer employed by the Developer and a County inspector shall inspect and furnish to the Department at no cost to the County, their certificate of completion indicating that the subject water and/or sewerage system has been constructed in accordance with the approved plans and specifications, and shall provide four record drawings.

Sec. 44-189. – Warranty required; term and maintenance period.

The owner or their authorized agent shall submit a Warranty which is a legal instrument in which the Owner warrants the materials, equipment, and construction of the system for twenty-four (24) months. The Owner shall further warrant to the Department that all fees have been paid by them such that there is no outstanding indebtedness remaining and holding the County harmless in each instance. The Owner shall provide a maintenance bond in accordance with Division 8.

Sec. 44-190. – Service connections to be made during construction.

All service connections shall be made during construction from the main out to the property line. Location of all connections shall be recorded on the record drawings.

Sec. 44-191. – System extensions to be compatible with County need and plans.

All water and sewerage system extensions must be compatible with present and future plans and needs of the County.

DIVISION 18. PROJECT CANCELLATION.

Sec. 44-192. – Permissive cancellation by developer; permissive cancellation by County; expiration of approval and letter of availability.

Prior to final inspection, a Developer may cancel a project by notifying the Department in writing of the decision. The Department may cancel a project if the SCDHEC construction permit has expired. If a project is cancelled by the Developer or the Department, any letter of availability or plan approval issued by the Department for utility service shall be deemed expired.

DIVISION 19. TRANSIENT AND NON-TRANSIENT WATER USAGE POLICY.

Sec. 44-193. – Purpose.

To establish a policy that will meet the needs of temporary water users while preventing unauthorized water use, maintaining distribution system integrity and protecting water quality.

Sec. 44-194. – Fire departments excluded.

Fire Departments are explicitly excluded from this policy. In no manner does this policy limit the use of Dorchester County Water and Sewer fire hydrants for fire departments conducting official business under their jurisdictional authority.

Sec. 44-195. – Classification of hydrant users; authorizations; prohibitions and fees.

There are two types of hydrant users: non-transient and transient.

- (1) Non-Transient Water Usage. The Department will not allow temporary un-metered hydrant usage for non-transient water users under any conditions. Examples of Non-Transient Water uses include construction of new commercial and residential developments, or major renovations of existing properties.
- (2) Transient Water Usage. The Department will allow temporary, un-metered hydrant usage for transient water users under the below-described conditions. Examples of Transient Water uses include street sweepers, hydro-seeders, landscape construction contractors (excluding use for daily irrigation purposes), road contractors, sewer cleaners, or any other similar business utilizing water on a frequent basis at varying locations.
 - (a) Application and Contract. Transient Customers will be required to apply annually for permission to utilize the Department’s hydrants. New Customers and renewing Customers must complete and submit for approval a Hydrant Use Permit Application and Hydrant Use Permit Contract. To be issued a permit, the Customer must show proof of an approved Air Gap backflow prevention assembly on each vehicle or vessel, and demonstrate knowledge and competency operating hydrants. Transient Customers will be provided with a copy of “Fire Hydrant Operation Procedures.”
 - (b) Companies in the business of renting or leasing water trucks must apply and pay the permit fee for each of the trucks they rent or lease for use within the Dorchester County Water and Sewer service area. Failure to properly permit the vehicle may result in penalties assessed to the rental company for unauthorized hydrant usage or illegal connections.
 - (c) Term of Contract. Transient Hydrant Use Permits are issued on an annual basis. Permits automatically expire on December 31st of each year. It is the responsibility of the Customer to ensure permit decals are current.
 - (d) Fees. Transient water fees are assessed annually, per vehicle or tanker. Fees are based on capacity as shown in Appendix A. All fees are non-refundable and will not be prorated for partial year’s use.

DIVISION 20. WARRANTY INSPECTION FEE; PERIOD.

Sec. 44-196. – Warranty periods.

The Department will make inspections of the wastewater systems during the warranty period. The warranty period is the period of time between the permit to operate date and two (2) years.

Sec. 44-197. – Warranty fees.

For the purpose of making Department inspections, the Developer shall pay to Dorchester

County Water and Sewer, at the time of project closeout and before final acceptance of the system by Dorchester County Water and Sewer, a warranty inspection fee. This total warranty inspection fee will be based on the certifying engineer's description of the project linear footage. The wastewater system warranty inspection fee will be charged at a rate per linear foot of gravity wastewater main and at a rate per linear foot of potable water or wastewater force main or as adopted or amended in the future by the Department. The rate is specified in Appendix A.

Sec. 44-198. – Warranty inspections.

The Department shall, at minimum, inspect the wastewater sewerage system thirty (30) days prior to the end of the warranty period.

DIVISION 21. RECORDS & BUDGET.

Sec. 44-199. – Record keeping.

- (1) The County shall keep separate from other business the records of the Water and Sewerage System.
- (2) All records of business transactions, billings, and receipt of funds shall be maintained by the County Finance Director in accordance with the Bond Ordinances governing the system.
- (3) An annual audit of the records shall be prepared by a qualified public accountant for the County Council.

Sec. 44-200. – Approval of budget.

The County Council shall approve an annual budget for the Water and Sewerage Systems based upon the audit and establish such charges as may be necessary to fund said budget in accordance with this Ordinance and such special provisions contained in industries relating to water and sewer rates as may apply.

Sec. 44-201. – Rate study; adoption of findings by Department; review by County Council.

The County Council and/or the Department may commission a rate study to determine the adequacy of the adopted charges and fees to provide for or cover the cost of the services provided by the County. In the event a rate study commissioned by County Council or the Department shall determine that authorized charges and fees do not adequately provide for or cover the costs incurred by the County in provision of water and sewer services as budgeted, the Department may, subject to any requirements for public notice and not before expiration of a thirty (30) day notice to the County Council of its intention to do so, adopt and implement such charges and fees as deemed necessary by such rate study to adequately provide for or cover the County's costs, which adoption and implementation by the Department shall be subject to a stay, modification, or repeal in whole or in part by the County Council within such notice period.

Sec. 44-202. – Use of enterprise funds; limitation on reimbursements to general fund.

Enterprise revenues shall only be used to support the expenditures of the enterprise fund. At no time shall these funds be used to support ongoing County operations or subsidize the general fund. Notwithstanding the foregoing, enterprises often benefit from expenditures made by the general fund, and because these indirect costs are appropriated in the general fund, an operating

transfer may be made by the County finance department to reimburse the general fund from the enterprise fund.

DIVISION 22. VALIDITY & AUTHORIZATIONS.

Sec. 44-203. – Repeal of conflicting regulations and ordinances.

All Ordinances or parts of Ordinances or regulations or parts of regulations in conflict with this Ordinance are hereby repealed.

Sec. 44-204. – Emergency actions authorized for public health and safety.

Dorchester County, through its duly qualified officers, may take such immediate action for emergencies not specifically covered herein, as may be deemed necessary in the interest of Public Health and Safety and may further amend this Ordinance, in part or in whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matter, including but not limited to, Public Notice ninety (90) days prior to final action.

Sec. 44-205. – Invalidity of one part not affective to other parts; interpretation of conflicts; no distinction between gender and number.

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

In the event of conflicts, actual or perceived, in the terms or requirements of this Ordinance, the most restrictive interpretation shall apply. Any references in this Ordinance to the masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

DIVISION 23. APPENDICES OF FEES AND CHARGES.

Sec. 44-206. – Appendix A – Service Fees and Charges.

After-hours Service Charge	\$50.00 per hour
Bacteriological Water Sample Test	\$50.00 each
Commercial Backflow Fine	\$100.00
Connection Fees – Sewer	\$2,500 for 4 inch line and \$5,375 for all lines over 4 inches
Connection Fees – ¾” Water Meter	\$1,500.00
Connection Fees – 1” Water Meter	\$1,950.00
Connection Fees – 1 ½” Water Meter	\$3,750.00
Connection Fees – 2” Water Meter	\$6,650.00
Connection Fees – 3” Water Meter	\$10,000.00
Connection Fees – 4” Water Meter	\$17,500.00
Connection Fees – 6” Water Meter	\$20,000.00
Connection Fees – 8” Water Meter	\$25,000.00
Connection Fees – 10” Water Meter	\$35,000.00
Connection Fees – 12” Water Meter	\$42,500.00
Credit Card Fee	\$2.50
Past Due Fee	\$5.00
Courtesy Turn-off Fee	\$20.00
Delinquent Fee	\$50.00
Elder Valve	\$100.00
Finance Agreement Administrative Fee	\$35.00
Grease Interceptor Pumping	\$800.00
Grease Trap Origination Fee	\$25.00
Grease Trap Quarterly Inspection Fee	\$150.00
Grease Trap Re-inspection – Second Time	\$100.00
Grease Trap Re-inspection – Third time	\$300.00
Holding Tank Waste Discharge Fee	
1,000 gallon tank	\$60.00
1,500 gallon tank	\$90.00
2,000 gallon tank	\$120.00
2,500 gallon tank	\$150.00

3,000 gallon tank	\$180.00
Hydrostatic Flow Tests	\$100.00
New Construction Inspection Fee	\$50.00 per hour
Plan Review Fee	A fee equal to 2% of estimated construction costs of any sewer and/or water system that is to be constructed by a private entity or developer and transferred to Dorchester County Water and Sewer. This fee shall not exceed \$10,000 per section or phase of each water or sewer system. Additional fees shall be assessed if the final construction costs exceed the construction estimate supplied with the review submittal.
Maximum Pretreatment Non-compliance Fee	\$2,000.00 maximum per day, \$500.00 minimum per day
Residential Backflow Fine	\$50.00
Returned Payment fee	\$30.00
Running Water Fee	\$25.00
Service Order Charge	\$30.00
Sewer Impact Fee	\$6,510.00 per ERU
Sewer Connection Inspection Fee	\$75.00
Sewer Connection Re-inspection Fee	\$100.00
Sewer Origination – Residential/Multifamily	\$25.00
Sewer Origination – Commercial	\$100.00
Tampering Fee	\$100.00
Televising Fee	\$1.00 per linear foot
Transient Water Usage Annual Fees:	
Capacity of 0 – 3,000 gallons	\$1,200.00
Capacity of 3,001 plus gallons	\$1,800.00
Unauthorized Connection fine	\$100.00
Violation of Proper Discharge	\$1,000 per day
Warranty Inspection Fee – Force Main and Water Lines	\$1.00 per linear foot
Warranty Inspection Fee – Gravity	\$2.00 per linear foot
Water Impact Fee	\$3,500.00 per ERU
Water Connection Inspection Fee	\$25.00
Water Origination – Residential	\$25.00

Water Origination – Commercial	\$100.00
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Sec. 44-207. – Appendix B – Monthly Rates and Charges.

Grinder Pump Maintenance Fee	\$50.00
Pretreatment Fee	\$0.01 per monthly average GPD
Reclaimed Water Fee	½ Regular Potable Water Rate
SCDHEC Fee	\$0.50
Sewer Usage Fee	
Residential – Flat rate	
July 1, 2023	\$61.25
July 1, 2024	\$66.15
Commercial – based on usage	First 7,000 gallons
July 1, 2023	\$61.25
July 1, 2024	\$66.15
Commercial – based on usage	Every 1,000 gallons above 7,000 gallons
July 1, 2023	\$11.65
July 1, 2024	\$12.70
Water Usage Rates	Base Rate includes 3,000 gallons
<i>¾" Water Base Rate</i>	
July 1, 2023	\$35.72
July 1, 2024	\$37.19
<i>1" Water Base Rate</i>	
July 1, 2023	\$62.35
July 1, 2024	\$65.46
<i>1 ½" Water Base Rate</i>	
July 1, 2023	\$117.61
July 1, 2024	\$123.49

2" Water Base Rate	
July 1, 2023	\$174.54
July 1, 2024	\$187.46
3" Water Base Rate	
July 1, 2023	\$286.22
July 1, 2024	\$300.54
Water Usage Rates	Base Rate includes 3,000 gallons
4" Water Base Rate	
July 1, 2023	\$412.33
July 1, 2024	\$432.95
6" Water Base Rate	
July 1, 2023	\$597.95
July 1, 2024	\$627.85
8" Water Base Rate	
July 1, 2023	\$675.89
July 1, 2024	\$709.68
10" Water Base Rate	
July 1, 2023	\$753.82
July 1, 2024	\$791.51
12" Water Base Rate	
July 1, 2023	\$831.75
July 1, 2024	\$873.34
Water Usage 3,001 – 7,000 gallons	\$/1,000 gallons
July 1, 2023	\$4.46
July 1, 2024	\$4.68
Water Usage 7,001 gallons and above	
July 1, 2023	\$4.83
July 1, 2024	\$5.02
Fire Suppression Sprinkler Fee Rate	\$42.00 for first 500 heads, \$0.20 for each additional