



# Oconee Joint Regional Sewer Authority

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## OCONEE JOINT REGIONAL SEWER AUTHORITY

### Commission Meeting

October 7, 2024

The Oconee Joint Regional Sewer Authority Commission meeting was held at the Coneross Creek Wastewater Treatment Plant.

Commissioners that were present:

- Seat 7 (Westminster): Brian Ramey, Board Chair
- Seat 2 (Seneca): Scott Moulder
- Seat 3 (Seneca): Scott McLane
- Seat 4 (Seneca At-Large): Marty McKee
- Seat 5 (Walhalla): Celia Myers
- Seat 6 (Walhalla): Scott Parris
- Seat 8 (Westminster): Kevin Bronson
- Seat 9 (Walhalla-Westminster At-Large): David Dial

Commissioners that were not present:

- Seat 1 (Seneca): Bob Faires, III, Board Vice-Chair.

OJRSA appointments and staff present were:

- Lynn Stephens, Secretary/Treasurer to the Board and Office Manager
- Chris Eleazer, Executive Director

Others present were:

- Larry Brandt, OJRSA Attorney
- Dick Mangrum, WGOG Radio
- Evan Smoak, Seneca Daily Journal
- Angie Mettlen, W.K. Dickson
- Reagan Osbon, City of Westminster Asst. Administrator
- Paul Wilkie, SCDES
- Robert Royer, AQD

**A) Call to Order** – Mr. Ramey called the meeting to order at 3:58 p.m.

**B) Invocation and Pledge of Allegiance** – By Mr. McKee.

**C) Public Session** – None.

**D) Approval of Minutes:**

- **Board of Commissioners Meeting of September 9, 2024**  
*Mr. Bronson made a motion, seconded by Mr. Dial, to approve the September 9, 2024 Board Meeting minutes as presented. The motion carried.*

**E) Committee and Other Meeting Reports:**

- **Operations & Planning Meeting of September 18, 2024** – *This meeting was cancelled due to lack of agenda items.*
- **Finance & Administration Meeting of September 24, 2024** – Ms. Myers presented the report to the Commission. *\*See attached minutes*  
*Mr. Moulder made a motion, seconded by Mr. Bronson, to approve the September 24, 2024 Finance & Administration Meeting minutes as presented. The motion carried.*

**F) Secretary/Treasurer's Report (Exhibit A)** – Ms. Stephens presented the Secretary/Treasurer's Report to the board. Ms. Stephens added that she received the bank reconciliation letter for the August reconciliations from Ms. Susan Stamey (outside accountant) late Friday and distributed copies to the committee (*made a part of these minutes*).

***Mr. Bronson made a motion, seconded by Mr. Dial, to approve the Secretary/Treasurer's Report as presented. The motion carried.***

**G) Oconee County Government Update Regarding Matters Involving Wastewater** – None.

**H) Presentation and Discussion Items:**

- **Matters Related to Unified Rate and Financial Cost of Service Study to Be Performed for OJRSA and All Key Sewer Stakeholders** – Ms. Mettlen reported the planning money is available for those with service populations less than 10,000 (which disqualifies the OJRSA and the City of Seneca). Ms. Mettlen passed on some information provided by Ms. Bonnie Ammons of the Rural Infrastructure Authority (RIA):

Ms. Ammons said that the intent of the planning program is not to be just a revolving door to keep coming back for more and more money. She stated that the Member Cities may have “bigger fish to fry” later down the road that they may want to hold onto the grant money for. At that point, the Cities, collaboratively, could access more money under a regional project. It would be considered a regional project, because it would be under the new structure of the Authority, under direction from the Ad Hoc Committee, or the individual collection systems could decide to do something together. (While this regional study is an off shoot, it still is not a regional project yet.)

As far as timing if some of the Cities still wanted to pursue this option:

- The earliest that the awards will be made, and the OJRSA notified/secured, would be at the end of the 2024,
- The OJRSA would not be under grant agreement until early 2025,
- The RIA will have to vet and approve the Request for Proposals (RFP),
- The RFP will have to be advertised and the contractor selected, and
- The project wouldn't get started until April – May 2025.

Ms. Mettlen added that it is still in the purview to apply for this grant, but the RIA is not changing the application deadline of October 28, 2024 due to the storm.

Mr. Eleazer asked if this affects the way the OJRSA moves forward in regard to all the Member Cities piggybacking off one study or will everyone do their own now. Ms. Mettlen said she recommends that the study being done by the OJRSA as the first step, because the results would inform the Member Cities what they need to include in their individual studies. She added that if they are to be done separately, each Member City should determine the scope of what the OJRSA is going to do and use that information for what they need to do.

Mr. Bronson asked who is doing the scope; Ms. Mettlen said that Willdan is handling that separately outside of WK Dickson's contract and will work with the OJRSA to develop that. Mr. Eleazer added that Mr. Darryl Parker of Willdan is still waiting further instruction as the last thing he heard was about the piggybacking option, so he will inform Mr. Parker of this change and see what he can provide. Mr. Bronson asked that this information be provided to the Member Cities as soon as possible to avoid losing too much time.

Ms. Mettlen added that the point of this is to make sure each entity understands the magnitude of what it is going to cost moving forward. This information is included in the OJRSA's Capital Improvement Plan and Master Plan.

Mr. Dial asked if there was a cap on the grant(s) available. Ms. Mettlen replied “Yes;” the RIA has a target number on different levels of projects. The rate study is generally in the \$50,000 - \$70,000 range.

**I) Action Items:**

**1. Upon Approval by the South Carolina Rural Infrastructure Authority and In Conjunction With South Carolina Infrastructure Investment Program (SCIIP) Grant Guidelines, Preauthorize the Executive Director to:**

- a. Execute a Notice to Award to Bio-Nomic Services, Incorporated in the Amount of \$3,376,461 for Conveyance System Rehabilitation Services (Exhibit B); and**
- b. Execute Project Change Orders Associated with the Rehabilitation of Manholes and Other Deficiencies That Will Be Encountered During the Project with a Total Amount Not to Exceed \$700,000** – Mr. Eleazer said Part A of this item is for the SCIIP-funded Conveyance System Rehabilitation Project and added that the bid tabulation sheet is included in Exhibit B. The Director stated that Part B of this item is \$700,000 for owner contingency which would be funded through the SCIIP process for manhole rehabilitation, right-of-way rehabilitation and restoration, and some other items that will be encountered as they are working in the field or any damage that will take place during the work due to ground conditions.

Mr. Eleazer stated he was asked to make the request now and have the board pre-approve the execution of those contracts as necessary with the funding coming from SCIIP. Ms. Mettlen stated that before Mr. Eleazer can execute the contract, all of this must go before the RIA for approval; the Notice of Award is contingent upon RIA approval.

Ms. Mettlen added that the project is still well under budget in the SCIIP grant (including contingency), and some of the contingency will be given back to be used on the Dewatering Project. Even with the \$700,000, it is still below what was planned. Mr. Eleazer said it is coming in around \$800,000 below the base bid cost.

Mr. Bronson asked if items a. and b. need to be two (2) motions, or can they be combined. Mr. Eleazer replied they could be combined.

***Mr. Bronson made a motion, seconded by Mr. Dial, to approve the Secretary/Treasurer's Report as presented. The motion carried.***

Ms. Mettlen also stated that, as Bio-Nomic Services will not start for some time, she will follow up with them to ensure they are not getting pulled into any disaster recovery items going on locally. Mr. Eleazer added that they requested to start sometime after the first of 2025.

Mr. Eleazer said he received a Grantee Disbarment Certification Form just today and asked Ms. Mettlen if he could go ahead and sign and return it now, or does it have to wait until the RIA approval. Ms. Mettlen replied he could go ahead and sign it.

Mr. McKee asked why Bio-Nomic's cost for erosion and sediment control in the bid tabulation was so high (\$35,000) compared to the others at \$5,795 and \$11,000. Did they notice something the others didn't? Mr. Eleazer said he didn't know the answer to that, but the same thing happened with the Sewer South project. At that time, stormwater and erosion prevention is an item where they can get compensated more up front by adding that. Ms. Mettlen said that this is a point repair-type situation, and they don't know until they get there what they must do, so they build in more cushion.

Mr. Dial asked how did companies in Missouri get this information to bid on the project? Mr. Eleazer said he didn't know the answer to that either, but he does know that there are not a lot of local firms who do trenchless technology and rehabilitation work. Ms. Mettlen added a lot of these companies also have local crews.

**2. Approve OJRSA Resolution 2024-16 to Adopt the Update to the OJRSA Personnel Policy Manual (Exhibit C)** – Mr. Eleazer said this update includes updates for substance abuse and testing policies for safety sensitive and CDL positions; FLSA safe harbor provision (which allows employers to correct improper pay without penalty); classification and minimum wage updates; and the parental leave and lactation support language that has been added since the last personnel book update.

***Mr. Bronson made a motion, seconded by Mr. McKee, to adopt Resolution 2024-16 OJRSA Personnel Policy Manual as presented. The motion carried.***

**3. Authorize the Executive Director to Allow the Acceptance of Hauled Portable Toilet Waste from Outside the OJRSA Service Area to Assist with Tropical Storm Helene Recovery Efforts –** OJRSA Operations Director, Kyle Lindsay, received a call last week from a company that wanted to haul waste from North Carolina in support of a hospital that didn't have working sanitation services on site. Mr. Eleazer stated they are probably having problems finding local places to take the waste to, so they are reaching out into South Carolina. The current OJRSA regulations do not allow receiving waste from outside Oconee County. Mr. Eleazer said the OJRSA could take a little from time-to-time, around 1,000-2,000 gallons per day, and would have to be worked in with the waste the OJRSA does receive.

The Director added that he, Mr. Lindsay, and OJRSA Operations Supervisor, Mr. Johnny McCall, are all in support of this; therefore, the OJRSA requests approval to assist with this under this emergency circumstance.

Mr. Dial asked if everyone is okay with the extra volume. Mr. Eleazer said the volume isn't a lot and isn't the hard part. What's in the volume is the hard part that would need to be considered; however, the OJRSA will have the ability to refuse it. Mr. Wilkie (with the South Carolina Department of Environmental Services (SCDES)) added the hauler would have to have a general knowledge of what is in the waste.

Mr. Eleazer stated that he told the company this was going to be brought up at the meeting tonight, and they will be calling again tomorrow to see if this is acceptable. Mr. Eleazer said this is a small way that the OJRSA can help.

Mr. Moulder asked if there was any word about this spreading to other haulers that may be in the North Carolina area that may also be looking for a place which may multiply the requests. Mr. Eleazer said it may; however, it will be a first come, first serve basis. He added that there was a request for some type of operations camp that will be set up in or around Seneca which will have portable restroom trailers. Being this is originating in Oconee County, there will not be a way to tell them no since it is generated from inside the service area; however, there is a provision in the Sewer Use Regulation that the OJRSA has the option to deny it if it will be detrimental to the process of the plant.

***Mr. Moulder made a motion, seconded by Mr. McKee, to administer emergency procedures to allow OJRSA to accept hauled portable toilet waste from outside the area to assist with Tropical Storm Helene recovery efforts.***

Mr. Bronson asked if there was a need, or reason, to set a timeframe on this. Mr. Eleazer replied he didn't think it was necessary at this time. Mr. Bronson said that if there is no end date on this, then effectively the OJRSA is suspending the rule indefinitely. Mr. Dial suggested to add when the power is back on. Mr. Moulder suggested three (3) months and said the OJRSA could review it again at that time. The committee members agreed. Mr. Eleazer added that the hauler is not going to want to bring it here if they have a closer facility to discharge.

***Mr. Moulder amended his motion, seconded by Mr. McKee, to allot a period of three (3) months when it could be reviewed again. The motion carried.***

**4. Authorize the Executive Director to Submit Proposed Revision of the OJRSA Sewer Use Regulation to the South Carolina Department of Environmental Services for Review and Approval Prior to OJRSA Advertising for Public Comment (Exhibit D) –** The Director reported that the board has a memorandum from Mr. Michael Traynham (Exhibit D) stating he didn't find any issues with the Sewer Use Regulation (SUR) revisions as well as the summary of changes. Mr. Eleazer stated that while the revisions to the SUR had been out for consideration, the hurricane occurred. He spoke with Mr. Traynham about having it memorialized in the SUR, that in these emergency situations for "an emergency declaration by the President of the United States, or by federal agency authorized to do so, and/or the Governor of South Carolina", that it would allow the Executive Director authorization to make the determination whether the OJRSA would accept the hauled waste as mutual aid assistance. This was the only item added since the last revisions, and it can be taken

back out. Either way, Mr. Traynham has approved the SUR and said it is ready to go to the SCDES for their legal review.

Mr. Bronson asked if it was already included in the SUR or did it need to be added. Mr. Eleazer said it was already included and is included in the memorandum as well.

***Mr. Bronson made a motion, seconded by Mr. McLane, to approve the Sewer Use Regulations as presented. The motion carried.***

**5. Select Members for the Sewer Feasibility Implementation Ad Hoc Committee** – Mr. Eleazer said he took all the information provided by the Member Cities and gave it to Ms. Mettlen about ten (10) days ago. Ms. Mettlen said WK Dickson is going through the process of vetting the nominations made by the cities. She said she doesn't have any recommendations today. In addition, Ms. Mettlen said there are some things she wants to talk about with the board today:

- There were several recommendations from the cities for their individual posts. She said it is not her intent to vet those, but rather for the individual cities to vet them. Ms. Mettlen said some of the cities nominated multiple people, and it is her recommendation that they be part of the Administrative, Operations, and other staff across the board, and she would be willing to make those recommendations if the cities want her to.
- As far as the other candidates, Ms. Mettlen is getting biographies and such for the nominees. She believes she has enough to vet these people out. Some people will be lower on the list due to having a current or potential conflict of interest. She also added that she doesn't want paid consultants, including herself, to be on the list. She wants industry experts included, but not ones being paid right now to keep the appearance of conflict out of this.
- Ms. Mettlen asked if the board has considered any form of stipend for those who will be on this committee for their participation. She would like to have the answer to this in case she is asked by the nominee when she presents the opportunity to them. She said it doesn't have to be anything outrageous and suggested the meetings occur during lunch hour with lunch provided. She added that there will probably only be one (1) meeting per month to start with until the Ad Hoc Committee gets more information and needs to make decisions where it could go to two (2) meetings per month.

Mr. Moulder stated he felt the stipend was appropriate. He added that consultants and legal representatives may expect compensation for being on the board during business hours. Ms. Mettlen said she won't make any commitments, but if everyone is okay with a stipend, she can just state that is being considered.

Mr. Wilkie stated that the SCDES has a partnership with Lake Hartwell Clean Water which has an attorney and a couple real estate people that volunteer on it. They meet in the morning for one hour and are provided breakfast. That kind of idea can work in some situations. Mr. Moulder replied that he didn't think this was going to be one (1) meeting per month done in three (3) months; it is going to be time-consuming. Ms. Mettlen agreed.

Mr. Ramey asked if the stipend should be determined now. Ms. Mettlen said it was not necessary; she could just say the OJRSA is willing to do it. Mr. Eleazer thought it might be helpful to have it now and suggested they be given a per diem the same as the board currently gets: \$60 per meeting. Mr. Dial agreed. Ms. Myers asked how this would affect the budget. Mr. Eleazer replied he could move money around to cover it. The board members agreed.

Mr. Eleazer asked if the members would be selected at the November board meeting. Ms. Mettlen replied it was up to the OJRSA if they wanted to have a special meeting, but she would have the recommendations ready by the November board meeting.

Mr. Moulder asked about the questions on the recommendations. Ms. Mettlen said the City of Seneca had three (3) recommendations, the City of Walhalla had one (1) recommendation, and the City of Westminster had two (2) recommendations. Oconee County and the OJRSA only had one (1) each. Everyone gets one (1) position in the Administration. The second recommendation could be

an Operations position, and the third recommendation could be Other Staff to create a cross section. She added that she is not vetting these positions; this is up to the Member Cities.

Mr. Eleazer asked Ms. Mettlen to email the biographies to him or the board members directly when she obtains them. She said she would be glad to.

Mr. Eleazer asked for clarification as to who was going to decide on the other slots. Ms. Mettlen said she was going to vet the nominees and make her recommendations.

*No action was taken at this time.*

**6. Set Date and Location for the First Meeting of the Sewer Feasibility Implementation Ad Hoc Committee** – Ms. Mettlen said that it was up to the board if this should be decided now. Mr. Eleazer stated that he felt it would wise to select a date now as it's hard to get everyone on a schedule.

Mr. Moulder asked if this is going to be open to the public or a closed meeting. Ms. Mettlen recommended a closed meeting to do some work outside the public.

Mr. Eleazer said that if the three (3) City Administrators are on the committee, there would be a quorum of the Finance & Administration Committee. Mr. Ramey said an Executive Session could be called if need be. Mr. Moulder said that was the next question on where the location would be to have an Executive Session. Mr. Eleazer replied that he doesn't feel this qualifies for the exemptions for Executive Session.

Ms. Mettlen said everyone knows what's going to be discussed at this point, and it is what it is. Mr. Moulder said the OJRSA always maintains a transparent and accountable operation. After some discussion, Mr. Moulder suggested the date be decided upon after the members are selected. The board members agreed.

*No action was taken at this time.*

**J) Executive Director's Discussion and Compliance Matters** – Mr. Eleazer reported on the following:

**1. Hurricane/Tropical Storm Helene's Impact To OJRSA and Agency's Response** – Updates were sent out to the public for about a week's time. The OJRSA stored 10,000,000-15,000,000 gallons both on site and at Martin Creek Pump Station, plus the unknown number of gallons in the pipelines. The OJRSA contacted Mr. Paul Wilkie and Ms. Amy Towe of SCDES and made the decision to shut the plant and all the pump stations down, because the 6,000,000-gallon on site pond was full within a few inches of the top of the berm, the OJRSA was afraid of losing the dike that contains the pond, and there was no place else to keep it. The plant and pump stations were offline for approximately 24-26 hours. The OJRSA estimated (and reported) a spillage of 5.4-5.5 million gallons. It is possible it was more than that, but there is no way to determine the actual amount.

A number of the easements were under water and over the manholes. Essentially the OJRSA was pumping the creek into the plant, which filled the basins as fast as they did.

The OJRSA had an employee meeting on Friday afternoon to discuss what to do in these emergency circumstances in the future. One of the items that continues to be discussed is to raise the manholes in these low-lying areas. The manholes along Coneross Creek are in a 50-year flood elevation; however, the area has had three (3) or four (4) of these "50-year floods" in the last eight (8) years. The OJRSA needs to determine in the future whether to raise these manholes or how to make them watertight.

There was equal rainfall along the system, anywhere between 9 inches to 10-1/2 inches; however, some of the creeks (including Seneca Creek) didn't show much impact at all. This was a bad situation for the area, and everyone faced their own challenges and will be cleaning up for months; however, it could've been a lot worse.

Mr. Ramey asked if there was a count of the areas that were impacted and overflowed. Mr. Eleazer said he doesn't have the information right now but could have a count by the Operations & Planning Committee meeting.

Mr. Eleazer spoke a bit about the dam downstream that is privately owned. After the last storm, the OJRSA asked Mr. Scott Krein of Oconee Emergency Services to find out who owned the dam.

Mr. Krein located the owner, and a trigger gauge was installed on the bridge on Return Church Road for how high the creek has risen. If the creek rises to a certain level, the owner will be contacted to open the dam. In preparation for Tropical Storm/Hurricane Helene, the OJRSA requested the dam be opened a few days in advance; however, the operator said he could only open the gate halfway due to silt issues. The pond was dredged and cleaned out about twenty (20) years ago and apparently needs it again now. Mr. Moulder said their holding capacity is minimal now.

Mr. Wilkie stated that a couple other counties have raised their manhole heights and said that raising manholes is the first way to address this issue. Mr. Eleazer spoke about the OJRSA raising manholes at the Flat Rock Pump Station and about pressure in some of the manholes causing the lids to pop off.

In addition, a manhole structure at Martin Creek Pump Station also had some internal pressure causing the top to pop off, and there was an overflow. This happened early in the event. The OJRSA just completed the CCTV work in this area, and it will be assessed in the next few months.

2. **Other Environmental and Regulatory Compliance Matters** – OJRSA Regulatory Services Coordinator, Ms. Allison McCullough, sent out a notification to all the Member Cities that the Corrective Action Plan was going to be extended due to the storm and the impact it caused.
3. **Regional Feasibility Planning Study Grant Update (Exhibit E)** – In the monitoring report, Section 5, it states “The participating sewer systems include Anderson County, Seneca, Walhalla, Westminster, and West Union.” Regarding assistance for funding, it states “The efforts to act on the recommendations and organizational efforts outlined in this plan may be a consideration in evaluations of future funding requests for OJRSA and the participating systems.” What we understood at the 2022 meeting with Ms. Ammons is now in writing.

Mr. Dial questioned where it said Anderson County. Mr. Eleazer said he misspoke; it was supposed to be Oconee County.

4. **OJRSA Master Plan Consideration** – Weston & Sampson and Bolton & Menk had a recommendation that the substantial stakeholder group involved in the planning process for the Master Plan have a meeting twice a year, or at least once a year. Mr. Eleazer feels it would be worth having a meeting planned with the group once a year. Mr. Bronson asked who was in the group. Mr. Eleazer replied all the Member Cities, Oconee County, some developers, Upstate Forever, Lake Hartwell, and Friends of Lake Keowee Society (FOLKS). Mr. Eleazer suggested having this meeting in conjunction with the O&P Committee meeting during the spring. Mr. Bronson asked what the point of the meeting would be. Mr. Eleazer replied to discuss and get updates on where the OJRSA and the Member Cities are with any of the work being done. The Director added that the OJRSA paid a lot of money for the study to not heed what direction it wants to undertake. Mr. Ramey asked if there was any feedback from the Oconee County Council. Mr. Eleazer replied no and said there were recommendations in it for Oconee County as well. Ms. Mettlen said that Oconee County was told they need to do the same rate study as everybody else is doing. Mr. Eleazer said the Town of West Union was informed of the same thing.
5. **Sewer South Phase III (“Exit 4”) Project** – The plans were reviewed and approved last week. The pump station calculations and rerouting of the lines looked good. A conditional acceptance of flow for conveyance and treatment will be requested soon. Once the OJRSA receives a little more information from the SCDES Construction Permit application, Mr. Eleazer will generate the acceptance letter and give it to Oconee County who will be the owner of the system. Then Oconee County will submit the application to SCDES for the construction permit. Mr. Lee Bracket of Thomas & Hutton asked SCDES if flow was going to be assigned to this project; SCDES replied this would be a zero-flow project, and the OJRSA would assign flow allocation as it was permitted. If someone applies to connection the line, the OJRSA would assign flow to the line at that time and collect impact fees.
6. **Sewer South Phase II Update** – Moorhead Construction is to finish up the record drawings and get them submitted for review. That should be all that needs to be done to get the Permit to Operate.

The OJRSA is bypassing the Partial Permit to Operate. Mr. Eleazer is not sure where Moorhead is with the record drawings, but he hopes it will be done soon.

The Certificate for Substantial Completion will be issued once the final Permit to Operate has been received.

A few punch list items still need to be addressed; Moorhead has been out working on those and has knocked most of them out. Mr. Eleazer stated he will do a walk-through sometime next week or early the following week.

An appointment has been scheduled with the RIA to do a grant review for the funding. They will be coming in the next ten (10) days.

**7. Contract Operations for County-Owned Sewer Assets** – There is an Intergovernmental Agreement between the OJRSA and Oconee County that was executed in 2019, and it is specific that it is only for the OJRSA to operate Phase I (Golden Corner Pump Station). There will need to be an amendment to the contract. Mr. Eleazer spoke to Oconee County Administrator, Ms. Amanda Brock, about this. This will come before the board for consideration in the near future.

**8. Miscellaneous (If Any)** – The OJRSA is working with the residents of the Wexford community. Mr. Eleazer said he will attend a meeting with their neighborhood association tomorrow night. The OJRSA, the city of Seneca, and even Senator Thomas Alexander have received calls from the residents there about odor issues. The OJRSA is working with Seneca Light & Water (SL&W) to try and figure out a permanent fix. SL&W had a consultant do an assessment, and the recommendations are being put into place.

The OJRSA received a call about odor inside of a house. It ended up being caused by odor coming in through a dried-up p-trap in an unused bathroom. When the owner poured some water down the trap, the odor subsided. Odor detectors are in the manholes on the gravity line behind the residences, and there is one hanging outside that can detect up to parts-per-billion. The community is off Davis Creek Road.


Bob Faires with SL&W (also an OJRSA commissioner) is aware of the meeting and they are going to try and have someone attend the meeting.

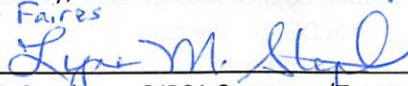
**K) Commissioners' Discussion** – Mr. Dial stated he was glad that everything came out well from the storm for the OJRSA and those in this area.

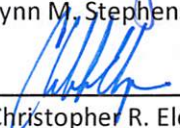
**L) Upcoming Meetings:**

- **Operations & Planning Committee** – Wednesday, October 16, 2024 at 8:30 a.m.
- **Finance & Administration Committee** – Tuesday, October 22, 2024 at 9:00 a.m.
- **Board of Commissioners** – Monday, November 4, 2024 at 4:00 p.m.
- **Sewer Feasibility Implementation Ad Hoc Committee** – *To Be Determined at November Board Meeting.*

**M) Adjourn** – Mr. Ramey adjourned the meeting at 5:14 p.m.

Approved By:   
Brian Ramey, OJRSA Commission Chair *Vice-Chair*  
*Robert Faires*

Approved By:   
Lynn M. Stephens, OJRSA Secretary/Treasurer

Approved By:   
Christopher R. Eleazer, OJRSA Executive Director



Notification of the meeting was distributed on September 13, 2024 to *Upstate Today*, *Anderson Independent-Mail*, *Westminster News*, *Keowee Courier*, WGOG Radio, WSNW Radio, City of Seneca Council, City of Walhalla Council, City of Westminster Council, Oconee County Council, SC DHEC, [www.ojrsa.org](http://www.ojrsa.org), and posted at the OJRSA Administration Building.

**\*ATTACHMENTS STARTING NEXT PAGE**



**Board of Commissioners Meeting**  
OJRSA Operations & Administration Building  
Lamar Bailes Board Room  
October 7, 2024 at 4:00 p.m.

**Agenda**

- A. Call to Order** – Brian Ramey, Board Chair
- B. Invocation and Pledge of Allegiance** – Led by Commissioner Marty McKee
- C. Public Session** – Receive comments relating to topics that may or may not be on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- D. Approval of Minutes**
- Board of Commissioners Meeting of September 9, 2024
- E. Committee and Other Meeting Reports**
- Operations & Planning Meeting of September 18, 2024 – *Canceled due to lack of agenda items*
  - Finance & Administration Meeting of September 24, 2024 – Ceila Myers, Committee Chair
- F. Secretary/Treasurer’s Report** (Exhibit A) – Lynn Stephens, Secretary/Treasurer
- G. Oconee County Government Update Regarding Matters Involving Wastewater** – Oconee County Administrator or Appointed County Representative
- H. Presentation and Discussion Items** *[May include Vote and/or Action on matters brought up for discussion]*
- Matters related to unified rate and financial cost of service study to be performed for OJRSA and all key sewer stakeholders – Angie Mettlen, WK Dickson
- I. Action Items**
1. Upon approval by the South Carolina Rural Infrastructure Authority and in conjunction with South Carolina Infrastructure Investment Program (SCIIP) grant guidelines, preauthorize the Executive Director to:
    - a. Execute a Notice to Award to Bio-Nomic Services, Incorporated in the amount \$3,376,461 for conveyance system rehabilitation services (Exhibit B); and
    - b. Execute project change orders associated with the rehabilitation of manholes and other deficiencies that will be encountered during the project with a total amount not to exceed \$700,000– Chris Eleazer, Director and Angie Mettlen, WK Dickson
  2. Approve OJRSA Resolution 2024-16 to adopt the update to the OJRSA Personnel Policy Manual (Exhibit C) – Chris Eleazer, Director
  3. Authorize Executive Director to allow the acceptance of hauled portable toilet waste from outside the OJRSA service area to assist with Tropical Storm Helene recovery efforts – Chris Eleazer, Director
  4. Authorize Executive Director to submit proposed revision of the OJRSA Sewer Use Regulation to the South Carolina Department of Environmental Services for review and approval prior to OJRSA advertising for public comment (Exhibit D) – Chris Eleazer, Director
  5. Select members for the Sewer Feasibility Implementation Ad Hoc Committee – Chris Eleazer, Director and Angie Mettlen, WK Dickson
  6. Set date and location for the first meeting of the Sewer Feasibility Implementation Ad Hoc Committee – Chris Eleazer, Director
- J. Executive Director’s Discussion and Compliance Matters** – Chris Eleazer, Director
1. Hurricane/Tropical Storm Helene’s impact to OJRSA and agency’s response
  2. Other environmental and regulatory compliance matters
  3. Regional Feasibility Planning Study grant update (Exhibit E)
  4. OJRSA master plan consideration
  5. Sewer South Phase III (“Exit 4”) project

6. Sewer South Phase II update
7. Contract operations for county-owned sewer assets
8. Miscellaneous (*if any*)

**K. Commissioners' Discussion** – Brian Ramey, Board Chair

Discussion can be related to matters addressed in this meeting or for future consideration by the Board or Committee. Voting is not permitted during this session.

**L. Upcoming Meetings** *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*

- Operations & Planning Committee – October 16, 2024 at 8:30 a.m.
- Finance & Administration Committee – October 22, 2024 at 9:00 a.m.
- Board of Commissioners – November 4, 2024 at 4:00 p.m.
- Sewer Feasibility Implementation Ad Hoc Committee – *Meeting date, time, and location to be determined at October Board of Commissioners meeting*

**M. Adjourn**





## Secretary/Treasurer's Report for Board of Commissioners

Prepared for the October 7, 2024 OJRSA Board of Commissioners Meeting

Cash and investment information stated herein come from bank and other financial records as of: September 30, 2024

### UNRESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Wholesale Operations & Maintenance (O&M)	397,001	1,960,000	2,357,001
Retail Operations & Maintenance (RO&M)	3,135,896	245,000	3,380,896
<b>TOTAL UNRESTRICTED FUNDS</b>	<b>3,532,897</b>	<b>2,205,000</b>	<b>5,737,897</b>

### RESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash (\$)	Investments (\$)	Total (\$)
Projects and Contingency (PCF)	547,541	0	547,541
Wholesale Impact Fund (WIF)	545,188	4,592,000	5,137,188
Retail Impact Fund (RIF)	0	0	0
<b>TOTAL RESTRICTED FUNDS</b>	<b>1,092,729</b>	<b>4,592,000</b>	<b>5,684,729</b>

#### Combined Total for All Funds

Cash 4,625,626      Investments 6,797,000      Combined 11,422,626

**Account Notes:**

### DAYS CASH ON HAND

Financial & Accounting Policy Section 2.10(H) states the minimum balances established for OJRSA Wholesale O&M and Retail O&M funds are 120 Days Operating Cash on Hand.

$$\text{Formula for Cash on Hand} = \frac{\text{Cash} + \text{Cash Equivalents}}{(\text{Annual Operating Expense} - \text{Depreciation}) \div 365 \text{ Days}}$$

	Cash on Hand (Days)	Annual Operating Expense minus Depreciation (\$)	Budget Amended During Fiscal Year?
O&M Fund	129.2	6,657,488	X NO YES
RO&M Fund	92.2	13,390,177	X NO YES

### INDEPENDENT RECONCILIATION OF ACCOUNTS

All transactions for all funds have been satisfactorily reconciled by an independent accounting firm for the month of August 2024 (mark with an "X" on appropriate line):  YES     NO    See attached document(s) from accountant.

**Reconciliation Notes:**

Still waiting on reconciliation letter from Susan Stamey for August reconciliations.

*See next page for more information*

### INVESTMENTS UPDATE

Maturing Investment	%age Rate	Fund Code	Maturity Date	Amount (\$)	To Be Reinvested?
Goldman Sachs	5.45	O&M	10/15/2024	245,000.00	X YES NO
Wells Fargo	5.5	WIF	10/30/2024	245,000.00	X YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO
					YES NO

**Investment Notes:**

*See additional sheets for investment information and trends*

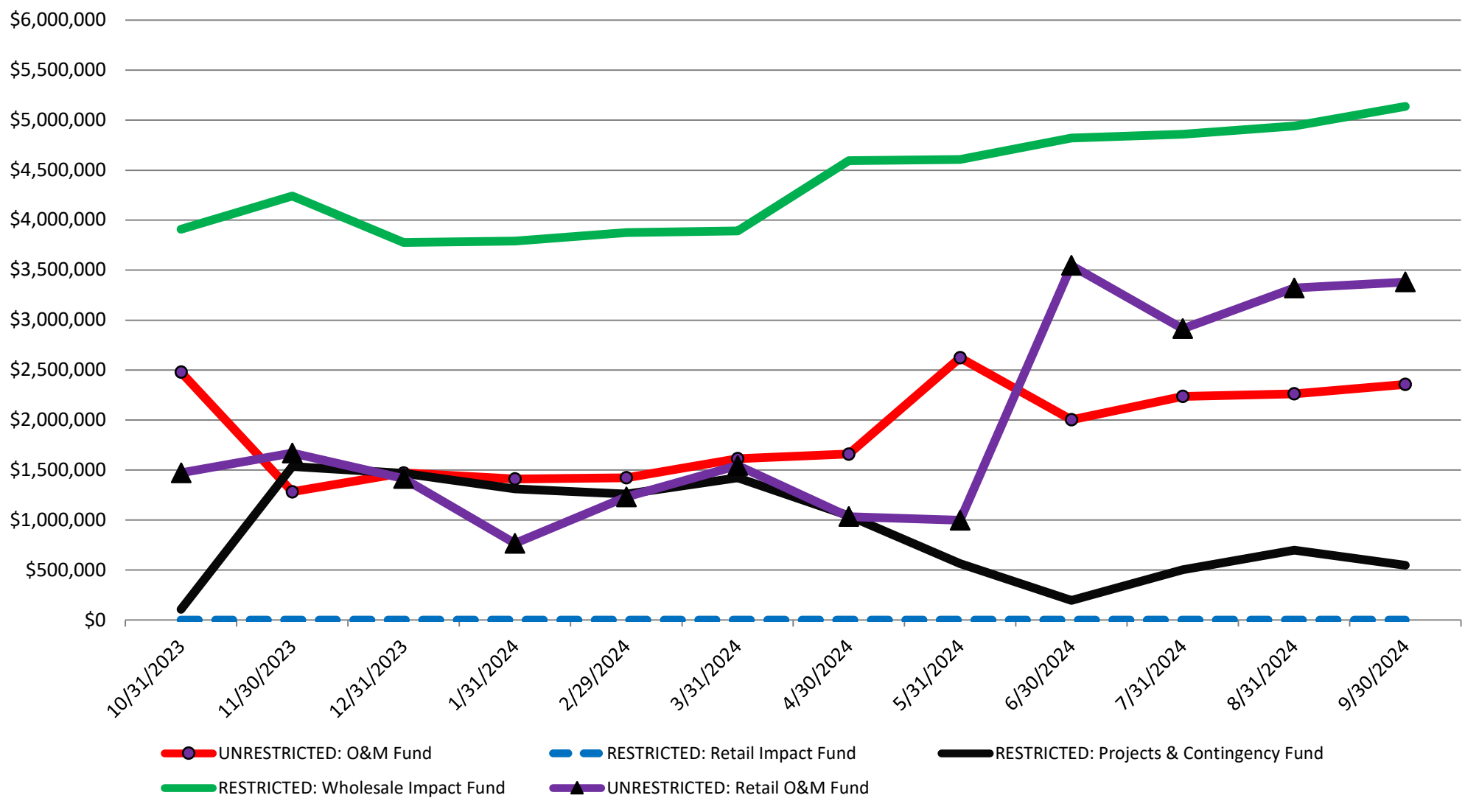
By my signature, to the best of my knowledge, I certify this report is accurate.



**Lynn Stephens**

OJRSA Secretary/Treasurer

### Combined Cash & Investments Over Last 12 Months





STANCIL  
COOLEY ESTEP  
& STAMEY, LLP

*Certified Public  
Accountants*

---

631 Bypass 123  
P. O. Drawer 1279  
Seneca, SC 29679

(864) 882-3048  
Fax 882-7489

---

602-5 College Avenue  
Clemson, SC 29631

(864) 654-4945  
Fax 654-9476

[www.scescpa.com](http://www.scescpa.com)

Sep 5, 2024

Lynn Stephens  
Oconee Joint Regional Sewer Authority  
623 Return Church Road  
Seneca, SC 29678

RE: Bank Reconciliations for OJRSA August 2024

Dear Lynn,

We have completed the bank reconciliations for the Oconee Joint Regional Sewer Authority for the month ending August 31, 2024. Copies of the bank reconciliations are attached for your review. Please contact me if you have any questions.

Sincerely,

Susan M. Stamey, CPA  
Enclosures





October 3, 2024

Chris Eleazer, MPA  
Executive Director  
Oconee Joint Regional Sewer Authority  
623 Return Church Road  
Seneca, South Carolina 29678

**RE: OJRSA Project 2024-08 Collection System Rehabilitation**  
**WKD Project Number: 20230904.00.CL**  
**Bid Tabulation and Recommendation**

Dear Mr. Eleazer:

Enclosed is the Certified Bid Tabulation for the referenced project. A total of four (4) bids were submitted. The bidders, listed in ascending order of base bid and total bid price, are Bio-Nomic Services, Inc., Southeast Pipe Survey, Inc., SAK Construction, LLC, and Insituform Technologies, LLC. All four (4) bids were found to be responsive and responsible.

One of the bids received contained minor arithmetic errors associated with the calculation of Base Bid, Additive Alternative Bid, and Total Bid. These errors did not impact the outcome of the bids and have been corrected and noted as such in the attached Bid Tabulation. All other bids received were found to be free of mathematical errors. Bio-Nomic Services, Inc. is the apparent lowest responsive, responsible bidder for both the Base Bid and Total Bid. Follow-up to references indicated Bio-Nomic Services, Inc., has completed successful projects for other sewer utilities in the past. During review Bio-Nomic Service, Inc.'s proposed subcontractor for the excavation replacement and point repair installations does not have a current WL contractors license in South Carolina. After identifying the issue, additional information was requested from Bio-Nomic Services, Inc. to address the issue. Bio-Nomic Services, Inc. verified the subcontractor will attain the appropriate South Carolina WL contractor license or they will use another excavation contractor with the appropriate WL contractor license without increase of cost to the contract. Bio-Nomic Services, Inc. South Carolina Contractor's License expires 10/31/2024 and an updated Contractor License will need to be requested by November 2024.

October 3, 2024  
Page 2

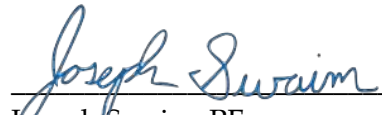
OJRSA Project 2024-08 Collection System Rehabilitation  
Recommendation of Award

Based on the results of this Bid and the information we have received at this time, I recommend Oconee Joint Regional Sewer Authority to accept Bio-Nomic Services, Inc. for the for the base bid + alternate, \$3,376,461.00.

We appreciate the opportunity to provide this service for Oconee Joint Regional Sewer Authority and we are available to address any questions you may have.

Sincerely,

**W.K. Dickson & Co., LLC.**

  
\_\_\_\_\_  
Joseph Swaim, PE  
Project Manager

Enclosures (1)

C: James Lyon, P.E. – Engineering Manager, W.K. Dickson, & Co., LLC.  
Priya Veeravalli, P.E. – Project Engineer, W.K. Dickson & Co., LLC.  
Arlene Young, Appalachian Council of Governments

**BID TABULATION**  
**OJRSA Project 2024-08 Collection System**  
**Oconee Joint Regional Sewer Authority**  
**BID DATE: September 24, 2024**  
**WKD Project No. 20230904.00.CL**

Bio-Nomic Services, Inc.  
 530 Woodlawn Street  
 Belmont, NC 28012  
 License No. 118749

Southeast Pipe Survey, Inc.  
 3523 Williams Street  
 Patterson, GA 31557  
 License No. 14421

SAK Construction, LLC  
 884 Hoff Road  
 O'Fallon, MO 63366  
 License No. 114041

Insituform Technologies, LLC  
 580 Goddard Avenue  
 Chesterfield, MO 63005  
 License No. 34909

ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	AMOUNT ON BID FORM	EXTENDED/ CORRECTED
												TOTAL
<b>General Construction</b>												
1.	Mobilization (not to exceed 6% of Base Bid)	LS	1	85,000.00	85,000.00	87,853.00	87,853.00	97,500.00	97,500.00	275,000.00		275,000.00
2.	Bonds and Insurance	LS	1	18,000.00	18,000.00	42,254.00	42,254.00	79,000.00	79,000.00	21,811.20		21,811.20
3.	Erosion and Sediment Control	LS	1	35,000.00	35,000.00	5,795.00	5,795.00	11,000.00	11,000.00	79,633.35		79,633.35
4.	Traffic Control	LS	1	35,000.00	35,000.00	5,795.00	5,795.00	27,000.00	27,000.00	89,221.75		89,221.75
5.	SCIIP Construction Sign	LS	1	3,000.00	3,000.00	3,038.00	3,038.00	3,300.00	3,300.00	9,091.15		9,091.15
6.	Bypass Pumping (above 2.0 MGD)	LS	1	193,005.00	193,005.00	134,435.00	134,435.00	41,000.00	41,000.00	126,271.50		126,271.50
7.	Temporary Wetland/Stream/Creek Crossing	EA	16	9,790.00	156,640.00	3,125.00	50,000.00	12,000.00	192,000.00	1,106.02		17,696.32
8.	Riprap Slope Stabilization	SY	800	350.00	280,000.00	98.50	78,800.00	120.00	96,000.00	188.02		150,416.00
<b>Gravity Sewer System Rehabilitation and Replacement (Project 1c, 4)</b>												
9.	Point Repairs to Gravity Sewer Main											
a	15" PVC – C900 Pipe (0'-10' deep, 40-Feet in Length) (MH 159-158)	EA	1	15,859.00	15,859.00	23,177.00	23,177.00	22,200.00	22,200.00	25,954.94		25,954.94
b	15" PVC – C900 Pipe (0'-10' deep, 20-Feet in Length) (MH 173-172)	EA	1	12,319.00	12,319.00	15,065.00	15,065.00	16,700.00	16,700.00	19,867.41		19,867.41
c	30" RCP – C900 Pipe (0'-10' deep, 40-Feet in Length) (MH 30-29)	EA	1	33,815.00	33,815.00	52,147.00	52,147.00	44,500.00	44,500.00	48,813.03		48,813.03
10	15" PVC – C905 Gravity Sewer (8'-10' Depth) (MH 161-160, MH 177-176)	LF	748	324.00	242,352.00	435.00	325,380.00	204.00	152,592.00	395.40		295,759.20
<b>11 Installation of CIPP Lining</b>												
a	15 inch CIPP Lining	LF	7835	76.00	595,460.00	106.00	830,510.00	137.00	1,073,395.00	138.04		1,081,543.40
c	30 inch CIPP Lining	LF	267	289.00	77,163.00	254.00	67,818.00	319.00	85,173.00	271.19		72,407.73
12	CIPP Product Tests	EA	27	600.00	16,200.00	456.00	12,312.00	400.00	10,800.00	325.69		8,793.63
13	Manhole Rehabilitation using cementitious liner	VF	282	305.00	86,010.00	250.00	70,500.00	333.00	93,906.00	293.09		82,651.38
14	Replace Frame and Cover	EA	1	2,000.00	2,000.00	1,391.00	1,391.00	1,330.00	1,330.00	1,651.29		1,651.29
15	Replace Manhole Cone	EA	2	4,900.00	9,800.00	3,361.00	6,722.00	5,330.00	10,660.00	4,922.88		9,845.76
16	Rebuild Bench and Invert	EA	7	720.00	5,040.00	870.00	6,090.00	1,445.00	10,115.00	635.96		4,451.72
17	Manhole Injection Grouting	GA	380	149.00	56,620.00	116.00	44,080.00	200.00	76,000.00	143.78		54,636.40
18	Exterior Parging	EA	8	386.00	3,088.00	1,275.00	10,200.00	1,110.00	8,880.00	370.51		2,964.08
19	Water Tight Manhole Lid	EA	4	2,500.00	10,000.00	1,739.00	6,956.00	1,665.00	6,660.00	1,861.43		7,445.72
20	Structural Fill (No. 57 Stone)	CY	138	103.00	14,214.00	174.00	24,012.00	110.00	15,180.00	126.08		17,399.04
21	Seeding	SY	3250	45.00	146,250.00	29.00	94,250.00	5.50	17,875.00	11.06		35,945.00
22	Clearing and Grubbing	AC	1	10,120.00	10,120.00	5,795.00	5,795.00	27,500.00	27,500.00	2,621.57		2,621.57
<b>Gravity Sewer System Rehabilitation and Replacement (Project 8)</b>												
23	Point Repairs to Gravity Sewer Main											
a	12" PVC – C900 Pipe (0'-10' deep, 40-Feet in Length) (MH 387-386)	EA	1	9,707.00	9,707.00	17,383.00	17,383.00	13,350.00	13,350.00	20,725.69		20,725.69
<b>24 Installation of CIPP Lining</b>												
a	12 inch CIPP Lining	LF	1643	62.00	101,866.00	92.00	151,156.00	123.00	202,089.00	133.04		218,584.72
b	15 inch CIPP Lining	LF	4402	76.00	334,552.00	108.00	475,416.00	123.00	541,446.00	142.39		626,800.78
25	CIPP Product Tests	EA	20	600.00	12,000.00	456.00	9,120.00	400.00	8,000.00	325.69		6,513.80
26	Manhole Rehabilitation using cementitious liner	VF	180	305.00	54,900.00	250.00	45,000.00	333.00	59,940.00	293.09		52,756.20
27	Precast Top With Manhole Ring and Cover	EA	1	5,000.00	5,000.00	2,318.00	2,318.00	6,670.00	6,670.00	5,553.32		5,553.32

**BID TABULATION**  
**OJRSA Project 2024-08 Collection System**  
**Oconee Joint Regional Sewer Authority**  
**BID DATE: September 24, 2024**  
**WKD Project No. 20230904.00.CL**

Bio-Nomic Services, Inc.  
 530 Woodlawn Street  
 Belmont, NC 28012  
 License No. 118749

Southeast Pipe Survey, Inc.  
 3523 Williams Street  
 Patterson, GA 31557  
 License No. 14421

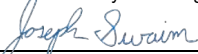
SAK Construction, LLC  
 884 Hoff Road  
 O'Fallon, MO 63366  
 License No. 114041

Insituform Technologies, LLC  
 580 Goddard Avenue  
 Chesterfield, MO 63005  
 License No. 34909

ITEM DESCRIPTION NO.	QTY	UNIT	UNIT	EXTENDED	UNIT	EXTENDED	UNIT	EXTENDED	UNIT	AMOUNT ON	EXTENDED/ CORRECTED
			PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL	PRICE	BID FORM	TOTAL
28 Rebuild Bench and Invert	EA	5	720.00	3,600.00	870.00	4,350.00	1,445.00	7,225.00	635.96		3,179.80
29 Manhole Injection Grouting	GA	200	149.00	29,800.00	116.00	23,200.00	200.00	40,000.00	143.78		28,756.00
30 Exterior Parging	EA	1	386.00	386.00	1,275.00	1,275.00	1,110.00	1,110.00	370.51		370.51
31 Water Tight Manhole Lid	EA	1	2,500.00	2,500.00	1,739.00	1,739.00	1,665.00	1,665.00	5,005.85		5,005.85
32 Replace Manhole Cone	EA	1	4,900.00	4,900.00	3,361.00	3,361.00	8,330.00	8,330.00	4,922.88		4,922.88
33 Structural Fill (No. 57 Stone)	CY	12	103.00	1,236.00	174.00	2,088.00	110.00	1,320.00	126.08		1,512.96
35 Seeding	SY	600	45.00	27,000.00	29.00	17,400.00	5.50	3,300.00	11.06		6,636.00
35 Clearing and Grubbing	AC	1	10,120.00	10,120.00	5,795.00	5,795.00	27,500.00	27,500.00	2,621.57		2,621.57
<b>Total of All Unit Price Base Bid Items</b>				<b>2,739,522.00</b>		<b>2,763,976.00</b>		<b>3,142,211.00</b>		<b>3,525,831.60</b>	<b>3,525,832.65 *</b>
<b>Unit Price Alternates Additive</b>											
<b>Gravity Sewer System Rehabilitation and Replacement (Project 9)</b>											
<b>36 Point Repairs to Gravity Sewer Main</b>											
a 8" PVC – C900 Pipe (0'-15' deep, 60-Feet in Length) (MH 266-265)	EA	1	16,874.00	16,874.00	22,018.00	22,018.00	15,600.00	15,600.00	20,705.78		20,705.78
b 8" PVC – C900 Pipe (0'-15' deep, 40-Feet in Length) (MH 264-263)	EA	1	14,349.00	14,349.00	17,383.00	17,383.00	12,000.00	12,000.00	17,639.90		17,639.90
37 8" PVC – C905 Gravity Sewer (8'-10' Depth) (MH 267-266)	LF	200	148.00	29,600.00	348.00	69,600.00	194.00	38,800.00	336.78		67,356.00
<b>38 Installation of CIPP Lining</b>											
a 8 inch CIPP Lining	LF	6349	45.00	285,705.00	62.00	393,638.00	88.00	558,712.00	125.31		795,593.19
39 CIPP Product Tests	EA	20	200.00	4,000.00	456.00	9,120.00	400.00	8,000.00	325.69		6,513.80
40 Manhole Rehabilitation using cementitious liner	VF	265	305.00	80,825.00	250.00	66,250.00	333.00	88,245.00	270.97		71,807.05
41 Precast Top With Manhole Ring and Cover	EA	1	5,000.00	5,000.00	2,318.00	2,318.00	6,670.00	6,670.00	5,005.85		5,005.85
42 Replace Manhole Chimney	EA	1	3,900.00	3,900.00	1,739.00	1,739.00	5,550.00	5,550.00	4,922.88		4,922.88
43 Rebuild Bench and Invert	EA	7	720.00	5,040.00	870.00	6,090.00	1,445.00	10,115.00	635.96		4,451.72
44 Manhole Injection Grouting	GA	60	149.00	8,940.00	116.00	6,960.00	200.00	12,000.00	143.78		8,626.80
45 Exterior Parging	EA	3	386.00	1,158.00	1,275.00	3,825.00	1,110.00	3,330.00	370.51		1,111.53
46 Structural Fill (No. 57 Stone)	CY	26	103.00	2,678.00	174.00	4,524.00	110.00	2,860.00	126.08		3,278.08
47 Seeding	SY	3750	45.00	168,750.00	29.00	108,750.00	5.50	20,625.00	11.06		41,475.00
48 Clearing and Grubbing	AC	1	10,120.00	10,120.00	5,795.00	5,795.00	27,500.00	27,500.00	2,621.57		2,621.57
<b>Gravity Sewer System Rehabilitation and Replacement (Misc)</b>											
49 Manhole 29 & 30 Rehabilitation Using Epoxy Lining	VF	22	420.00	9,240.00	754.00	16,588.00	985.00	21,670.00	361.66		7,956.52
<b>Total of All Unit Price Alternative Additive Items</b>				<b>636,939.00</b>		<b>734,598.00</b>		<b>831,677.00</b>		<b>1,059,065.40</b>	<b>1,059,065.67 *</b>
<b>Total Bid Price (Total of all Unit Base Bid plus Unit Price Additive Alternative)</b>				<b>3,376,461.00</b>		<b>3,498,574.00</b>		<b>3,973,888.00</b>		<b>4,584,897.00</b>	<b>4,584,898.32 *</b>

\*Math Error Corrected (Amount noted on Bid Tab documents incorrect due to addition)

I hereby certify that the above is a true and correct  
 (to the best of my knowledge) tabulation of bids received on September 24, 2024.



Joe Swalm, PE  
 W.K. Dickson & Co., LLC.



## RESOLUTION 2024-16

### Adoption of Personnel Policy Manual

**A RESOLUTION ADOPTING A MANUAL CONTAINING EMPLOYMENT POLICIES OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY; AND OTHER MATTERS RELATED THERETO.**

**NOW, THEREFORE, BE IT RESOLVED** by the Oconee Joint Regional Sewer Authority Commission (the "Commission"), the governing body of the Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") in a meeting duly assembled as follows:

**Section 1 Findings.** The Commission hereby makes the following findings of fact in connection with the adoption of this resolution (this "Resolution"):

- A. OJRSA was established pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "Act") by its three member-municipalities: the City of Seneca, the City of Walhalla, and the City of Westminster under the terms of an Intergovernmental Agreement dated October 31, 2007 (the "Agreement").
- B. Pursuant to the Act and the Agreement, the Commission is tasked with the management and control over the joint regional sewer system owned by OJRSA.
- C. The Commission has determined that it is in the best interest of the OJRSA to revise the December 21, 2020 Employee Handbook that establishes the rules, regulations, processes, certain benefits, and other matters that apply to employees of OJRSA, which shall be known collectively as the 2024 OJRSA Personnel Policy Manual.

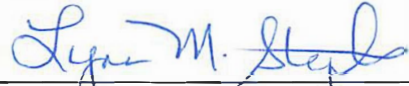
**Section 2 Adoption.** In accordance with the findings above, the Commission hereby adopts the amended and restated 2024 OJRSA Personnel Policy Manual as set forth at Exhibit A.

**Section 3 Effective Date.** The 2024 Personnel Policy Manual is effective October 8, 2024. All policies and provisions of the OJRSA Personnel Policy Manual dated December 21, 2020 are hereby repealed and are replaced by the policies and provisions in the 2024 Personnel Policy Manual. All resolutions, and all policies regardless of whether related to employment and not contained in the 2024 Personnel Policy Manual that are in conflict with the provisions of this Resolution or the 2024 Personnel Policy Manual are hereby repealed to the extent of the conflict or inconsistency or where the conflict or inconsistency is not severable from such document.

**DONE AND ADOPTED** by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 7th day of October 2024.

  
\_\_\_\_\_  
**Brian Ramey, Chair**

OJRSA Board of Commissioners

Attest:   
\_\_\_\_\_

**Lynn Stephens, Secretary/Treasurer**

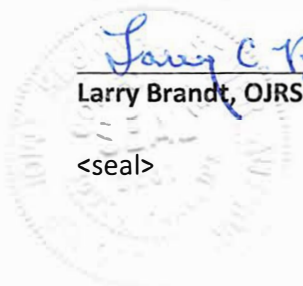
OJRSA Board of Commissioners -and-  
OJRSA Office Manager

Approved as to form:

  
\_\_\_\_\_  
**Larry Brandt, OJRSA Attorney**

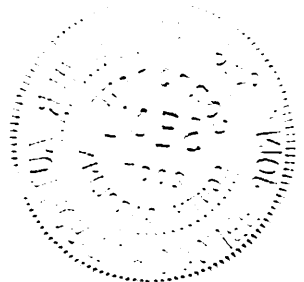
Date: 7 Oct 24

<seal>



**Exhibit A**

*Attached beginning on following page*



**DISCLAIMER**

**ALL EMPLOYEES OF OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF OJRSA’S RULES, POLICIES, HANDBOOKS, PROCEDURES, OR OTHER DOCUMENTS, INCLUDING THIS PERSONNEL POLICY MANUAL, CREATES ANY EXPRESS OR IMPLIED CONTRACT. THIS MANUAL REPLACES ANY PREVIOUSLY ISSUED POLICIES, PRACTICES, AND UNDERSTANDINGS, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NOTHING CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS IN THIS PARAGRAPH CREATES ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE IN WRITING; 2) THE DOCUMENT IS LABELED “CONTRACT”; 3) THE DOCUMENT STATES THE DURATION OF EMPLOYMENT FOR FIXED TERM; AND 4) THE DOCUMENT IS SIGNED BY THE OJRSA BOARD OF COMMISSIONERS.**

The *OJRSA Personnel Policy Manual* was APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on October 7, 2024 with an effective date of October 8, 2024.

I hereby acknowledge receipt of this OJRSA Personnel Policy Manual. I understand that it is my continuing responsibility to read and know its contents.

I have read, understand, and have the continuing opportunity to ask questions about the *OJRSA Personnel Policy Manual*.

Acknowledgement:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name





OJRSA Personnel Policy Manual  
October 8, 2024

## **DISCLAIMER**

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**OJRSA Personnel Policy Manual**  
October 8, 2024

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## **SECTION 1– DECLARATION OF POLICY**

The Oconee Joint Regional Sewer Authority (also referred to as “OJRSA”) does hereby declare the following principles to guide the personnel policies of the Oconee Joint Regional Sewer Authority:

- A. Employment with the OJRSA shall be based on merit, qualifications, and fitness, and free of personal and political considerations.
- B. Equitable incentives and conditions may be established and maintained in order to promote efficiency and economy in the operation of OJRSA facilities.
- C. The OJRSA strives to stimulate high morale by fair administration and by consideration of the rights and interests of employees, consistent with the best interests of the public and the OJRSA.
- D. Continuity of employment shall be subject to good behavior, satisfactory work performance, necessity for the work, and availability of funds.

The *OJRSA Personnel Policy Manual* (“Policy”) shall become effective in accordance with OJRSA Resolution 2024-16. All resolutions or policies (including former personnel policies, employee handbooks, etc.) that are in conflict with the provisions of this Resolution or Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

The OJRSA also has other policies that are applicable to its employees. All OJRSA policies are intended to complement and be guided by the above-listed principles, and violations of any OJRSA policy could result in disciplinary action, up to and including termination. Some of OJRSA’s freestanding policies include, but are not limited to:

- A. *Ethics Policy*
- B. *Procurement and Property Disposal Policy*
- C. *Purchasing Card Policy*

## **SECTION 2 – CORE POLICIES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY AND THE LAW**

The OJRSA provides equal opportunity to all applicants for employment and administers hiring, and all conditions and privileges of employment, such as compensation, training, promotions, transfer, and discipline without discrimination because of race, color, religion, gender, disability, genetic information, pregnancy including pregnancy related medical conditions, childbirth, or related medical conditions (including but not limited to lactation), age, military service, veteran status, or national origin. The OJRSA also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he/she has been discriminated or retaliated against in violation of this policy should report the matter to either the Office Manager or other position delegated with the Human Resources function, the Executive Director, or if necessary, the OJRSA Board Chairperson (or “Chair”).

Employment posters are located in the OJRSA Administrative and Operations Building near the timeclock.

### **2.2 REASONABLE ACCOMMODATIONS**

The OJRSA is committed to full compliance with the Americans with Disabilities Act (“ADA”), as amended, and ensures that disabled applicants and employees receive equal employment opportunities with respect to all phases, terms, conditions, and privileges of employment. In addition, the agency makes reasonable accommodations for qualified individuals with disabilities in accordance with and as required by applicable law. If you believe that you need a workplace accommodation as the result of a disability, in order for you to be able to perform the essential functions of your job, please notify the Office Manager, or other position delegated with the Human Resources

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function, or the Executive Director.

OJRSA also fully complies with and will respond to requests for reasonable accommodation for pregnancy, childbirth and related medical conditions, pursuant to the federal Pregnant Worker Fairness Act and the South Carolina Pregnancy Accommodations Act.

## **2.3 ANTI-HARASSMENT**

### **2.3.1 General**

Various laws and regulations generally prohibit employment decisions from being made based on race, gender, religion, national origin, color, age, genetic information, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), disability, or similar categories. OJRSA desires to provide a working environment in which employees are free from discomfort or pressure resulting from comments, electronic communications, jokes, ridicule, slurs, threats and all other harassing conduct either relating to such categories or simply resulting from a lack of consideration for a fellow human being.

### **THE OJRSA DOES NOT TOLERATE HARASSMENT OF ANY KIND AND FORBIDS RETALIATION AGAINST ANYONE WHO HAS REPORTED HARASSMENT IN GOOD FAITH.**

### **2.3.2 Sexual Harassment**

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, electronic, or visual conduct based on sex constitute sexual harassment when:

- A. Submission to the conduct is an explicit or implicit term or condition of employment; or
- B. Submission to or rejection of the conduct is used as the basis for an employment decision; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

## **2.4 COMPLAINT PROCEDURE AND INVESTIGATIONS**

### **2.4.1 Procedure**

If employees believe their rights as workers have been violated by anyone with whom they have come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, they must report the incident(s) immediately, but generally no later than three (3) calendar days after the incident occurred. This can be done by either of the following methods:

- A. Reporting to the supervisor or to a higher level in the "chain of command." Any potential violation of the OJRSA personnel policies made by the Executive Director should be made to the Chair of the OJRSA Board of Commissioners.
- B. Report to the OJRSA Office Manager or other position delegated with the Human Resources function.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the Office Manager or Executive Director as soon as possible.



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### 2.4.2 Investigations

All complaints and harassment allegations, whether they originate from internal or external source, will be investigated, and the investigatory process may vary from case to case. The investigation is begun as promptly as possible and conducted as expeditiously as is practical. Investigations will be conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy and the law. All employees have a responsibility both to cooperate fully with the investigation, whether the employee is the accused person, the victim of the complaint, or a witness. Persons who are interviewed are requested not to discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not make their own complaints to government agencies who enforce employee rights.

Complaints made pursuant to this policy are incredibly serious. While employees should raise legitimate good-faith concerns and complaints hereunder, employees are prohibited from making complaints or reports under this policy that the employee knows to be false.

Employees may be asked to submit to a polygraph (lie detector) examination.

To avoid misunderstandings, OJRSA may require complainants and witnesses to make a written statement summarizing the allegations and listing any witnesses to the alleged harassment..

These procedures have been established to enable the victim to get relief. The US Supreme Court has stated that as a general rule you may not sue a governmental agency for a violation of your rights unless you first give the entity notice and an opportunity to end the harassment. The reporting procedures developed are intended to establish a clear record of what has been reported.

### 2.5 RECRUITMENT

Only the Executive Director or OJRSA Board Chair shall be authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants. All supervisors shall notify the Executive Director immediately upon learning that a vacancy will occur. The Administrative Office will then take those steps as may be necessary to attract qualified applicants.

### 2.6 NEPOTISM

Definition of "Family Member" for this Policy shall include spouse, mother, father, sister, brother, daughter, son, nephew, niece, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, aunt, uncle, and first cousins. A Family Member is also considered to include step-parents, step-children, step-brothers and step-sisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant, or significant other) are treated as being within the immediate family of each other for the purposes of this policy.

Two (2) or more Family Members shall not be employed by the OJRSA if such employment will result in one (1) Family Member family being under the supervision of another member, or where one (1) member occupies a position which has direct influence and control of the other's employment, promotion, salary administration, and other related management or personnel consideration.

In emergency situations where other qualified applicants are not available for an essential task, employment of close relatives may be permitted for temporary periods not to exceed thirty (30) calendar days, with the approval of the Chair of the OJRSA Board of Commissioners. Nothing herein shall prevent the OJRSA Chair from authorizing employment of a close relative under a temporary federal manpower or similar program designed to provide work on OJRSA projects by the unemployed or disadvantaged.

The OJRSA generally will not permit two (2) employees who become involved in a romantic relationship, sexual relationship, or who establish an immediate familial relationship through marriage, to have a direct or indirect

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reporting relationship to one another within the OJRSA, nor will the agency permit either of the two (2) employees to impact or influence OJRSA decision-making regarding the other employee. OJRSA reserves its right to ask that the employees decide between themselves which of the two (2) will resign from employment with the agency should such become necessary in OJRSA's sole discretion. If, upon request, the employees fail to make and communicate this decision to the OJRSA, the agency will generally take additional steps to resolve the issue including, without limitation, separating one (1) or both of the employees from employment.

Situations not specifically addressed in this policy that, in OJRSA's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at OJRSA's discretion.

### **2.7 APPLICATION FOR APPOINTMENT**

Applicants for OJRSA employment shall apply on forms provided by the agency. OJRSA does not hold applications after the position applied for is filled. Applicants must re-apply with a new application for a subsequent position even if it is the same position that became open again after applicants' original application for that position.

### **2.8 APPLICATION PROCESS**

As determined by the Executive Director and/or OJRSA Board of Commissioners, the selection process may include one (1) or more, or all, of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or non-assembled examinations. Physical examinations and drug analysis may be required after a conditional offer of employment for such classifications as may be determined necessary.

### **2.9 BACKGROUND CHECKS**

All offers of employment at the OJRSA are contingent upon clear results of a thorough background check. Background checks may be conducted on any applicants for employment and on any employees who are promoted, as deemed necessary. Background checks typically will be conducted on all final candidates for a job offer.

Background checks may include but are not limited to:

- A. Social Security Verification: Validates the applicant's Social Security number, date of birth, and former addresses.
- B. Prior Employment Verification: Confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire.
- C. Personal and Professional References: Calls will be placed to individuals listed as references by the applicant.
- D. Educational Verification: Confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- E. Criminal History: Includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
  - 1. The nature of the crime and its relationship to the position.
  - 2. The time since the conviction.
  - 3. The number (if more than one (1)) of convictions.
  - 4. Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches may be required:

- A. Motor Vehicle Records: Provides a report on an individual's driving history in the state requested. This search will be run when driving is a requirement of the position.
- B. Credit History: Confirms candidate's credit history. This search may generally be run for positions that involve management of OJRSA funds and/or handling of cash or credit cards.

Any candidates for whom the OJRSA requires a background check must complete a Background Check Authorization Form and return it to the Office Manager, who will then order the background check upon receipt of the

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signed release form. Either internal OJRSA Administrative staff or an employment screening service will conduct the checks. A designated OJRSA representative will review all results.

The Office Manager will notify the hiring department manager regarding the results of the check. In instances where negative or incomplete information is obtained, the department manager and appropriate OJRSA administrative staff will assess the application of that information to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by the Office Manager in conjunction with the employment screening service, if applicable.

## **2.10 SELECTION OF NEW EMPLOYEES**

Original appointments to vacancies of the OJRSA shall be based upon merit and suitability for the position. In determining the most suitable applicant, the OJRSA considers such factors as education, experience, aptitude, knowledge, character, and physical and mental fitness.

The final selection of the person to fill each vacancy shall be made by the appropriate department head, with the approval of the Director. The Director must approve the selection of OJRSA employees regardless of whether such employees are regular status, part-time, temporary, and regardless of sources of funds (local, state, federal) for payment. When final selection has been made to fill a vacancy, an employee's orientation checklist shall be completed by the Administrative Office and a file copy retained in the personnel folder of the employee.

## **2.11 EMPLOYEE CLASSIFICATIONS**

### **2.11.1 Regular Full-Time Employees**

Regular Full-Time Employees are those OJRSA employees regularly scheduled to work at least thirty (30) hours in a given work week. Regular Full-Time Employees may generally become eligible for the various benefits that OJRSA provides its employees, subject to and in accordance with the applicable benefits policies, as well as applicable law. Below are the two (2) types of Regular Full-Time Employees of the OJRSA. *NOTE: Other OJRSA Employees are not considered regular, full-time employees.* Regular Full-Time Employees include:

- A. Non-Exempt Employees: These are OJRSA employees who are not exempt from, and therefore subject to, the recordkeeping, overtime, and minimum wage requirements of the federal Fair Labor Standards Act ("FLSA"). Non-exempt employees are paid based on criteria as stated in SECTION 6. **NON-EXEMPT EMPLOYEES MUST NEVER WORK OFF THE CLOCK.**
- B. Exempt Employees: OJRSA employees who are exempt from and, therefore, not subject to, the overtime and minimum wage requirements of the FLSA. However, there is an OJRSA exemption to this as stated in SECTION 6.6.

### **2.11.2 Other OJRSA Employees**

Below are the categories of Other OJRSA Employees, who are not considered to be Regular Full-Time Employees. These employees are generally ineligible for benefits the OJRSA offers to its Regular Full-Time Employees except as may be required by applicable laws or otherwise indicated. Other OJRSA Employees include:

- A. Part-Time Employees: These are OJRSA employees who are regularly scheduled to work less than thirty (30) hours during a given work week. Part-time employees are typically ineligible for the various benefits that OJRSA provides to its employees, subject to and in accordance with the applicable policies, as well as applicable law. Part-time employees are not eligible for vacation, sick, or other paid leave.
- B. Seasonal Employees: OJRSA employees who work for the agency for a limited period of time during the calendar year and, when employed, generally work forty (40) hours during a given work week are considered Seasonal Employees. Most seasonal employees hold non-exempt positions. In addition, some seasonal employees are currently eligible to receive holiday pay; however, they do not accrue vacation, sick, or other paid leave.
- C. Apprentices, Cooperative Education ("Co-op") Workers, and Interns: These workers are generally employed with the OJRSA to work during designated educational rotations while also enrolled in college and receiving

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course credit, educational credit, or fulfilling a training requirement.

1. Apprentices typically shall not work more than thirty (30) hours a week.
2. Some Co-Ops may work forty (40) hours a week or more. Co-Ops and Interns are generally ineligible for benefits the OJRSA offers to its Regular Full-Time Employees except as may be required by applicable law.

## **2.12 TEMPORARY APPOINTMENTS**

In the absence of an appropriate list for filling of temporary or seasonal positions and temporarily in the case of emergencies, vacancies may be filled by temporary appointments by the agency. Such temporary appointments shall have a maximum duration of twelve (12) months. No temporary appointment shall be construed to confer tenure of regular status of employment upon the temporary employee, and any temporary appointment may be terminated at any time by the Executive Director and/or OJRSA Board of Commissioners.

## **2.13 PROBATIONARY PERIOD**

All new employees, including former employees who have been rehired, are considered to be on probation for the first six (6) months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for the job. This period is not a guarantee of employment for six (6) months. If the department head concludes at any time that the employee is not suited for the position, the employee may be terminated or may be placed on extended probation if approved by the Executive Director. The probation period ends successfully when the department head, not sooner than six (6) months after the employee was hired, evaluates the new employee in writing and authorizes the classification change to regular status.

## **2.14 REGULAR STATUS**

Employees who have satisfactorily completed at least six (6) months of continuous service with OJRSA shall be granted regular status. Regular status employees are entitled to all benefits and privileges provided by the OJRSA for its employees.

## **2.15 PERFORMANCE EVALUATIONS**

The OJRSA may conduct performance evaluations at any time it deems necessary or beneficial. Performance evaluations may be done annually on or around the end of the organization's Fiscal Year, and may be done at any other time including but not limited to at the end of the employee's probationary period and as a result of disciplinary action. A performance evaluation may include a performance improvement plan. (Fiscal Year shall mean the definition as stated in the current version of the *OJRSA Financial and Accounting Policy*.)

If an employee is out for more than thirty (30) days during the year, their evaluation will be advanced.

## **2.16 SEPARATION FROM EMPLOYMENT**

To resign in good standing, an employee must submit written notice of resignation at least two (2) weeks in advance of the date of such resignation to his/her Department Manager. An employee must work the notice period. The failure to do so will normally result in a denial of re-employment and denial of payment for accrued leave. However, upon determination by the Executive Director that exceptional circumstances existed which warranted the failure to provide such notice, the Department Manager may nevertheless enter such resignation as one in good standing. Department Managers, immediately upon receipt of notices of resignation, will forward the notice to the OJRSA Office Manager.

The requirement for this two (2) week notice may be waived by the Executive Director, in his/her discretion, based upon the needs of the organization.

## **2.17 ABOLISHMENT OF POSITION**

A position may be abolished, or the number of personnel reduced by the OJRSA for reasons of economy, reorganization, or other reasons. The OJRSA may reassign any affected regular employees to another position within the agency for which the employee may be qualified. If no such position is available immediately, the name of the affected employee shall be kept on file and he/she may be offered employment should a vacancy occur in a position

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for which they are qualified.

### **2.18 EXIT INTERVIEWS**

All departing, regular employees will be asked to participate in an exit interview. Exit interviews may also be conducted with employees who are transferring between departments.

Employees may be asked to complete a written questionnaire and given the opportunity to take part in a face-to-face interview, lasting approximately thirty (30) minutes.

The interview is typically conducted during the final week of employment. The Office Manager or Executive Director will conduct all exit interviews with departing employees. Another individual may attend (to take notes or provide support to the interviewer), but the employee's direct supervisor typically will not be present. Generally, at least one (1) of the interviewers will take notes during the session, and the exit interview questionnaire will be used to guide the interview in order to ensure consistency of information gathered in each interview.

There may be instances where individuals who should be invited to participate in an exit interview are overlooked. Managers and the agency's Administrative Department will need to be vigilant to ensure that these opportunities to gain valuable information are not missed.

### **2.19 GRIEVANCE AND APPEALS**

When an employee feels they have not been treated fairly or consistently related to their employment, he/she may ask for a grievance or appeals meeting with the Executive Director. The request for a meeting shall be made in writing to the Director within ten (10) working days of when the incident giving rise to the grievance occurred.

Grievances and appeals can include, but are not necessarily limited to dismissal, promotion of others, and demotions. Compensation (including merit pay), evaluations, and oral reprimands are not grounds for consideration under the Grievance and Appeals policy.

If a meeting is granted, the Executive Director will hear the case from the employee. He/she will also listen to the counter arguments from others involved, such as supervisors and witnesses. Following the conclusion of the meeting, the Director will issue a decision, which will be binding and cannot be further appealed.

## **SECTION 3 – SAFETY AND GENERAL MEDICAL**

### **3.1 SAFETY**

Safety is a core value of the OJRSA and the agency firmly believes that all workplace incidents are preventable. It is essential that employees follow safety directives to provide for their safety as well as that of others. Failure to abide by these rules and guidelines may result in the disciplinary actions up to and including termination.

Most safety, security, and injury-related items can be found in the current versions of the following manuals (if applicable):

- A. *OJRSA Safety Manual*
- B. *OJRSA Emergency Action Plan*
- C. *OJRSA Process Safety Management Program*
- D. *OJRSA Risk Management Plan*

### **3.2 NON-WORK INJURIES AND ILLNESSES**

If an employee is placed on work restrictions from an incident that did not occur while working, the Work Status/Return to Work Form provided by the physician should be provided to the employee's supervisor and Office Manager prior to beginning work. The supervisor and Executive Director will consider if the noted restrictions can be accommodated for the duration noted on the form.

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### **3.3 WORKING WHILE UNDER MEDICAL CARE**

Once treated by a physician, the injured employee will receive a Work Status/Return to Work Form from the healthcare provider. Employees are prohibited from returning to work before they are released by a healthcare provider. The form must be provided to the Office Manager in order to be cleared to return to work.

If restrictions are noted, the employee's department director, Office Manager, and/or Executive Director must decide if those restrictions can be accommodated to allow the employee to perform his/her essential job functions for the duration noted on the form. OJRSA will attempt to work with the employee to accommodate the restrictions in the employee's current position, if possible, but the agency will not create work in order to accommodate the restrictions.

It is the responsibility of the injured employee to attend all re-examinations and treatments as prescribed by the applicable healthcare provider.

If the restrictions can be accommodated, the supervisor shall ensure the employee understands they are responsible for complying with all restrictions.

If it is not possible to accommodate the restrictions in the employee's position, OJRSA will attempt to find other work for the employee, so long as such work is available and the employee is qualified to perform the work, before considering alternative accommodations when required by applicable law

If the restrictions cannot be reasonably accommodated, the employee must not return to work until restrictions have been lifted by the healthcare provider. A doctor's statement must be provided to OJRSA excusing him/her from work.

### **3.4 ILLNESSES, INJURY, OR EXPOSURE TO CONTAGIOUS DISEASES**

An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (e.g., flu, measles, etc.) must report this exposure to his/her supervisor prior to reporting to work, even if the employee is not experiencing symptoms and should follow any instructions from his/her healthcare provider regarding returning to work. In the absence of advice or direction from the employee's healthcare provider, OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.

Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor in accordance with SECTION 3.3. If in OJRSA's sole opinion, it does not appear that the employee can safely perform his job, he/she will be sent home pending further determination. See SECTION 7.2.3 for agency's Sick Leave policy.

#### **IF AN EMPLOYEE SHOWS OBVIOUS SIGNS OF ILLNESS OR INJURY WHILE AT WORK, THEN THE OJRSA RESERVES THE RIGHT AND MAINTAINS THE AUTHORITY TO:**

- A. Send the employee home using the appropriate leave for which they are entitled, and
- B. In certain cases, require the employee to see a qualified healthcare provider prior to returning to work.

### **3.5 CONCEALED AND OTHER WEAPONS**

Concealable weapons are not allowed on OJRSA property, vehicles, or work sites, regardless of whether the person holds a valid permit to carry (open or concealed) firearms. In addition, employees may not bring tasers, pepper spray, explosives (including fireworks), or similar weapons to the workplaces. Knives, other than pocketknives, are also prohibited.

### **3.6 PERSONAL PROTECTIVE EQUIPMENT**

The best way to reduce hazards is through engineering, work practices, and controls at the source; however, it is

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not always possible to control risks through these methods. When it is necessary for staff to wear personal protective equipment (“PPE”), it will be provided by the agency by either: (1) Issuance of PPE by OJRSA or (2) PPE Allowance and Reimbursement Program, both of which are described within this section.

**3.6.1 Issuance of PPE by OJRSA**

The OJRSA stocks and issues most PPE that is necessary for employee safety. Items such as gloves, air-purifying respirators, hearing protection, safety glasses, hard hats, and high-visibility clothing are issued on an as-needed or as requested basis by the OJRSA. Employees can obtain PPE from the supply room, supervisor, Regulatory Services Coordinator, or Office Manager, as appropriate. More information about PPE can be found in the *OJRSA Safety Manual*.

**3.6.2 PPE Allowance and Reimbursement Program**

For PPE that is necessary (or in some cases not necessary but encouraged) but requires a custom fit or prescription, the agency will provide an allowance for such equipment. Staff that work in safety sensitive positions as defined in the OJRSA Safety Manual are eligible for reimbursement on purchases for items that qualify for the PPE Allowance and Reimbursement Program. Table 1 details the items covered by this program, the amount that is provided, and any notes or restrictions. The amount stated is the maximum amount the OJRSA will cover for expenses. If employees spend less than the maximum amount, they will only be reimbursed for the actual cost of the covered items.

*Table 1: PPE items eligible for reimbursement by OJRSA*

<b>PPE Item</b>	<b>Maximum Amount</b>	<b>Frequency</b>	<b>Notes or Restrictions</b>
<b>Safety Boots/Shoes</b>	\$160	Annually based on employee’s date of hire	Must meet OSHA requirements as defined in 29 CFR 1910.136 (Personal Protective Equipment—Foot Protection). The employee must provide the Office Manager with a receipt and proof the safety boots/shoes meet the minimum OSHA requirements in order to receive reimbursement.
<b>Prescription Safety Glasses</b>	\$200	Biennially based on employee’s date of hire	The OJRSA will not pay for the eye exam. Must meet OSHA requirements as defined in 29 CFR 1910.133 (Personal Protective Equipment—Eye and Face Protection). The employee must provide the Office Manager with a receipt, proof the prescription safety glasses meet minimum OSHA requirements, and a copy of the prescription in order to receive reimbursement.

All reimbursements shall be made to the employee via check after providing documentation to the Office Manager.

**SECTION 4 – STANDARDS OF EMPLOYEE CONDUCT**

**4.1 EMPLOYEE CONDUCT**

**4.1.1 General**

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline that may be imposed includes but is not limited to oral reprimand, written warning, probation, reduction of leave balances, suspension without pay, demotion and discharge. In addition, OJRSA may procedurally suspend an employee without pay pending investigation to determine if disciplinary action is appropriate. If OJRSA determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, OJRSA may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE OJRSA AND MAY INCLUDE ANY LEVEL OF DISCIPLINE FOR A FIRST OFFENSE INCLUDING TERMINA-**

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**TION OF EMPLOYMENT. NOTHING IN ANY OF THE OJRSA'S POLICIES OR BY ANY PAST PRACTICE OF OJRSA REQUIRES OJRSA TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE.** Supervisors and department directors must submit terminations to the Executive Director for review prior to administrating to the employee.

Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. If an employee refuses to sign the document, he/she will be relieved of duty without pay. If he/she does not sign the document by 5:00 p.m. at the end of his/her next scheduled workday, he/she will be presumed to have resigned.

#### 4.1.2 Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any misconduct is at the sole discretion of the OJRSA. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including discharge.

**OJRSA RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD TO THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

Examples include, but are not limited to:

- A. Failure to act professionally, reasonably, or responsibly, or conduct that could reflect negatively on OJRSA
- B. Failure to follow legal and regulatory requirements, including reporting requirements
- C. Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the OJRSA's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the OJRSA's determination on continued employment.
- D. Incompetence
- E. Unauthorized absence or tardiness or a pattern of absenteeism or tardiness
- F. Insubordination, including disrespect for authority, or other conduct that tends to undermine authority
- G. Failure or refusal to carry out instructions
- H. Unauthorized possession or removal, misappropriation, misuse, destruction, theft, or conversion of OJRSA property or the property of others
- I. Violation of safety rules, neglect, engaging in unsafe practices
- J. Interference with the work of others
- K. Threatening, coercing, or intimidating fellow employees, including "joking" threats
- L. Dishonesty
- M. Failure to provide information, falsifying OJRSA records, or providing falsified records to OJRSA for any purpose
- N. Failure to report personal injury, incident, accident, near miss, or property damage
- O. Failure to report a moving violation while operating OJRSA vehicle or equipment or while operating personal vehicles on OJRSA time and/or property
- P. Failure to secure OJRSA property, vehicles, or other sites
- Q. Neglect or carelessness
- R. Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on OJRSA property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is "under the influence" if he/she has any detectable amount of any such substance in his system.
- S. Unsatisfactory performance
- T. Violation of OJRSA policies
- U. Lack of good judgment
- V. Any other reason that, in the OJRSA's sole determination, warrants discipline

#### 4.2 DRUG-FREE WORKPLACE

Employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the



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influence of alcohol, illegal drugs, or improperly used controlled substances. For purposes of this policy, “under the influence” means having any detectable amount of any such substance in the employee’s system.

Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors and the OJRSA Leadership Team will determine whether an employee may continue to work while using the medication.

### **4.3 EMPLOYEE SUBSTANCE ABUSE AND TESTING**

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, morale, and productivity. Furthermore, it is the policy of OJRSA to comply with the state and federal Drug Free Workplace Acts, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and the use of controlled substances on or off the job.

For these reasons, OJRSA adopts the following policy:

#### **4.3.1 General Rule**

All employees of OJRSA are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. This prohibition applies to use at any time, both on the job and off the job. OJRSA employees are permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the influence of alcohol, illegal drugs, legal substances that cause cognitive impairment, or improperly used controlled substances. For purposes of this policy, “under the influence” means having any detectable amount of any such substance in the employee’s system. Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors. OJRSA will determine whether an employee may continue to work.

All employees of OJRSA are prohibited from using or possessing alcoholic beverages on OJRSA premises or time. (The term “OJRSA premises or time” includes: OJRSA vehicles and private vehicles on OJRSA premises; parking lots and recreation areas; and any circumstances in which an employee is representing OJRSA, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The Executive Director may approve moderate alcohol use at designated social or business functions.

These prohibitions also apply to all persons employed by OJRSA, those persons working on OJRSA’s behalf but employed by another entity, and those persons working on OJRSA property.

#### **4.3.2 Prescribed Medication Use**

An employee taking prescribed medication which may affect his/her ability to perform their job is required to advise their supervisor. OJRSA will determine whether and how the employee may continue to work without posing a safety risk to themselves, their co-workers, or others.

#### **4.3.3 Applicants for Employment**

All offers of employment are conditioned upon the applicant passing a drug test. OJRSA will not hire anyone who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances or the illegal use of authorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he/she can demonstrate that they are no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant’s expense.

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#### 4.3.4 Current Employees

Department of Transportation (“DOT”) regulated employees (those with a Commercial Driver’s License, or “CDL”) are subject to special rules for Substance Abuse and Testing addressed in a separate section within this Policy.

All OJRSA employees are subject to drug and alcohol testing by any method (e.g. urinalysis, hair, blood, breathalyzer) where “particularized suspicion” of drug or alcohol use in violation of this policy exists.

#### 4.3.5 Particularized Suspicion and Post-Accident Testing

Particularized suspicion testing is conducted upon the approval of the Executive Director or his/her designee.

Particularized suspicion is deemed to exist when:

- A. Information that an employee has used drugs, alcohol, or substances in violation of this policy is provided by a reliable source;
- B. An accident occurs. “Accident” is defined as:
  1. an accident involving a fatality;
  2. an accident causing personal injury; or
  3. an accident involving property damage.
- C. An employee exhibits any behaviors or other indicators of being under the influence of drugs or alcohol, including the following:
  1. extreme mood swings;
  2. slurred speech;
  3. unusual clumsiness;
  4. staggering;
  5. dilation of pupils or bloodshot eyes;
  6. sleeping on the job or lethargy;
  7. excessive unexplained sweating;
  8. other aberrational behavior;
  9. odors;
  10. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.;
  11. an employee has been arrested for or convicted of a violation of drug laws; or
  12. an employee has tested positive for drugs or otherwise violated this policy within the past five (5) years.
- D. An employee has admitted violating OJRSA’s Substance Abuse and Testing Policy;
- E. An employee is arrested for or convicted of a drug or alcohol related offense;
- F. An employee has tested positive in violation of this policy, or otherwise violated this policy, within the past five (5) years.

All employees who are required by their jobs to possess a CDL or employees whose jobs OJRSA regards as “safety-sensitive” are subject to random testing to determine compliance with this policy. A list of safety sensitive positions is listed in SECTION 4.3.15. Random selection testing is unannounced.

Employees may be tested under this policy as part of any “fitness for duty” physical examination mandated by federal/state law or by OJRSA, for follow-up testing after violation of this policy for up to twenty-four (24) months, or as otherwise allowed by law. The OJRSA may administer the types of tests as stated in Table 2.

*Table 2: Current employee drug and alcohol testing circumstances*

<b>Type of Test</b>	<b>Drugs</b>	<b>Alcohol</b>
Pre-employment	Yes	Optional with employer
Random	Safety Sensitive Positions	Safety Sensitive Positions
Reasonable Suspicion	Yes	Yes

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Post-Accident	Yes	Yes
Return to Duty	At OJRSA's discretion	At OJRSA's discretion
Follow-up	Yes	Yes

Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate or substitute test samples, or interfere with the testing procedures, are in violation of this policy and subject to disciplinary action, up to and including termination. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount the needed specimen, failure to undergo a medical examination to evaluate your ability to provide an adequate amount of specimen, or failure to sign a required certification form.

#### 4.3.6 Testing

Testing will be performed as follows:

##### A. Drug testing

1. Drug testing will be by urinalysis, hair sample, or other generally accepted means.
2. The collection of urine samples is performed under reasonable and sanitary conditions.
3. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule. In addition, direct observation will be used in DOT-mandated testing for DOT-regulated employees when allowed or required by DOT regulations.
4. Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
5. Specimens may be checked for the following six (6) substances and possibly others:
  - a. Amphetamines
  - b. Barbiturates
  - c. Cocaine
  - d. Marijuana/Cannabinoids
  - e. Opiates
  - f. Phencyclidine
6. Other possible drugs that may be tested for include, but are not limited to: Benzodiazepines, Propoxyphene, Methadone, and Oxycodone
7. NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.
8. Applicants and employees are provided an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
9. Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry ("GCMS") or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer is conclusive for all employment-related purposes.
10. OJRSA's Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies OJRSA.
11. A positive-dilute result is treated as positive. A negative-dilute result will result in a retest. Absent sat-

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isfactory explanation, a second negative-dilute result may result in the test being considered adulterated. Dilute test results in DOT-mandated tests will be handled according to DOT regulations.

**B. Alcohol Testing**

1. A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by OJRSA, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. OJRSA uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. OJRSA reserves the right to utilize blood testing for non-DOT alcohol tests.
2. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
3. The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)
4. A confirmatory test result generated through the use of an EBT or blood test which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

**4.3.7 Notice to Employees**

OJRSA attempts to distribute to all employees a copy of this Employee Substance Abuse and Testing Policy. Additional copies of this are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

**4.3.8 Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities**

As a condition of employment, employees agree to notify OJRSA within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. OJRSA will notify all state and federal grantors/contracting agencies of such employee convictions within ten (10) days, or as the requirements by the state and federal Drug Free Workplace Acts, which may change from time-to-time. ("Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.)

OJRSA will notify law enforcement authorities whenever illegal drugs are found in the workplace.

**4.3.9 Consequences of Violating the Substance Abuse Policy**

**EMPLOYEES WHO VIOLATE THIS POLICY ARE SUBJECT TO IMMEDIATE TERMINATION OF EMPLOYMENT.** In lieu of terminating an employee, OJRSA may in its sole discretion condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of an alcohol or drug counseling/rehabilitation program.

If the OJRSA, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:

- A. Referral of the employee for alcohol or drug abuse counseling;
- B. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;
- C. Requiring the employee to authorize any rehabilitation facility to report periodically to OJRSA during the course of treatment/counseling;
- D. Placing the employee on probation for at least six (6) months following the employee's return to duty; *and*
- E. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five (5) years.

An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is

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in violation of this policy and subject to immediate termination.

An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to immediate termination.

**4.3.10 Coming Forward with Substance Abuse Problems**

Employees, other than sworn law enforcement officers, who have substance abuse problems and report them to OJRSA before being selected for testing, and before the occurrence of an event which normally would result in testing, in OJRSA's sole discretion may upon the first violation be subject to Parts (B) through (E) of SECTION 4.3.9 of this Policy (CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY) in lieu of termination.

An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of OJRSA, is subject to immediate termination if he/she again either admits to or is otherwise found to be in violation of this policy.

**4.3.11 Confidentiality**

Any alcohol or drug test results or information supplied by employees and applicants as part of OJRSA's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy.

**4.3.12 Testing Costs**

OJRSA is responsible for the costs of all drug tests to which OJRSA requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Parts (B) through (E) of SECTION 4.3.9 of this Policy (CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY) and is solely responsible for the cost of all follow-up tests.

**4.3.13 Notification of Test Results**

Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within sixty (60) days of being notified of the disposition of the employment application.

Employees are notified of the results (including the drug(s) discovered) of all positive drug tests.

**4.3.14 Drug, Alcohol, and Other Treatment Services**

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, OJRSA has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

The OJRSA has also made available to its employees an Employee Assistance Program ("EAP"). The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. OJRSA's EAP is coordinated through the Office Manager, who also has information available about the program.

The South Carolina Department of Alcohol and Other Drug Abuse Services ("DAODAS") is a state government agency that assists with local substance abuse organizations that provide prevention, treatment, and recovery services. Contact information for DAODAS and others are listed in Table 3.

*Table 3: Employee assistance contacts*

S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS)	864-882-7563 Oconee Office 803-896-5555 (8am-5pm)	<a href="http://www.daodas.sc.gov">www.daodas.sc.gov</a>
Alcoholics Anonymous	864-233-6446 (24 hours)	<a href="http://www.upstateintergroup.org">www.upstateintergroup.org</a> <a href="http://www.aa.org">www.aa.org</a>

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Narcotics Anonymous	864-282-0109 (24 hours) 818-773-9999	<a href="http://www.crna.org">www.crna.org</a> <a href="http://www.na.org">www.na.org</a>
U.S. Substance Abuse and Mental Health Services Administration	800-662-HELP (4357) (24 hours)	<a href="http://www.samhsa.gov">www.samhsa.gov</a>
National Council on Alcoholism and Drug Dependence	800-622-2255 (24 hours)	<a href="http://www.ncadd.org">www.ncadd.org</a>
S.C. Department of Mental Health Mobile Crisis Hotline	833-364-2274 (24 hours)	osp.scdmh.org
National Suicide & Crisis Lifeline	988 (call or text 24 hours a day) 800-273-TALK (8255) (24 hours)	www.988lifeline.org <a href="http://">http://</a>

Periodically, OJRSA may make information regarding substance abuse available to employees. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

#### 4.3.15 Safety Sensitive Positions Subject to Random Testing

Below is a list of the current positions at OJRSA that are considered safety sensitive, but OJRSA may designate existing or new positions as safety-sensitive for purposes of this policy in its sole discretion:

- A. Individuals whose position requires them to hold a commercial driver's license (CDL)
- B. Fire suppression or rescue personnel
- C. Equipment operators
- D. Wastewater and water treatment operators
- E. Mechanics, electricians, and maintenance personnel
- F. Individuals whose position requires them to enter confined spaces, work with chemicals, perform hot work, and other OSHA-regulated tasks
- G. Laboratory technicians
- H. Sample collectors

#### **4.4 DRUG AND ALCOHOL TESTING FOR CDL DRIVERS**

The United States Department of Transportation's ("DOT") Federal Motor Carrier Safety Act Regulations require regulated employers to provide covered employees with information about OJRSA's drug and alcohol testing program for operators of Commercial Motor Vehicles ("CMV"). This policy is intended to follow, at a minimum, the DOT's drug and alcohol testing requirements, and is supplemented by the DOT's testing procedures that are not fully included in this policy. This policy will automatically change to conform to any changes in the DOT's requirements that may occur from time to time or pursuant to any third-party vendor's recommendations as to testing best practices.

##### 4.4.1 Acronyms

BAC	Blood Alcohol Concentration
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
DOT	United States Department of Transportation
EBT	Evidential Breath Testing
GVW	Gross Vehicle Weight
MRO	Medical Review Officer
SCDMV	South Carolina Department of Motor Vehicles

##### 4.4.2 Contact Person

If employees have any questions about this information or the agency's drug and alcohol policies, the OJRSA Board of Commissioners has designated the Office Manager to answer any questions.

##### 4.4.3 Affected Employees

All employees who are required to have a Commercial Driver's License ("CDL") and who may operate a CMV on

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behalf of OJRSA are subject to this policy. A CMV is any motor vehicle meeting any one of the following conditions::

- A. A gross combinations weight rating of twenty-six thousand and one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight (GVW) of more than ten thousand (10,000) pounds;
- B. A GVW rating of twenty-six thousand and one (26,001) or more pounds;
- C. Is designed to transport sixteen (16) or more passengers; or
- D. Is designed to carry hazardous materials which require the vehicle to display a hazardous materials placard.

There are limited exemptions to the testing requirements. The designated OJRSA Contact Person as stated in this document can provide a list of these exemptions and provide the determination as to whether an employee meets the exemptions listed in 49 CFR 382.103 of the law.

#### 4.4.4 Safety Sensitive Functions

A driver of a CMV is performing a safety sensitive function at all times while conducting the following:

- A. At an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier (waiting to be dispatched);
- B. Inspecting equipment relating to the operation of the CMV or servicing or conditioning any CMV;
- C. Driving the CMV;
- D. In or on a CMV;
- E. Loading or unloading a CMV;
- F. Repairing, obtaining assistance, or attending to a disabled vehicle.

#### 4.4.5 Prohibited Conduct

A driver shall not:

- A. Report for or remain on duty with a Blood Alcohol Concentration ("BAC") of greater than or equal to four-hundredths ( $\geq 0.04$ );
- B. Perform functions defined within SECTION 4.3.15 (SAFETY SENSITIVE FUNCTIONS) with a BAC of greater than or equal to two-hundredths ( $\geq 0.02$ ) or higher;
- C. Use alcohol while on duty;
- D. Perform functions defined within the "Safety Sensitive Functions" section of this policy within four (4) hours of using alcohol;
- E. Use alcohol within eight (8) hours following an accident requiring a test or until a post-accident test is completed (whichever occurs first);
- F. Use controlled substances except when the use is pursuant to the instructions of a trained medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. (This prohibition applies at any time, whether the employee is on or off the job.); and
- G. Report for or remain on duty if the driver tests positive for drugs.

#### 4.4.6 Mandatory Inquiries

OJRSA is required by Federal Regulations to request information from previous DOT regulated employers who have employed a driver during any period during the two (2) years before the date of a driver's application with the OJRSA. The agency must request the following:

- A. Alcohol tests with a BAC result of four-hundredths (0.04) or higher;
- B. Verified positive drug tests;
- C. Refusals to be tested (including verified adulterated or substituted drug test results);
- D. Other violations of DOT drug and alcohol testing regulations; and
- E. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the successful completion of DOT return-to-duty requirements as found in 49 CFR 382.309 (including follow-up tests). If the previous employer does not have information about the return-to-duty process, we must seek to obtain this information from the driver.

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The OJRSA must also ask the applicant if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer for whom the employee applied for and did not obtain safety sensitive DOT-covered work during the past two (2) years. Applicants who respond in the affirmative may not be employed in safety sensitive duties until the completion of a successful return-to-duty process.

#### **4.4.7 Testing**

The Federal Motor Carrier Safety Regulations require a driver to submit to drug and alcohol tests under the circumstances as listed in Table 4.

*Table 4: CDL drug and alcohol testing circumstances*

<b>Type of Test</b>	<b>Drugs (urine)</b>	<b>Alcohol (breath)</b>
Pre-employment	Yes	Optional with employer
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-accident	Yes	Yes
Return to Duty	Yes	Yes
Follow-up	Yes <sup>1</sup>	Yes <sup>1</sup>

Testing will be performed as follows:

- A. Pre-employment Testing: Employees hired to fill positions which require a CDL will submit to a drug test prior to commencing work in the position.
- B. Random Testing
  1. Regulations require random testing of CDL holders at a twenty-five percent (25%) annualized rate for drugs and a ten percent (10%) annualized rate for alcohol. (Unless a different rate for the year is published by the Federal Motor Carrier Safety Administration.) Thus, an employer with forty (40) CDL holders is required to conduct at least ten (10) random drug tests and four (4) random alcohol tests annually. These tests will be spread throughout the year. Random alcohol tests are conducted just before, during, or just after an employee performs safety-sensitive function.
  2. The OJRSA participates in a CDL drug testing consortium administered by a third-party.
- C. Reasonable Suspicion Testing: A driver must submit to a drug and/or alcohol test if the employer has reason to believe he/she has violated the prohibitions set forth in the section entitled "Prohibited Conduct" within this policy. The regulations provide that a reasonable suspicion determination must be based on specific, contemporaneous observation of the driver's appearance or behavior by a supervisor trained in the detection of probable alcohol and/or drug use. However, independent authority permits employers to test in other circumstances which create reasonable suspicion.
- D. Post-Accident Testing: A driver must submit to both drug and alcohol tests when he/she is involved in an accident involving a CMV where:
  1. There is a fatality; or
  2. The driver received a citation [within eight (8) hours (for alcohol) or thirty-two (32) hours (for drugs)] for a moving violation arising from an accident including a commercial vehicle and including either of the following:
    - i. Bodily injury to any person necessitating immediate medical treatment away from the scene of the accident; or
    - ii. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  3. NOTE: The above two (2) circumstances are the minimum regulatory requirements; however, OJRSA may require post-accident testing in other circumstances as stated in the current version of the OJRSA Personnel Policy Manual.

<sup>1</sup> As required by a qualified Substance Abuse Professional.



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- E. Return-to-Duty and Follow-up Testing: A return-to-duty test will be required when a driver who has been determined to have engaged in prohibited conduct is permitted to return to duty after complying with education and/or treatment prescribed by the qualified Substance Abuse Professional. Follow-up testing shall normally be at the direction of a qualified Substance Abuse Professional.

#### 4.4.8 Refusal to Submit to a Test

Federal Regulations provide that a driver who refuses to submit to a test must, at a minimum, be removed from performing safety sensitive functions. Refusal to submit to an alcohol or controlled substance test includes:

- A. Failure to appear for the test;
- B. Failure to remain at the test site until the testing process is complete;
- C. Failure to provide a urine, breath, or saliva specimen;
- D. Failure to permit observation or monitoring of the driver's provision of a sample for a directly observed or monitored collection;
- E. Failure to provide a sufficient amount of breath or urine where the employer-provided physician or Medical Review Officer ("MRO") decides there is no adequate medical explanation for the failure;
- F. Failing or declining to take a second test when directed by the employer or collector;
- G. Failure to undergo a medical examination or evaluation as part of the verification process when directed by the MRO or employer;
- H. Failure to cooperate with any part of the testing process; or
- I. Being reported by the MRO as having a verified adulterated or substituted test result.

#### **OJRSA POLICY TREATS A REFUSAL TO SUBMIT TO A TEST AS INSUBORDINATE CONDUCT WHICH IS SUBJECT TO IMMEDIATE TERMINATION.**

#### 4.4.9 Testing Procedures

Testing will be performed as follows:

- A. Drug Testing Procedures
  - 1. The testing program required by the regulations is limited to five (5) drug types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines and Methamphetamines, and (5) Phencyclidine ("PCP").
  - 2. NOTE: Independent authority permits testing for other classes of drugs; however, a DOT drug test will screen only for the five (5) classes of drugs listed above.
  - 3. All drug testing must be done from urine specimens collected under controlled conditions, except that alternative methods may be used when authorized by DOT regulations. Specimen collection procedures require:
    - a. A designated collection site;
    - b. Security for the collection site;
    - c. Chain of custody documentation;
    - d. Use of authorized personnel;
    - e. Privacy during collection (with certain exceptions depending upon the circumstances);
    - f. Integrity and identity of the specimen; and
    - g. Transportation to the laboratory.
  - 4. Driver protection is built into the testing procedures. The only laboratories that can be used are those that have been certified by the federal government. The Department of Health and Human Services certifies laboratories under the National Laboratory Certification Program.
  - 5. After the urine specimen has been collected and forwarded to the laboratory it may be tested to determine if it is consistent with normal human urine, and two (2) drug tests may be performed. The initial test determines whether any further testing for the five (5) classes of drugs listed above is necessary. If that test is positive, a more sophisticated test will be conducted to confirm the positive result. In addition, the laboratory will conduct tests to determine if the specimen is valid. Per 49 CFR Part 40 Section 40.87, positive levels for the five (5) classes of drugs are in Table 5.

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Table 5: Drug classifications

<b>Type of Drug or Metabolite</b>	<b>Initial Test (ng/mL)<sup>2</sup></b>	<b>Confirmation Test (ng/mL)<sup>2</sup></b>
Marijuana metabolites	50	15
Cocaine metabolites (Benzoylecgonine)	150	100
Hydrocodone / Hydromorphone	300	100 Hydrocodone 100 Hydromorphone
Oxycodone / Oxymorphone	100	100 Oxycodone 100 Oxymorphone
Codeine / Morphine	2,000	2,000 Codeine 2,000 Morphine
6-Acetylmorphine	10	10
Amphetamine / Methamphetamine	500	250 Amphetamine 250 Methamphetamine
MDMA ("Ecstasy"/"Molly") / MDA ("Sally")	500	250
Phencyclidine ("PCP")	25	25

6. 1 ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.
7. If the results of the initial test are negative, the testing laboratory will advise the motor carrier's MRO that the drug test was negative.
8. Only specimens which are confirmed positive on the confirmatory test are reported positive to the MRO for review and analysis. The laboratory may also advise that a specimen is dilute, adulterated, substituted, or invalid.
9. A split specimen collection will be utilized. That is, the urine is divided into two (2) specimen bottles after the sample is taken. If staff are notified the test result of the primary specimen is positive, or that they have a refusal the test because of adulteration or substitution, they may request that the MRO send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels and/or for adulterants, dilution or substitution. If the result of the test of the split specimen is negative, the MRO shall cancel the test. If the employee wants the split specimen tested, he/she must advise the MRO within seventy-two (72) hours of being notified of the positive test result of the primary specimen. If employees request a test, the OJRSA may charge them for the cost of the test of the split specimen.
10. Laboratories are required by DOT regulations to conduct specimen validity testing to determine whether the specimen has been adulterated, diluted, or is otherwise invalid. When required by DOT regulations, the MRO will direct a recollection of the urine specimen under direct observation of the employee. In addition, DOT regulations require direct observation of an employee if the drug test is a return-to-duty test or in some types of follow-up tests. DOT regulations require that the observer in a directly observed collection request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist and lower clothing and undergarments to show, by turning around, that they do not have a prosthetic device designed to defeat the test.
11. If the MRO reports that the specimen is positive dilute, then the test is treated as positive and no re-test is conducted. If the MRO reports that the specimen is negative dilute and directs a recollection under direct observation, then the employee must submit another specimen under direct observation. If the MRO reports that the specimen is negative dilute, but a direct observation retest is not required, then the employee must submit another specimen for retesting, but not under direct observation.
12. OJRSA will keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of

<sup>2</sup> ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter (0.001 L).

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the MRO; and the test results.

**B. Alcohol Testing Procedures**

1. Alcohol testing is confirmed by testing breath because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per two-hundred-and-ten liters (210 L) of breath. The confirmatory testing device is called an Evidential Breath Testing (“EBT”) device. The EBT device is a scientific instrument which determines the concentration of alcohol expressed as a “percent by weight.” It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol is converted to its equivalent value in blood. A Blood Alcohol Concentration (BAC) of “0.10” means one-tenth of a gram of alcohol per two-hundred-and-ten liters of breath (0.10 g alcohol / 210 L breath). The EBT will print three (3) copies of each test result and the test results are numbered. A test may have two (2) separate parts. The first test is the screening test. The initial test will be made using a DOT-approved screening device which may or may not be an EBT. The screening test may utilize a non-evidential screening device which tests saliva. An EBT will always be used to perform a confirmatory test from which a positive result is reported. If the initial test shows a BAC reading of less than two-hundredths ( $< 0.02$ ) the test is recorded as negative. If the initial test result is greater than or equal to two-hundredths ( $\geq 0.02$ ), then a confirmatory test will be done. The alcohol testing will be done at a site that affords privacy to the driver being tested. This site could be a room, van, or a partitioned-off area. Only one (1) breath test will be done at one (1) time. The person giving the test will not leave the testing site during the test.
2. The first part of the EBT testing process is to make sure that the EBT is operating properly. In the driver’s presence the technician runs an “air blank” test to make sure the EBT is working correctly and the reading is zero (0). Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least six (6) seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The technician will immediately read the results of the test. Printed results are not required for the initial test, which may or may not use an EBT.
3. When the initial test result shows a reading of greater than or equal to two-hundredths ( $\geq 0.02$ ) BAC on a saliva test, a confirmation test is necessary. Before the confirmation test, a fifteen (15) minute waiting period will be observed. The purpose of the fifteen (15) minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The testing procedures for the EBT confirmation test are as described in the above paragraph. The driver will receive a copy of the printed result of the confirmation test.
4. When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences for the driver.

**4.4.10 Consequences of a Positive Test Result**

**THE CONSEQUENCES SET FORTH BELOW ARE THE MINIMUM CONSEQUENCES UNDER THE FEDERAL REGULATIONS. THE OJRSA’S POLICY IS MUCH MORE STRINGENT. A DRIVER WHO TESTS POSITIVE ON A DRUG OR ALCOHOL TEST WILL BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION.**

Positive Drug Test: Under Federal regulations a driver who tests positive for drugs or who has adulterated or substituted a test specimen:

- A. Cannot report for duty or perform safety sensitive functions;
- B. Must be evaluated by a qualified Substance Abuse Professional;
- C. Must comply with treatment recommendations; and
- D. Must undergo a return-to-duty drug test.

Positive Alcohol Test:

- A. Under the regulations, a driver with a BAC greater than two-hundredths ( $> 0.02$ ) but less than four-hundredths ( $< 0.04$ ) shall not perform safety sensitive functions until the later of twenty-four (24) hours following

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the test or the start of his next scheduled duty shift.

- B. A driver with a BAC greater than or equal to four-hundredths ( $\geq 0.04$ ):
1. Cannot perform safety sensitive functions;
  2. Will be told of resources for solving alcohol problems;
  3. Must be evaluated by a qualified Substance Abuse Professional;
  4. Must comply with treatment recommendations; and
  5. Must undergo a return-to-duty test.

**Mandatory Reporting:**

- A. South Carolina law requires the OJRSA to report to the South Carolina Department of Motor Vehicles (“SCDMV”) the following information:
1. Applicants or employees for CDL positions who refuse to submit to a drug or alcohol screen;
  2. Applicants or employees whose sample is confirmed positive; and
  3. Applicants or employees who submit altered, diluted, or substituted specimens.
- B. Drivers who are reported to the SCDMV pursuant to the law may be disqualified from driving a CMV until the driver is evaluated by a qualified Substance Abuse Professional (“SAP”) and has received from the SAP a certification of completion of an alcohol or drug treatment program. Further, a driver who is reported more than three (3) times in a five (5) year period may be disqualified from operating a CMV for life.
- C. In addition, OJRSA is required to respond to requests for information from prospective employers concerning an employee’s drug and alcohol tests during the two (2) years before the date of date of application with the prospective employer. The response will include any positive results.

**4.4.11 The Effects of Alcohol and Drugs on Health, Work, and Personal Life**

The abuse and misuse of alcohol and illegal drugs is a very serious problem which threatens our nation’s collective health, safety, and welfare. Further, alcohol and illegal drugs reduce driver productivity and increase safety risks on the nation’s roadways. Increases in medical costs affect both the employer and other employees who do not misuse alcohol or illegal drugs. The potential damage to the user’s health, both mental and physical, is well chronicled. Alcohol remains the most abused substance in the United States and even low dosages of drugs and alcohol can impair judgment and coordination and can cause aggressiveness. Higher dosages interfere with an individual’s ability to recognize, learn, and remember. Extremely high dosages can lead to respiratory failure and death. Various mixtures of drugs and alcohol, even in small quantities, can cause the same result. Prolonged consumption can lead to permanent damage to vital organs such as the brain and the liver. The person who misuses or abuses alcohol or illegal drugs harms not only himself but also his family, friends, and co-workers.

**4.4.12 Signs and Symptoms of an Alcohol or Drug Problem**

Drugs and alcohol affect the user in a variety of ways. The effects are both physical and behavioral. Use of multiple substances both magnifies and increases the symptoms. Some of the noticeable symptoms of alcohol or drug misuse and abuse are:

- A. Drowsiness
- B. Loss of balance
- C. Confusion
- D. Constricted or dilated pupils
- E. Watery eyes
- F. Slurred speech
- G. Hyperactivity
- H. Memory loss
- I. Vomiting
- J. Sweats and chills
- K. Loss of appetite
- L. Odor of an alcoholic beverage
- M. Relaxed inhibitions
- N. Nausea

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O. Poor perception of time or space

**4.4.13 Drug, Alcohol, and Other Treatment Services**

Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. For more information on awareness and treatment services, see SECTION 4.3.14.

**4.5 VIOLENCE IN THE WORKPLACE**

All employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay,” making threats including joking threats, or other conduct that may be dangerous—or construed as being dangerous—to others. Conduct that threatens, intimidates or coerces another employee, customer, vendor, or business associate will not be tolerated. OJRSA resources may not be used to threaten, stalk, or harass anyone at or outside the workplace and the agency treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible, generally no later than three (3) calendar days after the incident occurred, to a supervisor, the Office Manager, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident, except to call emergency authorities for help (call 911).

Employees should promptly inform the Office Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. OJRSA will not retaliate against employees making good-faith reports.

OJRSA is committed to supporting victims of intimate partner violence by providing referrals to the company’s employee assistance program and community resources and providing time off for reasons related to intimate partner violence. Time off may be using paid leave such as vacation or pursuant to OJRSA’s Leave Without Pay policy (7.2.9).

Investigations to all allegations or incidents of threats and violence shall be promptly and thoroughly investigated as stated in SECTION 2.4.2.

**4.6 CONFIDENTIALITY**

OJRSA does create and maintain information that is considered confidential as defined in the Confidentiality Agreement provided to every employee as a condition of employment. Employees must not disclose any data or information that OJRSA considers to be Confidential Information unless they are expressly authorized by appropriate agency management to do so. Confidential Information consists of all OJRSA non-public confidential and proprietary information such as, without limitation, the following (note that this list is not all inclusive):

- A. Any information, regardless of form, that OJRSA deems proprietary or commercially sensitive, which may include, without limitation, feasibility, planning, and marketing studies and evaluations;
- B. Personal information, where the public disclosure of such information would constitute an unreasonable invasion of personal privacy;
- C. Documents related to OJRSA’s proposed contractual arrangements and proposed sales or purchases of property;
- D. Confidential proprietary information provided to OJRSA for the purposes of economic development or contract negotiations;
- E. Attorney-client privileged communications, correspondence, and work product of OJRSA legal counsel, and any other materials the disclosure of which would violate the attorney-client relationship;
- F. Certain materials gathered by the OJRSA for any job applicant, current employee, or former employee including, without limitation, income tax returns, medical records, social security numbers, and any other protected

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personally identifying information;

- G. Items discussed in executive session portion of commission meetings;
- H. In certain circumstances, the identity, or information tending to reveal the identity, of any individual who makes a good faith complaint regarding a violation or potential violation of applicable law;
- I. Information relating to security plans and devices proposed, adopted, installed, or utilized by OJRSA;
- J. Certain information related to OJRSA water reclamation facilities; and
- K. Any and all notes, analyses, compilations, reports, summaries, interpretations, and other materials that contain, are based on, or otherwise reflect or are derived, in whole or in part, from any of the foregoing items within this Section.

#### **4.7 TOBACCO AND ELECTRONIC CIGARETTE USE**

No use of tobacco products, including cigarettes, e-cigarettes (“vapes”), and smokeless tobacco (e.g., chewing tobacco, dip, etc.) will be allowed in any OJRSA building, work area, vehicle, or piece of equipment at any time. Smoking or tobacco use shall be permitted only during designated breaks during the workday and in selected areas located at least twenty-five (25) feet outside the building entrance, operable windows, loading bay, rollup doors, and ventilation systems of enclosed areas to prevent smoke and exhalants from entering those areas. Smoking and tobacco use must also take place greater than twenty-five (25) feet away from confined spaces.

All materials used for smoking in designated smoking areas, including cigarette butts, matches, and cartridges, will be extinguished and disposed of in appropriate containers.

#### **4.8 OUTSIDE EMPLOYMENT**

All outside employment must be reported to, and be approved by, the Executive Director, on an OJRSA Outside Employment Form. Outside employment must in no way conflict with or be detrimental to the employee’s work for the agency in order to be approved. Approval may be withdrawn at any time for any or no reason.

The following activities are examples of employment which are deemed inconsistent, incompatible, and in conflict with employment by OJRSA and which will not be approved:

- A. Any employment activity or enterprise which involves the use of OJRSA time, facilities, equipment supplies, prestige, or influence of agency employment or office for private gain or advantage.
- B. Receipt or acceptance by any employee of any money or other consideration from anyone other than OJRSA for the performance of an act which the employee would be required or expected to render in the regular course of his or her duties as an OJRSA employee.
- C. Employment or activities which impair the attendance or efficiency in the performance of his or her duties.

#### **4.9 FACILITY APPEARANCE**

OJRSA establishes this policy on office appearance in accord with its values of efficiency and professionalism. As an expression of those values, all areas, including employee work areas, common areas, maintenance and storage areas, and grounds should be kept neat and orderly.

Employees should keep their individual work areas as neat as possible during the regular workday. Before leaving the work area at the end of the workday, the OJRSA requires employees to organize their areas to secure work materials and to present an orderly and professional image.

In order to accomplish the goals set forth by this policy, the following requirements apply:

- A. Any picture or item hung directly on the walls of the building must be approved in advance by the director of administrative services.
- B. Posters, pictures, notes, etc., are not permitted on the outside of workstations (e.g., offices, cubicles, etc.).
- C. Posters, pictures, notes, etc., are permitted on the inside of workstation panels as long as they are appropriate for workplace display, are not offensive to other employees, and are not permanently attached to a wall (see Item A above). The OJRSA consistently enforces its policies prohibiting workplace discrimination and har-

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assessment of any kind, including images, graphics, political information, or other visual displays, that may constitute offensive or inappropriate workplace conduct.

- D. Boxes and other storage items should remain out of sight within a workstation or placed in other appropriate onsite or offsite storage areas.
- E. Employees should leave public areas, such as the library, training rooms, copy room, break areas, conference rooms, and restrooms in a clean and orderly condition for other employees and guests.

Employees in violation of this policy will be subject to appropriate disciplinary procedures, up to and including termination of employment, for repeated or egregious violations.

#### **4.10 SPEAKING ON BEHALF OF THE AGENCY**

Only the Board Chair and Executive Director are authorized to speak on behalf of OJRSA. Employees should direct all inquiries from outside entities, including the media, to the Executive Director and the Board Chair, and notify the Executive Director and Board Chair of the inquiry including who made it and that person or entity's contact information, if known.

#### **4.11 GIFTS AND SOLICITATIONS**

##### **4.11.1 Selling Items for Personal Profit**

OJRSA prohibits employees from selling products of any kind on OJRSA properties to any person, whether an employee, vendor, visitor, etc. regardless of whether the selling is during work time or in work areas

##### **4.11.2 Distribution and Solicitation of Employees**

No one, whether employee or non-employee, and regardless of whether affiliated with an organization may solicit employees during work time or distribute anything during work time or in work areas. The Executive Director may occasionally permit solicitation and/or distribution for charitable purposes.

##### **4.11.3 Gifts to Employees**

No employee may directly or indirectly solicit, accept, or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege or thing of value. A gift includes, but is not limited to, meals, trips, money, loans, rewards, gift cards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by OJRSA suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in OJRSA's sole discretion.

##### **4.11.4 Gifts from Employees to Employees**

Individual employees generally should refrain from giving gifts to employees who exercise any administrative or supervisory jurisdiction over them, be it directly or indirectly. The agency also discourages the collection of money for group gifts except in special circumstances such as bereavement, serious illness, or for mementos at retirement.

## **SECTION 5 – HOURS OF WORK**

### **5.1 WORK WEEK AND WORK HOURS**

The official work week begins at midnight Saturday (12:00 a.m.) and ends on Friday at 11:59 p.m.

Normal work hours are listed below based on position. It should be noted that employee schedules may be changed at any time for any operational reason.

- A. Water Reclamation Operator ("Operator") hours are 7:00 a.m. until 6:00 p.m. Monday through Friday and

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7:00 a.m. until 12:00 p.m. (noon) on Saturdays, Sundays, and holidays (These Operators are on a ten (10) hour per day schedule during weekdays and five (5) hours per day on weekends and holidays) The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.

- B. Maintenance and Conveyance System staff's normal working hours are from 8:00 a.m. until 5:00 p.m. These staff are on an eight (8) hour per day schedule. The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.
- C. Other staff's normal work hours are from 8:00 a.m. until 5:00 p.m. Monday through Friday. These positions are on an eight (8) hour per day schedule.

#### Breaks

- A. All employees are authorized to take one (1) hour for lunch at a time designated by the Executive Director. Some employees (Operations, Maintenance, etc.) are more likely to have changes to their regular schedule because of the unusual responsibilities of their tasks. In those departments, the supervisor concerned will prescribe the work schedule for employees under his/her supervision.
- B. Workload permitting, staff may take one (1) ten (10) minute break midmorning and one (1) ten (10) minute break during midafternoon. Tobacco (including smokeless tobacco) and electronic cigarette use, as defined in SECTION 4.7, shall be limited to use only during these two (2) break periods.

Non-exempt employees should not begin work more than seven (7) minutes prior to his/her shift and should not end work later than seven (7) minutes after their shift without prior approval by their division director (or designee) or the Executive Director. All hours worked must be documented. Non-exempt employees are prohibited from working when not clocked in, including during meal breaks. If a non-exempt employee works when not clocked in, such as during a meal break, the employee must report that work to his/her supervisor as soon as possible, and at least during the same work-week.

Employees are generally prohibited from working when not on shift unless called back into work. Non-exempt employees are generally prohibited from working remotely, but if they must work remotely, for example if traveling for work, they must record all time worked and are subject to the same overtime authorization requirements as if they were present at OJRSA.

Commuting: Any time an employee must report to work, whether for the employee's normal work schedule, for an emergency, inclement weather, or for any other reason, the employee's time commuting to, and home from, work, is not compensable time, except that OJRSA will compensate for the commute when an employee is called in for on-call duty or to assist on-call staff.

## **5.2 REMOTE WORK**

OJRSA does not allow remote work (also known as "work from home" or "telecommuting"), except when extraordinary circumstances warrant remote work as determined by OJRSA in its sole discretion. Remote work that would prevent an employee from performing his/her essential job functions will not be allowed. Even if extraordinary circumstances warrant a remote work schedule, remote work will typically be approved only on a hybrid schedule where the employee reports to OJRSA's worksite in person a majority of the time, and remote work will only be approved for a temporary period of time. Further, Non-Exempt Employees and those in safety-sensitive positions are less likely to be able to perform their essential job duties from home or remotely. Any approved remote work will include terms and conditions, which OJRSA will communicate at the time of approval and with which the employee must comply, subject to discipline.

Employees are subject to all the Personnel Manual policies while working remotely.



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Employees seeking a reasonable accommodation for a disability should follow the REASONABLE ACCOMMODATION POLICY (2.2). Employees who wish to request remote work due to extraordinary circumstances should make that request in writing to the Director and must provide any information requested by the Director to support the request and for its full consideration. Failure to comply with requests for information or to cooperate in the process may result in denial of the request and further discipline.

### **5.3 ON-CALL DUTY AND CALL-IN**

#### **5.3.1 Response Time**

While scheduled for on-call duty, employees must be able to respond to the OJRSA Coneross Creek Water Reclamation Facility (“WRF”) within a forty-five (45) minute reporting time in order to respond to emergencies. Employees on-call are otherwise free to use their time outside of their regular shift schedule for their own benefit and enjoyment.

#### **5.3.2 On-Call Personnel**

Operations and Maintenance staff are designated to respond to abnormal conditions outside of normal hours at all OJRSA facilities. OJRSA endeavors to provide a schedule for on-call personnel no later than December 15th prior to the year the schedule will take effect, but will provide as much notice as possible of the on-call schedule, subject to the need for the schedule to change based on personnel and operational factors.

On-Call Response Compensation: Staff that are called in during their on-call work week are to be compensated in accordance with sections 6.4, 6.5 and 6.7 of this Policy.

#### **5.3.3 On-Call Period**

The on-call period begins at 5:00 p.m. on Friday and ends at 4:59 p.m. the following Friday. Typically, employees will be on call for one (1) week increments with at least one (1) week between on-call periods, subject to change based on personnel and operational factors.

### **5.4 AFTER-HOURS RETURN TO FACILITIES**

Employees are prohibited from returning to any OJRSA facility between their shifts unless it is necessary in carrying out their duties, such as during emergency situations that require immediate attention.

### **5.5 INCLEMENT WEATHER AND OTHER EMERGENCY SITUATIONS**

Due to the critical services that the OJRSA provides in protecting health and the environment, the Coneross Creek WRF is to be staffed as necessary in order to comply with all state and federal requirements.

#### **5.5.1 Reporting to Work**

Staff designated by the Executive Director or his/her designee(s) are to report to work as expected during all weather conditions. Due to the nature of the event, it may be necessary for employee work schedules to be altered in order to maintain continuity of operations during an emergency or abnormal operational event. If non-essential Employees<sup>3</sup> are scheduled to work but do not feel comfortable driving to work, they may use paid vacation time or take unpaid leave. However, the Executive Director may require that a Nonessential Employee<sup>4</sup> report to work if weather conditions reasonably allow in the Executive Director’s discretion. If it is critical that an employee report to work during inclement weather and they are not able to drive themselves, OJRSA will arrange for transportation for Essential Employees only.

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<sup>3</sup> Essential Employee shall mean those as identified for the various types of emergency events by the Executive Director and Leadership Team as stated within the current version of the OJRSA Emergency Action Plan. Nonessential Employees means all employees other than Essential Employees.

<sup>4</sup> An employee that is not serving as an Essential Employee per Footnote 3.

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### 5.5.2 Sheltering at Work

Inclement weather and/or other emergency may require certain staff to stay at OJRSA facilities or other designated locations (e.g., county emergency operations center), to ensure continuity of operations during an emergency or abnormal operational event. An employee who is required to shelter at work for less than twenty-four (24) hours will be compensated for all time on duty. An employee who is on duty for twenty-four (24) or more agrees to be compensated for all hours on duty except for a sleeping period not to exceed eight (8) hours, as long as a sleeping period of at least five (5) hours is provided by OJRSA.

## **SECTION 6 – COMPENSATION**

### **6.1 WAGES**

Employees are paid bi-weekly no later than 12:00 p.m. (noon) on Friday. Employees should examine their paychecks and pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made.

Salary Deduction Safe Harbor: OJRSA intends to pay all Exempt Employees their regular salary by only making proper deductions from their regular salaries. If an Exempt Employee believes that OJRSA has improperly deducted from employee's salary, the Employee should immediately contact the Executive Director, or the Office Manager or other position delegated with the Human Resources function, who will review the deductions in question, and will correct any deductions found to be improper by providing for compensation for the improper deductions and taking steps to prevent them in the future.

The OJRSA deducts from employees' gross pay all taxes and withholdings as required by the taxing authorities, as well as other mandatory deductions such as retirement contributions. The agency may also deduct from pay the employees' share of any premiums or plan contributions for insurance, optional retirement accounts (e.g., 401(k)), and similar plans that are elected by the employee. The agency may make other deductions as required by law or court order. The agency does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.

Debts owed to OJRSA, including advanced wages and payments of fringe benefit premiums are loans to employees and are due immediately upon separation of employment and may be deducted from wages owed or otherwise demanded for immediate repayment. Other amounts owed upon separation of employment, including payments for uniforms, tools, equipment, vehicles, instruction manuals, keys, identification cards, and other items belonging to OJRSA that are advanced or issued to an employee but not repaid or returned by the time of termination may be deducted from wages owed to the Employee pursuant to applicable law and may be demanded for immediate repayment if not repaid through wages owed. OJRSA may use a debt collection service to recover amounts owed by a former employee. This policy does not prevent OJRSA from demanding and recovering debts owed by current employees.

### **6.2 POSITION CLASSIFICATION**

Each position has been assigned or allocated to an appropriate classification as exempt from federal minimum wage and overtime requirements, or non-exempt meaning subject to minimum wage and overtime requirements, depending on applicable factors including the kind and level of its duties and responsibilities. The salary threshold as identified by an independent and qualified classification/compensation/benefits consultant and approved by the Board of Commissioners for exempt status of each position may be based on the minimum salary for that position's pay band so that all employees in the same position have the same classification, subject to exceptions at the discretion of the Executive Director.

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The classification plan may be amended from time to time by OJRSA. Such changes may result from the need of creating new positions, changes in organizational structure, or changes in assigned duties and responsibilities, or other applicable factors.

The OJRSA shall review all requests for creation of new positions, the abolition or consolidation of present positions, reclassification of positions to different job classes, or the reallocation of positions to new salary ranges. In such review, they shall study the current duties and responsibilities of the position concerned and take appropriate action necessary to insure the correct classification and allocation of the position.

Each manager and/or supervisor, as appropriate, shall report to the Executive Director changes in the organization or assignment of duties and responsibilities to a given employee which result in changes in the position classification plan or in the classification of any of the positions in their respective department. Periodically, the Executive Director will review all job descriptions of all employees and may report any recommended changes to the OJRSA Board of Commissioners for appropriate action if necessary.

An employee may submit a request in writing to the Executive Director at any time for a review of the duties and responsibilities of their position. Such a request shall be submitted through his/her supervisor and shall include the employee's own description of their current duties and responsibilities. The Executive Director shall then make an investigation of the position to determine its correct allocation report the finding to the OJRSA Board of Commissioners and furnish a copy to the employee requesting the review and to the employee's supervisor.

### **6.3 WORK WEEK AND OVERTIME**

The work week of the OJRSA is defined as Saturday at 12:00 a.m. (midnight) through the following Friday at 11:59 p.m.

**ALL OVERTIME MUST BE APPROVED BY THE OPERATIONS DIRECTOR OR THE EXECUTIVE DIRECTOR IN ADVANCE OF PERFORMING THE WORK, WHICH MUST BE DEEMED NECESSARY IN ORDER TO SUPPORT THE MISSION OF THE AGENCY.** The Operations Director and/or Executive Director may schedule an employee off during normal working hours during the same work week in lieu of accruing overtime, which is preferred whenever possible.

Time worked by non-exempt employees in excess of forty (40) hours in one (1) work week is considered to be overtime. Employees will receive pay for overtime at a rate of one-and-one-half (1.5) hours for each hour of overtime and will be paid the first pay day after the work period in which earned. OJRSA does not offer compensatory time.

See SECTION 6.5 for information on leave and holiday compensation.

### **6.4 EMERGENCY RESPONSE FOR NON-EXEMPT EMPLOYEES**

**Returning to Work for Response:** Call-back pay for emergencies shall be computed at a rate of one-and-one-half (1.5) times the regular pay rate for actual time worked during a call-in that lasts longer than one (1) hour. If less than one (1) hour is required for all calls in a single workday, personnel will receive one (1) hour pay times their regular hourly rate, unless the call back results in overtime during the work week. To be eligible for call-back pay at one-and-one-half (1.5) times the regular rate under this policy, an employee must have already been relieved of work for the day and must have left work. If an emergency arises while an employee is still at the workplace or before having been relieved of work for the day, even if the employee is working outside of his/her regular work hours at the time of the emergency or other work need, then the employee will receive his/her regular rate of pay for the hours worked unless or until those hours exceed forty (40) in the workweek at which time the overtime rate will apply.

Although the OJRSA is not obligated by law to do so, the agency currently reimburses non-exempt employees who use their personal vehicles in order to respond to an Emergency Call-In for reasonable mileage incurred at the standard IRS reimbursement rate, provided the employee completes and submits the Travel Expense Reimburse-

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ment Request form within five (5) working days of incurring the mileage to their supervisor for signature and, subsequently, to the Office Manager for processing. The OJRSA will only reimburse employees for Emergency Call-In mileage from the employee's home to and from the on-call site back to the employee's home. However, in the event an employee simply reports to work for his/her regularly scheduled shift or work hours immediately or shortly after working an Emergency Call-In, the employee will only receive mileage for the trip from the employee's home to the Emergency Call-In site. OJRSA reimburses for mileage as soon as administratively feasible following the timely reimbursement submission. The agency reserves the right to decline to reimburse employees for mileage in the event a mileage reimbursement request is not timely submitted in accordance with this policy. Employees should be aware that, in certain instances prescribed by the IRS, the OJRSA must deduct taxes from mileage reimbursements.

Response Not Requiring a Return to Work: When an employee must work to handle an issue that does not require the employee to return to the workplace, the employee will be paid for the actual time worked except that OJRSA will pay a minimum of fifteen (15) minutes for any issue that requires less time.

### **6.5 LEAVE AND HOLIDAY COMPENSATION**

**FOR COMPENSATION PURPOSES, VACATION, SICK, OTHER LEAVE INCLUDED IN SECTION 7.2 IS NOT CONSIDERED AS TIME WORKED.** Leave Compensation shall be granted in accordance with the appropriate subsection within SECTION 7.

An employee must work the last scheduled workday before and the first scheduled workday after a holiday to be paid for the holiday unless the absence is pre-approved or if they have a physician's statement for the workday(s) immediately preceding or following the holiday.

#### **6.5.1 Non-Operator Holiday Compensation**

- A. Holiday compensation is paid at a regular rate (no overtime) for the number of the employee's normal working hours (e.g., an employee that normally works eight (8) hours a day shall receive holiday compensation for eight (8) hours while a ten (10) hour a day employee receives ten (10) hours of holiday compensation).
- B. On-Call Response Compensation: If a non-exempt employee must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., respond to alarm at pump station or overflow, etc.), then they receive holiday pay as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

#### **6.5.2 Operator Holiday Compensation**

- A. Non-exempt regular full-time Operators who are scheduled to and do work on a holiday observed by OJRSA will be paid one and one half (1.5) times their regular hourly rate of pay for their actual hours worked on the observed holiday, in addition to holiday pay of the number of normal work hours for their position at a rate if hour-for-hour (non-overtime rate).<sup>5</sup> Regular full-time non-exempt Operators who do not work on an observed holiday will receive the holiday pay equal to the number of hours of their normal work day. Typically, the on-call Operator will work a schedule of 7:00 a.m. to 12:00 p.m. (noon) on a holiday; however, this is subject to change based on organizational need. If an emergency such as high flow, equipment failure, or a power outage at the treatment plant occurs, the Operator will notify the supervisor immediately. The supervisor may assign a Maintenance Technician or other resource to assist and/or replace the Operator.
- B. On-Call Response Compensation: If a non-exempt Operator must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., perform daily check of WRF), then they receive holiday pay as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate.

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<sup>5</sup> Example—If Operators normally work a ten (10) hour workday, then they will receive holiday pay for ten (10) hours.

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- C. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6 OJRSA will pay non-exempt Operators who are called in during their on-call week at the overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

### **6.6 EXEMPT EMPLOYEE EMERGENCY AND DISASTER PAY**

OJRSA shall pay exempt employees that are required to work beyond their traditional hours at an hour-for-hour rate due to a declared emergency or disaster by the federal government, which is normally issued by the Federal Emergency Management Agency (FEMA). Pay shall only be issued once the disaster is officially declared by the federal government; a federal declaration is not to be assumed.

Exempt staff whose function is determined to be necessary for emergency mitigation and administrative functions must accurately account for their hours, which is to include normal working hours as defined in SECTION 5.1.

Pay shall abide by all OJRSA policies governing overtime and emergency call-back pay for non-exempt staff with the exception of the multiplier (1.0x the hourly wage for exempt employees versus 1.5x for non-exempt staff).

Exempt staff do not receive on-call pay.

### **6.7 ON-CALL AVAILABILITY PAY**

Non-exempt employees who serve in an on-call capacity for emergencies will receive fifteen dollars (\$15) each day, including workdays, weekends, and holidays. They are paid this amount whether called into work or not. If, on occasion it is necessary to split this pay between two (2) or more individuals, then the per-day rate shall be divided proportionately based on the percent of the day each employee had to serve in standby capacity.<sup>6</sup>

### **6.8 ERRORS IN PAY AND TAX DOCUMENTS**

It is OJRSA's policy and practice to accurately compensate employees and to do so in compliance with applicable state and federal laws. To ensure that employees are properly paid for all time worked and that no improper deductions are made, non-exempt employees must accurately record all time worked, and all employees must review their paychecks and all tax documents (e.g., Form W-2) promptly upon receipt in order to identify and report all errors to the agency as soon as possible but within the same work week, if possible. Employees must report all errors in pay including any deductions from pay they believe to be improper to the Executive Director, or the Office Manager or person delegated with the Human Resources function. Employees will not be retaliated against for reporting errors in pay and must immediately report any concerns about retaliation to the Executive Director or the Chair of the Board of Commissioners.

### **6.9 WORKING FROM HOME OR OFFSITE**

Unless specific, advance written authorization from the Executive Director is obtained, which is only granted in rare circumstances where compelling business-related or other justifications exist in OJRSA's sole discretion, no non-exempt employee may work from home. Any employee who is granted permission in this regard must accurately record and report to OJRSA all hours worked so that OJRSA can pay the employee appropriately. Any permitted work from home will be temporary and will not amend job requirements to be present in the workplace or regarding attendance. Employees are subject to all the Personnel Manual policies while working remotely.

### **6.10 MERIT INCREASES**

An employee may be eligible for a merit increase upon satisfactory evaluation on a schedule approved by the OJRSA Board of Commissioners. The OJRSA does not guarantee merit or any other increases nor does it guarantee evaluations.

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<sup>6</sup> Example—Employee A served in the standby role for the first 10 hours of a day and Employee B served in the role for 14 hours. Based on a 24 hour day, Employee A covered 41.67% of the day and Employee B covered the remaining 58.33%, so by multiplying the \$15 per day standby pay by the appropriate percentage and rounding to the nearest cent, Employee A shall receive \$6.25 and Employee B \$8.75 in standby pay for this day.

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### **6.11 NEW APPOINTMENTS**

A new employee shall be paid at least the minimum of the approved salary grade for the position to which he/she is appointed. In exceptional cases, the person may be appointed above the minimum based on qualifications and experience by the approval of the Executive Director within parameters granted by the OJRSA Board of Commissioners.

### **6.12 TEMPORARY APPOINTMENTS**

When a vacancy is filled by a temporary appointment, the employee shall be paid at the minimum step of the applicable salary grade for the position or at their current rate, whichever is higher.

### **6.13 DEMOTIONS**

An employee demoted for disciplinary reasons to a classification having a lower salary grade shall receive such salary within the lower salary grade as the OJRSA shall specify.

## **SECTION 7 – EMPLOYEE BENEFITS**

### **7.1 HEALTH INSURANCE**

#### **7.1.1 Eligibility**

Employees will become eligible for insurance in accordance with OJRSA's group health insurer requirements and other applicable OJRSA policies as defined by the *OJRSA Personnel Policy Manual*.

#### **7.1.2 Insurance Plans and Costs**

The group health insurance provider for the OJRSA is the South Carolina Public Employee Benefit Administration ("PEBA") and the agency follows all policies and requirements of PEBA. The agency provides the State Health Plan's Standard Plan, Vision, and Dental/Dental Plus, Long-Term Disability, and a \$3,000 life insurance policy for the Regular Full-Time Employees at no additional cost. Insurance is available to family members as allowed by PEBA; however, the OJRSA does not subsidize the employee portion of these expenses.<sup>7</sup>

#### **7.1.3 Coverage for Employees on Leave Without Pay**

The OJRSA shall follow all PEBA and other requirements regarding Consolidated Omnibus Budget Reconciliation Act ("COBRA").

As a matter of general policy, OJRSA will continue to pay an employee's health insurance (employee only) for a period not to exceed six (6) months in duration after an employee uses accrued Sick Leave and Vacation Leave and is placed on Leave Without Pay, after which the employee shall have the option to pay his/her insurance premium through OJRSA for the duration of the Leave Without Pay. OJRSA reserves the right to require employees to reimburse these health insurance premiums paid on their behalf.

### **7.2 LEAVE**

#### **7.2.1 General Leave Policy**

Unless noted within SECTION 7.2, all employees shall earn leave based on an eight (8) hour workday.

#### **7.2.2 Vacation Leave**

Vacation Leave is earned in accordance with the following policies:

##### **A. Rate of Accrual**

1. Full-Time Employees: All full-time employees shall earn paid Vacation Leave according to Table 6.

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<sup>7</sup> Eligible employees may also elect to participate in other plans offered by PEBA to potentially save on the costs they will pay to cover eligible family members.

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*Table 6: Vacation Leave accrual rate*

<b>Continuous Service</b>	<b>Total Vacation Time Accrued Per Year</b>	<b>Annual Vacation Accrual Rate</b>
Less than 1 year	60 hours total earned during first year	Accrue 5.00 hours per month starting the first day of the month following the employee's first day of employment
1 Year	80 hours	Employees begin accruing 6.67 hours per month starting the first day of the month following their 1st anniversary date
2-5 Years	96 hours	Employees begin accruing 8.00 hours per month starting the first day of the month following their 2nd anniversary date
6-9 Years	112 hours	Employees begin accruing 9.33 hours per month starting the first day of the month following their 6th anniversary date
10-13 Years	120 hours	Employees begin accruing 10.00 hours per month starting the first day of the month following their 10th anniversary date
14-17 Years	136 hours	Employees begin accruing 11.33 hours per month starting the first day of the month following their 14th anniversary date
18+ Years	176 hours	Employees begin accruing 14.67 hours per month starting the first day of the month following their 18th anniversary date

2. Part-Time, Seasonal, and Other Employees: Part-time employees and/or Other Employees shall not accrue, nor be paid for, any Vacation Leave.
3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) consecutive workdays do not accrue paid Vacation Leave.
4. If an employee is using Donated Sick Leave, then they are not eligible to accrue Vacation Leave.

**B. Use of Vacation Leave**

1. Vacation Leave cannot be taken before it is accrued.
2. Vacation Leave, subject to the approval of the Operations Director or Executive Director, may be taken in quarter hour, half hour, hour, and full day increments.
3. Except in the case of an emergency, all vacation must be approved in advance by the Supervisors, Division Managers/Directors, or Executive Director. Whenever possible, an employee wishing to take more than eight (8) hours of Vacation Leave should request approval at least one (1) week in advance.
4. Whenever possible, employees will be allowed to take Vacation Leave at times most convenient to them. However, in order to ensure continuous operation and maintain a high level of quality in the delivery of services to the users of the OJRSA, the agency reserves the right to limit the number of employees that may be absent from a given department or unit at any time. When there is conflict in the vacation choices of two (2) or more employees who cannot be spared at the same time, the Executive Director will make the determination.
5. Employees cannot take more than two (2) weeks of leave concurrently without the approval of the Executive Director, which includes any combination of Vacation Leave and observed Holidays.
6. When a paid holiday is observed by OJRSA during the period an employee is on Vacation Leave, the employee shall receive their regular holiday pay, and that day shall not be charged against the employee's vacation earnings.

**C. Payment and Accumulation of Vacation Leave**

1. Up to three hundred sixty (360) hours of Vacation Leave may be carried over from one calendar year to another. Vacation Leave that accumulates in excess of three hundred sixty (360) hours must be used by the end of the calendar year or it will be forfeited so that only three hundred sixty (360) hours will carry over to the following calendar year (starting January 1)..
2. At the time of separation from service for non-disciplinary reasons, an employee shall be entitled to any Vacation Leave pay accumulated and not previously used, provided the employee gives and works a two (2) week notice. The requirement for this two (2) week notice may be waived by the Executive Director, in his/her discretion, based upon the needs of the organization.

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- D. Transfer of Vacation Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Vacation Leave.

### 7.2.3 Sick Leave

Sick Leave is earned in accordance with the following policies:

- A. It is the policy of OJRSA to provide reasonable time off with pay, up to the amount of unused Sick Leave, to employees who are unable to work due to personal illness or injury.
- B. Rate of Accrual
1. Regular Employees: Starting on the first day of the first full month of employment, Employees will earn eight (8) hours of paid sick leave and will be eligible to use accrued sick leave immediately after it first accrues.
  2. Part-Time, Seasonal, and Other Employees: Part-time employees and/or Other Employees shall not accrue, nor be paid for, any Sick Leave.
  3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) consecutive workdays do not accrue credits for paid Sick Leave while in Leave Without Pay status. If an employee is using Donated Sick Leave, then they are not eligible to accrue Sick Leave.
- C. Use of Sick Leave
1. Sick Leave will be charged in quarter hour, half hour, hour, and full day increments.
  2. Sick Leave may be taken for personal medical, eye care, and dental appointments.
  3. Sick Leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health or safety of fellow workers.
  4. Employees who exhibit symptoms of illness may be required to leave work. In such cases, Sick Leave must be used. (See SECTION 3.4 for more information).
  5. When a paid holiday occurs during the period an employee is on Sick Leave with pay, the employee shall receive only their regular holiday pay provided they have prior approval from their supervisor for the time off or a written doctor's excuse (See SECTION 6.5), and that day shall not be charged against their Sick Leave earnings.
- D. Payment and Accumulation of Sick Leave:
1. In order to be eligible to use Sick Leave, an employee must:
    - a. Report to their supervisor at least thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor at least one (1) hour before beginning of shift. An employee who fails to notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.
    - b. If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised of his/her condition and anticipated date of return.
    - c. Submit a statement from the attending healthcare provider as to the nature and duration of the illness, if requested. Such certification is required for absences of three (3) consecutive work days or longer. A healthcare provider's statement is also required whenever a given individual has already utilized over forty-eight (48) hours of Sick Leave, which includes Family Sick Leave, during the last rolling backward twelve (12) month period, or for any other reason the agency determines such certification is warranted. At the employee's request, OJRSA, at its discretion, may allow up to one (1) additional day of Sick Leave beyond the return-to-work date as stated on the physician's statement without requiring an additional doctor's note with a new date listed.
    - d. Upon leaving OJRSA employment for whatever reason other than retirement, an employee will not be paid for unused accrued Sick Leave.
    - e. If an employee retires from OJRSA, they may be eligible to use Sick Leave as a credit toward retirement in accordance with PEBA requirements.
  2. Sick Leave may be accrued and carried over from year-to-year, but Sick Leave accumulated in excess of seven hundred twenty (720) hours shall be forfeited following close of business on the last calendar day of each anniversary year for the employee.



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**E. Family Sick Leave**

1. Employees earning Sick Leave, as stated in the section of the *OJRSA Personnel Policy Manual* titled "SICK LEAVE," (7.2.3) may use up to forty (40) hours of Sick Leave annually (based on the calendar year) to care for ill members of their immediate families. For purposes of this policy, the employee's "immediate family" means the employee's spouse, children, parent, brother, sister, grandparent, legal guardian, or grandchild.
2. In order for staff to use Family Sick Leave, the following requirements must be observed:
  - a. Report to their supervisor thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor one (1) hour before beginning of shift. An employee who fails to notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.
  - b. If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised of their anticipated date of return.
  - c. Proof from the Immediate Family Member's attending healthcare provider, which states the member was under the provider's care, must be submitted to the Office Manager in cases involving Family Sick Leave absences of three (3) consecutive work days or longer or if employee has used more than forty-eight (48) sick hours in a rolling backward twelve (12) month period.

**F. Parental Leave and Lactation Support**

1. OJRSA supports employees who are pregnant, during and after their pregnancies by providing leave for the prenatal needs, birth, recovery, and bonding with their child, as well as employees adopting or beginning foster care relationships with children, by providing Parental Leave.
2. To be eligible for this policy, employees must have been employed on a full-time basis for at least six (6) consecutive months.
3. OJRSA provides eligible employees with up to eight (8) weeks of unpaid leave that can be used for prenatal care and needs, the birth and recovery from birth, and bonding. Employees can, but are not required to, use accrued Vacation and/or Sick Leave for any portion of the Parental Leave Period. Employees can apply for short-term disability and any other health and welfare benefits in which they may be enrolled through their employment. Employees must give OJRSA as much advanced notice of the need for Parental Leave as possible and work with their supervisor and the Office Manager (or other position delegated with the Human Resources function) to plan for the leave, subject to changes to the plan as necessary for unexpected needs. Employees must communicate with OJRSA during leave as requested and must update OJRSA in changes to the plan during the leave as promptly as possible. Parental Leave is job-protected as long as employees can return to work as planned or within a reasonable time thereafter. OJRSA's other leave policies may apply to a need for extended leave beyond the Parental Leave.
4. OJRSA provides reasonable time for employees to express breast milk. Employees should use their regular break time and/or their meal break for this purpose, where possible. If not possible, then OJRSA will provide reasonable additional unpaid time for expressing breast milk. Employees who need lactation support should notify the Office Manager (or other position delegated with the Human Resources function) to agree on a reasonable schedule for expressing breast milk. OJRSA will provide a private, secure location other than a bathroom for this purpose.

**G. Absence Due to Illness or Exposure or Exposure to Diseases**

1. An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (for example, the flu, measles) must report this exposure to his supervisor prior to reporting to work, even if the employee is not experiencing symptoms. OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.
2. Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor. If in OJRSA's sole opinion, it does not appear that the employee can safely perform his job or is a risk to others, he/she will be sent home.

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H. Long Term Illness

1. General: After an employee who has completed at least one (1) year of satisfactory service has used all accrued Sick Leave, he/she must use all accrued vacation before being placed on leave without pay. Such Leave Without Pay may be up to six (6) months from the last day worked, with special written permission by the Executive Director. However, there is no guarantee of the length of the Leave Without Pay, nor is there a guarantee that OJRSA will be able to hold the employee's position for the duration of the leave. Decisions will be made on a case-by-case basis.
2. Returning to Work: The position held by an employee may be held open while they are on an extended medical leave by redistributing the work among the other employees in the department, or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a permanent basis, the employee shall be notified immediately, and OJRSA will attempt to place the employee in a position of like status and pay for which he/she is qualified when able to return to work.
3. If an employee is unable to return to work on the date established for his/her return to duty, they shall notify their supervisor as soon as possible. An employee who fails to return to work on the date established, and fails to notify their supervisor in advance, will be considered to have resigned.
4. The agency reserves the right to require a statement from the employee's attending healthcare provider that the employee is able to resume his/her normal duties and schedule before allowing the employee to return to work.

I. Transfer of Sick Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Sick Leave.

J. Transfer of Sick Leave to Co-Worker

1. Employees are authorized to transfer accumulated Sick Leave to another employee who has exhausted his/her Sick Leave, Vacation Leave, and other paid leave, and who is personally experiencing a catastrophic injury, long-term illness, pregnancy-related disability, or delivery of a baby and maternity leave to care for the child (collectively "Catastrophic Illness") which will require absences in excess of twenty (20) days. This policy excludes elective surgery. A panel consisting of the Executive Director, Office Manager, and Board Chair will determine whether the illness or injury is catastrophic based on information presented, the extent of impairment to an employee's ability to perform his/her job, and other circumstances.
2. In order to be eligible to receive days to be used from other employees, the employee who meets the catastrophic illness criteria must:
  - a. Be a full-time non-probationary OJRSA employee; and
  - b. Must be scheduled by a physician to be out of work for twenty (20) or more consecutive days as a result of illness or accident (an exception may be made for intermittent catastrophic illnesses as defined herein).
3. A Catastrophic Illness may also be intermittent in nature, meaning that it could be an "on-going" illness to the employee that would require him/her to use sick leave at intermittent times due to the type of illness and treatment. For intermittent Catastrophic Illness, an employee may be able to return to work for a period but must take leave occasionally due to special treatment or therapy.
4. A staff member who meets the eligibility criteria as described in this policy may apply to draw from a co-worker's donated Sick Leave using an Application for Use of Donated Sick Leave form. This application must be accompanied by a Physician's Confirmation containing the nature and expected duration of the disabling condition. An employee is only eligible to receive donated sick leave for one (1) event per calendar year, and the maximum number of days which may be used from donations shall be thirty (30) days per calendar year.
5. Members who have been approved for Workers' Compensation due to a job-related injury, or who have been approved for, and are receiving disability benefits, are not eligible to apply for Donated Sick Leave days.
6. The employee who transfers Sick Leave time to another employee shall lose the number of days of accumulated leave that is transferred. The transfer of leave time shall be done on a volunteer basis. A

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Sick Leave Transferal Request form must be filled out authorizing the transfer of time.

#### 7.2.4 Compensatory Leave

Compensatory Leave, commonly referred to as “comp time,” is not awarded by OJRSA. Eligible staff that work overtime shall receive compensation in accordance with SECTION 6.3 and other applicable sections of the *OJRSA Personnel Policy Manual*.

#### 7.2.5 Bereavement Leave

In the event of a death in the employee’s immediate family, the employee may take leave with pay, not to exceed three (3) days. The term “immediate family,” for the purpose of this subsection, shall include:

- A. The employee’s spouse, child, parent, brother, sister, grandparent, grandchild, or legal guardian.
- B. The child, parent, brother, or sister of his/her spouse.

The OJRSA may require proof of relationship to the deceased to confirm they are immediate family as defined in this policy.

The number of hours of Bereavement Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

#### 7.2.6 Civil Leave

The number of hours of Civil Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

**Jury Duty:** All OJRSA fulltime employees selected for jury duty shall be entitled to Civil Leave with pay for the period of absence required up to a maximum of ten (10) days per year. Such leave shall not be charged to Vacation or Sick Leave balances, except that on any day when such employee is excused from service on a jury, he/she will be expected to report for duty at their regular place of work, if within reasonable commuting distance, or be charged Vacation Leave for time excused from jury duty. Likewise, any period for which an employee is excused from jury duty, because of illness, shall be charged to Sick Leave. An employee shall be entitled to all fees received as a juror.

**Official Court Attendance:** All employees subpoenaed or ordered to attend court to appear as a witness, or to testify in their OJRSA official capacity, shall be entitled to Civil Leave with pay for such period as his/her court attendance may require.

**Private Litigation:** A leave of absence of an OJRSA employee to appear in private litigation in which they are a party or witness shall be charged to Vacation Leave or to Leave Without Pay at the employee’s choice.

#### 7.2.7 Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law.

Employees on Military Leave will receive paid leave for up to fifteen (15) days per rolling backward twelve (12) month period (looking back twelve (12) months from the day the leave is to begin to determine the balance of the paid leave used in that twelve (12) month period) year for training or call-up. In addition, if an employee is called upon to serve during an emergency, the employee will receive paid leave of absence not exceeding thirty (30) additional days for a total of forty-five (45) days per military fiscal year.

The number of hours of Military Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

#### 7.2.8 Educational Leave

This policy is provided to encourage all regular employees to continue their education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities

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in the future. The Executive Director has the authority to determine whether classes meet this requirement. Classes should be scheduled during off-duty hours and should not regularly interfere with the employee's normal working hours. Employees should notify their department manager and the Executive Director at the time they register for classes if taking classes that might interfere with their normal working hours.

If classes interfere with an employee's work schedule, then upon request, the Executive Director may approve unpaid leave to accommodate the occasional or unexpected need for leave for class requirements.

This policy applies to employees' elective education, not to mandatory continuing education required for the employee's position with OJRSA.

### **7.2.9 Leave Without Pay**

Full-time employees may be granted Leave Without Pay for personal reasons. Normally, it is granted only when the employee has used their accumulated Sick and Vacation Leave in the case of illness, or Vacation Leave if Leave Without Pay is requested for reasons other than illness. Written request for Leave Without Pay must be initiated by the employee, favorably endorsed by his/her supervisor, and approved by the Executive Director before becoming effective. Such leave shall not be approved for a period longer than twelve (12) weeks of combined leave (Sick Leave, Vacation Leave, and Leave Without Pay) within a rolling backward twelve (12) month period (as defined in the Military Leave policy above)..

## **7.3 HOLIDAYS**

The eleven (11) holidays below are observed by OJRSA. Each day is paid with the employee's normal working hours per SECTION 5.1.

- A. New Year's Day
- B. Martin Luther King, Jr. Day
- C. Memorial Day
- D. Independence Day
- E. Labor Day
- F. Veteran's Day
- G. Thanksgiving Day
- H. Day After Thanksgiving
- I. Christmas Eve
- J. Christmas Day
- K. Day After Christmas

If a holiday falls on a Sunday, it shall be observed on the following Monday; and if a holiday falls on a Saturday, it shall be observed on the preceding Friday.

Where it is necessary to maintain service requiring a regular employee to work on an official holiday, such employees shall be paid for all hours worked in addition to receiving holiday pay.

Pay for holidays is defined in SECTION 6.5 of the *OJRSA Personnel Policy Manual*.

## **7.4 TUITION REIMBURSEMENT**

### **7.4.1 Eligibility**

Employees that are interested in continuing their education must meet the following criteria:

- A. Be a Regular Full-Time Employee with at least one (1) year of continuous service.
- B. Courses must be directly related to and of assistance to the employee in their work with OJRSA.
- C. Courses must be taken through an accredited institution.
- D. The curriculum must be presented to the department manager in advance in order for the manager to determine if the employee's work responsibilities and academic load are compatible.

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#### 7.4.2 Covered Expenses

An employee may be reimbursed for the cost of tuition, all course-related fees, and one-half (1/2) the cost of required books. All other costs, such as activity fees, graduation fees, shall be paid by the employee.

#### 7.4.3 Applying for Reimbursement

Within ten (10) days after receiving grades, the employee shall submit an Application for Tuition Reimbursement form to the Administrative Office with the following attachments:

- A. Receipts showing the amounts paid for tuition fees and books.
- B. A copy of the employee's official transcript, grade sheet, or other proof of satisfactory completion, as appropriate. Payment may be made only for those courses in which the employee earns a grade of "C" or better for the course. Proof of satisfactory completion will be required for those courses for which grades are not given. After approving the application, the Executive Director will forward the form for payment.

#### 7.4.4 Conditions

- A. Managers must inform the Executive Director prior to April of each year in order for the expense to be placed into the agency's budget.
- B. The OJRSA's obligation to pay education assistance expenses is voided if an employee voluntarily terminates their employment or is terminated involuntarily before completing an approved course. In such cases, any costs already incurred by the OJRSA will be deducted from the employee's final paycheck.

#### 7.4.5 Required Courses

From time to time, it may be necessary for OJRSA to require certain employees to take one (1) or more courses. When this occurs, the agency will pay all of the costs of the course, including tuition, fees, book, and reasonable transportation costs as well as the employee's compensation for the time in the required course.

#### 7.4.6 Advancement of Wages for Tuition Purposes

When an employee's position with OJRSA requires continuing education or training in order to obtain or maintain a certification or license, OJRSA may approve an advance of the employee's wages for some or all of the cost. An employee must request the advance of wages to the Executive Director, who must approve that the education or training qualifies, and who approves the amount to be advanced. In order to receive an advance of wages for this purpose, the employee must sign an agreement with OJRSA containing additional terms and conditions of the advanced wages, including that the employee will repay the wages through payroll deductions or otherwise as specified in the agreement.

### **7.5 RETIREMENT BENEFITS**

#### 7.5.1 Pension

OJRSA participates in the South Carolina Retirement System, which is administered by PEBA. Membership in the retirement programs offered by PEBA is mandatory as a condition of employment. OJRSA employees are subject to the laws, rules, regulations, and policies of PEBA.

#### 7.5.2 Insurance

OJRSA offers health insurance coverage to retirees that meet the eligibility qualifications as required by PEBA for local subdivisions of the state. The terms of this coverage are dictated by PEBA and may change from time-to-time without notice from OJRSA. Currently, the employee shall be responsible for zero percent (0%) of the associated employer expenses and zero percent (0%) of the employee expenses.

### **7.6 OPTIONAL BENEFITS**

OJRSA may offer employees and their eligible family members other optional benefits through PEBA and other agencies, such as life insurance, supplemental insurance (e.g., Aflac), tax-favored medical and dependent care account programs (e.g., MoneyPlu\$), and supplemental long-term disability insurance. All such benefits are subject to the rules, policies, and rates of the agencies providing the benefits, and may change from time-to-time without notice from OJRSA. OJRSA does not subsidize these costs and the employee is entirely responsible for all associated rates for products they elect to procure.

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**7.7 EXAMINATIONS, MEMBERSHIPS, LICENSES, AND CERTIFICATIONS**

**7.7.1 Responsibilities**

Below are the employee’s responsibilities regarding examinations, licenses, and other such matters:

- A. Employees must commit to obtaining the necessary Continuing Education Units (“CEU”) or Professional Development Hours (“PDH”) to maintain their license or certification. While the OJRSA will attempt to make these opportunities available to staff, it is ultimately the responsibility of the employee to ensure they have the necessary CEUs and PDHs necessary to maintain their license or certification.
- B. It is the responsibility of the employee to keep track of their CEUs and PDHs.
- C. The employee must remain in good standing with the licensing and certification agencies at all times.
- D. Employees must provide a copy of the current license or certification to the Office Manager. A copy of the documents will be placed in the employee’s personnel file.

**7.7.2 Reimbursement Criteria and Conditions**

The OJRSA will either pay for or reimburse eligible employees for certain fees associated with job-related requirements and memberships as stated in, Table 7, Table 8, and Table 9. In order for an employee to be considered eligible, the exams, professional memberships, and licenses must either be required by the employee’s current position description or is considered beneficial or advantageous to the agency. In order for an employee to have the agency pay for these items through reimbursement or direct pay, the following conditions shall apply:

- A. The employee must have the approval of his/her supervisor prior to scheduling an exam or joining a professional organization as a member.
- B. The employee must provide the Office Manager with a copy of the invoice and certification, membership, or license in order to receive reimbursement or direct pay by the agency. If an employee prefers to be reimbursed, payment shall be made to the employee via check during the following pay period after providing the necessary documentation to the Office Manager.
- C. If an examination is failed or must be rescheduled after the cancelation or reschedule date, the OJRSA will pay for the missed exam only if it was the fault of the OJRSA; otherwise, the employee shall be responsible for paying for the text.
- D. The OJRSA is not responsible for fees associated with late payments, whether it is due to the employee failing to submit payment in a timely manner or providing payment to the Office Manager for payment and processing too close to the deadline for timely delivery. If the delay is due to the OJRSA, the agency shall pay the late fees.

*Table 7: Exams eligible to be reimbursed for by OJRSA*

<b>Exam</b>	<b>Reimbursement Conditions</b>
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for each level or type of exam <u>once</u> .
South Carolina Department of Environmental Services (“SCDES”) Backflow Prevention Certification	The OJRSA will pay for the exam <u>once</u> .
SCDES Certified Erosion Prevention and Sediment Control Inspector (“CEPSCI”)	The OJRSA will pay for the exam <u>once</u> .
Municipal Association of South Carolina (“MASC”) Electrical Certification	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
SC Professional Engineer or Surveyor	The OJRSA will pay for the exam <u>once</u> .
South Carolina Department of Motor Vehicles (“SCDMV”) Commercial Driver’s License Permit	The OJRSA will pay for the exam <u>once</u> .
SCDMV Commercial Driver’s License Skills Test (“permanent” license) – Only valid for SC Class “A” (with Z restrictions)	The OJRSA will pay for the exam <u>twice</u> — once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.

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or “B” CDL, tanker endorsement is also required	
SCDMV Commercial Driver’s License Tanker Endorsement	The OJRSA will pay for the exam <u>once</u> .
South Carolina Labor, License, and Regulation (“SCLLR”) Biological Wastewater Treatment Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Water Environment Association of South Carolina (“WEASC”) Voluntary Collection System (“VCC”) Collection System Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

*Table 8: Memberships eligible for reimbursement by OJRSA*

<b>Membership</b>	<b>Reimbursement Conditions</b>
American Water Works Association (“AWWA”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Society for Human Resource Management (“SHRM”) for Office Manager or Director	The OJRSA will pay for once per year.
Water Environment Association of South Carolina for licensed Water Reclamation Operators and Collection System staff	The OJRSA will pay for once per year.
Water Environment Federation (“WEF”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

*Table 9: Licenses and certifications eligible for reimbursement by OJRSA*

<b>License and Certification</b>	<b>Reimbursement Conditions</b>
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for once per year.
SCDES Backflow Prevention Certification	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
SCDES CEPSCI	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
MASC Electrical Certification	The OJRSA will pay for once per year.
SC Professional Engineer or Surveyor	The OJRSA will pay for once per year.
SCDMV Commercial Driver’s License new and renewal	The OJRSA will pay for as required by SCDMV but in no case more frequently than once per year.
SCLLR Biological Wastewater Treatment Operator	The OJRSA will pay for once per year.
SCLLR Physical/Chemical Treatment Operator	The OJRSA will pay for once per year.
WEASC VCC Collection System Operator	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

**7.8 HAND TOOL PURCHASING POLICY**

Employees in the Conveyance System, Maintenance, and Water Reclamation Facility Operations departments are required to provide their own hand tools in order to perform OJRSA-required tasks. Hand tools are considered commonly used tools such as wrenches, power saws, drills, impact drivers, etc. Hand tools do not include specialty tools like welders, rotary hammers, generators, or safety equipment, which will be provided by OJRSA.

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Employees are expected to have and use their own tools and maintain them in good working order.

OJRSA will assist employees with purchasing tools through payroll deduction under the following conditions:

- A. **ANY MONEY PROVIDED TO EMPLOYEES TO PURCHASE HAND TOOLS IS CONSIDERED AN ADVANCEMENT OF WAGES, THE VALUE OF WHICH CAN BE DEDUCTED FROM THE EMPLOYEE'S FINAL PAYCHECK, INCLUDING FROM ACCRUED LEAVE.** (See SECTION 6.1 for more information)
- B. The OJRSA will advance wages not to exceed five hundred dollars (\$500) every six (6) or twelve (12) month period, whichever the employee chooses when completing the Payroll Deduction Purchase Agreement form. This period cannot be modified once the form is submitted to the Office Manager for processing; however, employee can elect to reimburse the OJRSA earlier than the date stated on the form.
- C. Employee can only have one (1) advancement of wages for hand tool purchases at a time.
- D. The hand tools are kept in good, safe working condition. **DAMAGED OR UNSAFE TOOLS ARE NOT TO BE USED FOR OJRSA TASKS. FAILURE TO COMPLY WITH THIS CONDITION COULD LEAD TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.**

The OJRSA is not responsible for the replacement of lost, stolen, or damaged tools. If an employee is currently paying on a hand tool(s) that was purchased using this policy and it is lost, stolen, or damaged, then they are still responsible for reimbursing the OJRSA in accordance with this policy and the employee remains ineligible to receive an additional advancement of wages until reimbursement is complete.

## **SECTION 8 – OTHER PERSONNEL POLICIES**

### **8.1 RESPONDING TO EMERGENCIES, ALARMS, AND OTHER ABNORMAL CONDITIONS**

The following protocols must be adhered to by staff members who respond to emergencies, alarms, and other abnormal operational situations:

- A. A cellphone or other such communication device is provided by OJRSA to assure constant communication from the plant with the person on-call. This device must be kept in the on-call employee's possession at all times while on-call and must be in good working condition.
- B. On-call personnel are required to respond immediately to calls, correct problems, and restore operation as safely and efficiently as possible. If additional help or personnel are needed, the Maintenance Supervisor, Operations Director, and Executive Director must be notified as soon as reasonably possible.
- C. On-call personnel shall be able to respond to the Coneross Creek Water Reclamation Facility within forty-five (45) minutes at all times when serving in an on-call role.
- D. Any on-call personnel that receives an alarm or notification must acknowledge the condition in accordance with agency protocols.
- E. Documentation of Response: The Documentation of Response Procedure is as follows (subject to change from time-to-time):
  - 1. If a physical response to the condition is necessary at any time, including if it is performed at a later date and/or time during normal work hours, then a work order must be completed for each situation and the Standby Call-In Log must be completed.
  - 2. If a situation can be appropriately addressed without a physical response, then it is not necessary to complete a work order; however, the Standby Call-In Log must be completed during the next scheduled work day.

### **8.2 DRESS CODE**

#### **8.2.1 Objective**

OJRSA strives to maintain a workplace environment that is safe, well-functioning, and free from unnecessary distractions and annoyances. As part of that effort, the company requires employees to maintain a neat and clean



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appearance that is appropriate for the workplace setting and the work being performed. To that end, the Executive Director may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

### 8.2.2 Procedures

All agency staff members are expected to present a professional, businesslike image to visitors, customers, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods with special emphasis on the requirement of staff to wear PPE as necessary. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

All staff members must carry or wear the OJRSA identification badge at all times while working.

### 8.2.3 Specific Requirements

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or PPE, depending on the nature of their job. Below is a list of expectations for staff:

- A. **Uniformed Employees:** Uniforms and protective clothing may be required for certain positions and will be provided to employees by the agency. Those positions that are provided with a uniform shall wear their uniform at all times while performing work for the agency and should keep the uniform in good condition. Because of the potential exposure by staff to bloodborne pathogens at the workplace, OJRSA provides laundry services for uniforms and employees are expected to use this service unless a Laundry Service Waiver form has been read and signed by the employee.
- B. Employees are prohibited from wearing OJRSA uniforms during non-work time.
- C. **Non-Uniformed Employees:** Non-uniform staff members are expected to present a professional appearance and are not permitted to wear ripped, frayed, or disheveled clothing or athletic wear. Likewise, tight, revealing, or otherwise workplace-inappropriate dress is not permitted. Shirts should be tucked in. While professional open-toe shoes are generally acceptable by administrative staff while working in offices, flip-flops are not.
- D. **Jewelry and Tattoos:**
  1. Front-line staff must wear jewelry, including implements such as piercings and ear gauges, in compliance with all applicable safety requirements.
  2. Visible tattoos are allowed as long as they are not considered offensive in nature (e.g., sexual, racist, etc.). If such "offensive" tattoos exist, they must remain covered at all times while on the job. Office staff should not have body art (e.g., surgically implanted ball bearings, spikes, etc.).
- E. **Facial Hair:** Employees who are required to wear a respirator as a part of their job description must be clean shaven in order for their respirator to fit properly.

### 8.2.4 Corrective Action

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate attire or does not meet the grooming standards, the employee will be subject to corrective action and will be required to go home, change into conforming attire or properly groom, and return to work. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

## **8.3 WORKPLACE PRIVACY AND COMPUTER, SOCIAL MEDIA, AND ELECTRONIC DEVICE ABUSE**

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work twenty-four (24) hours a day, seven (7) days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces.

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Personal items and personal communications received or stored on OJRSA premises are not entitled to a guarantee of privacy.

Management may search OJRSA property and documents in OJRSA-owned vehicles, employee desks, lockers, file cabinets, etc. **EMPLOYEES HAVE NO REASONABLE EXPECTATION OF PRIVACY IN ANY OJRSA PROPERTY, WHICH MAY BE SUBJECT TO SEARCH BY THE AGENCY AT ANY TIME WITHOUT FURTHER NOTICE TO THE EMPLOYEE. CONTINUANCE OF EMPLOYMENT FOLLOWING RECEIPT OF THIS POLICY, AS WELL AS YOUR SIGNATURE ON THE ACKNOWLEDGEMENT OF RECEIPT, DISCLAIMER, AND CONSENT LOCATED ON THE FRONT COVER OF THIS HANDBOOK, CONSTITUTE YOUR CONSENT TO THIS POLICY AS WELL AS ANY SEARCHES CONDUCTED PURSUANT TO THIS POLICY.**

Electronic media raise similar issues. OJRSA provides electronic and telephonic communication devices and, when necessary, computers and mobile devices, to employees for use in performing their job duties. Although assigned to the employee, these items still belong to OJRSA. Similarly, any computer files created or software downloaded on an OJRSA computer belong to OJRSA.

Employees are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else, including software and program licensing rights. Software, programs, games, and any other downloads may not be installed on OJRSA computers without the written permission of OJRSA.

Employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing databases containing employees' personal information. Employees who have received appropriate authorization to access and/or view databases containing employees' personal information are prohibited from using or discussing information in those databases except as required for their job duties or directed by management.

OJRSA consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of OJRSA. The only sure way to avoid violating OJRSA's policy on personal use is not to use OJRSA's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

- A. Accessing any material which would tend to violate OJRSA's discrimination and harassment policies, or that OJRSA considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in OJRSA's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or other protected category;
- B. Conducting business for outside employment or a side-business;
- C. Purchasing any goods or services, even if charged to the employee's personal credit card.

Although employees may use OJRSA-owned communication devices, computers and network for limited personal use, all files and data created or transmitted using a computer (including desktop, laptop, tablet, etc.), telephone, pager, smart phone, or any other electronic device provided to the employee by OJRSA belong to OJRSA and may be accessed by OJRSA during transmission of the communication or while in storage on OJRSA's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text messages, multi-media messages, instant messages, and the content of internet websites.

**BY ACCEPTING EMPLOYMENT WITH OJRSA, YOU CONSENT TO MONITORING, INCLUDING "REAL TIME" MONITORING AS PERMITTED BY LAW, OF ALL COMMUNICATIONS DESCRIBED IN THIS POLICY AND AUTHORIZE OJRSA TO ACCESS ALL DATA STORED ON COMMUNICATION DEVICES PROVIDED BY OJRSA.** OJRSA also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on an OJRSA communication device includes data, such as personal third-party e-mail accounts (e.g., Yahoo, Gmail, Hotmail, etc.) and websites,

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that is accessed with a password where the data was accessed using OJRSA's communication device. Thus, if you do not want OJRSA to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using OJRSA-owned communication devices. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that OJRSA cannot do so. It is also possible to generate a report of every Internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using OJRSA-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected OJRSA-owned communication device. OJRSA is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using OJRSA-owned equipment.

OJRSA employees may not use their own personal electronic equipment (including, but not limited to, personal laptop computers, cellular phones, and smart phones) on OJRSA property or at OJRSA work sites to engage in conduct which would be prohibited if using OJRSA equipment.

### 8.3.1 Use of Technology During Work Hours

During work hours, employees should only participate in business pertaining to OJRSA. However, the agency consents to incidental personal use of personal computer systems and telecommunications devices during work hours as defined in the HOURS OF WORK policy (SECTION 5). The term incidental as used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Executive Director. The only sure way to avoid violating this policy is to refrain from any personal activity during work hours.

Participating in social media, games, technology-supported games, or other recreational uses of technology during work hours is strictly prohibited.

### 8.3.2 Prohibited Activities

Below are activities that are prohibited by the OJRSA:

- A. Employees may not display of any kind of sexually explicit image or document on any OJRSA system. Sexually explicit material may not be archived, stored, distributed, edited, or recorded using the agency's network of technology resources.
- B. Employees may not engage in any activity that violates the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations.
- C. Employees may not engage in any activity that violates the rights to privacy of protected healthcare information or other confidential OJRSA information.
- D. Employees may not engage in any activity to introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses, etc.).
- E. Employees may not circumvent or attempt to avoid the user authentication or security of workstations or accounts. Employees may not access or try to access electronic data for which they are not authorized nor log into an account that they are not authorized to access.
- F. Streaming video and music for personal use are not allowed on OJRSA computers.
- G. When using OJRSA-owned telecommunications devices, employees are prohibited from calling 1-900, 1-976 or other similar "pay per minute" services or making personal long distance calls on office telephones ("land lines"). In addition, directory assistance (411) calls should be kept to a minimum.
- H. Employees may not connect to the OJRSA's wireless network for Internet access from a personal device.

### 8.3.3 Use of OJRSA Email Addresses

Employees must not use OJRSA email addresses to create or manage personal accounts (e.g. shopping websites, personal bank accounts, social media accounts). OJRSA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

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### 8.3.4 Privacy of Communications

Employee communications, both business and personal, on the OJRSA's computer and telecommunications systems are not private. Users should be aware that their activity and the data they create on the OJRSA's systems is the property of the OJRSA and usually can be recovered even though deleted by the user.

All communications on OJRSA equipment as well as business-related communications on equipment and accounts not owned by OJRSA (e.g., personal email accounts, cell phone text messages, etc.) is subject to Freedom of Information Act ("FOIA") requirements. There should be no expectation of privacy by OJRSA staff for work-related items contained on personal devices.

### 8.3.5 Monitoring

The OJRSA reserves the right to monitor all employee usage of OJRSA-owned technology systems to ensure proper working order, appropriate use by employees and the security of the agency's data. OJRSA reserves the right to access and inspect any or all user files, for any purpose, including but not limited to, archived material of present and former employees without the user's consent.

### 8.3.6 Software and Applications

All software and applications on OJRSA systems are owned or licensed by the OJRSA. No OJRSA-owned or licensed software or applications may be copied, deleted, distributed, or used on any systems other than those owned by the agency without notification of and written consent from the Executive Director. No software or applications may be downloaded, installed, distributed from or copied to OJRSA systems without the approval of the Executive Director.

### 8.3.7 Remote Access

When accessing the OJRSA's systems remotely using OJRSA or personal devices, employees must follow security guidelines. Remote access is restricted to business use.

Non-exempt staff may occasionally need to access OJRSA's technology systems remotely when staffing the receptionist desk or working at an off-site work function.

### 8.3.8 Security

Although OJRSA does everything possible to protect the agency's systems and the confidentiality and integrity of the agency's information stored on its computer systems, employees are responsible for all activities that originate from their computer accounts, systems, or telecommunications devices and are responsible for protecting data and information stored on the OJRSA's electronic equipment from unauthorized access and disclosure. In addition to sensitive information such as Social Security and credit card numbers, OJRSA processes data which must remain confidential because of governmental rules and regulations.

Employees are required to lock their computers when not in use and must log off at the end of each workday.

Employees must not share their technology passwords with anyone other than the Executive Director, or anyone designated by the Executive Director (typical example being Information Technology vendors), whether by phone, print, in-person, electronically, or any other means. Employees may not use passwords other than those issued by OJRSA.

Employees must immediately report loss or theft of any technology device to the Executive Director.

### 8.3.9 Archiving and Backup of Systems

Employees are responsible for ensuring that data is stored in the proper location to allow centralized data backups. No OJRSA data should be stored on the employee's local hard drive or an external hard drive. An employee with questions about the proper location and storage of OJRSA data should contact their supervisor or manager.

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### 8.3.10 Social Media Sites

Social media sites such as Facebook, Instagram, and X/Twitter may be used strategically as part of OJRSA's communication and outreach efforts. Only employees designated by the Executive Director are authorized to post on OJRSA's social media sites.

## **8.4 EQUIPMENT USE**

**OJRSA WILL NOT BE LIABLE FOR ANY LEGAL CONSEQUENCES ASSOCIATED WITH AN EMPLOYEE VIOLATING THIS POLICY, INCLUDING BUT NOT LIMITED TO ANY CONSEQUENCES ASSOCIATED WITH A VEHICULAR OR OTHER ACCIDENT OCCURRING WHILE AN EMPLOYEE IS IN BREACH OF THIS POLICY AND/OR ANY FINE, PENALTY OR DAMAGES ARISING FROM A VIOLATION OF THIS POLICY BY AN EMPLOYEE. IF AN OJRSA EMPLOYEE VIOLATES THIS POLICY, THEY ARE ACTING OUTSIDE OF THE SCOPE OF THEIR EMPLOYMENT WITH THE OJRSA AND THE EMPLOYEE WILL BEAR FULL PERSONAL RESPONSIBILITY FOR ANY AND ALL DAMAGES RESULTING THEREFROM, WHICH RESPONSIBILITY OJRSA EXPRESSLY DISCLAIMS.**

### 8.4.1 OJRSA Equipment Use

It is prohibited for any person to utilize any piece of OJRSA equipment on private and/or public property in any way other than conducting OJRSA business. Personal use is prohibited unless specifically allowed by another policy herein.

### 8.4.2 Passengers, Riders, and Insurance

OJRSA provides automobile insurance coverage on its motor vehicles during normal operating hours and during other authorized business.

Persons not employed by OJRSA are prohibited from operating or being a passenger in any agency-owned vehicle at any time. Exceptions to the passenger rule include OJRSA Commission members, government officials, contractors, and others who are directly employed, appointed, or elected by OJRSA and who may be involved in agency business.

### 8.4.3 Vehicle Use

Vehicles are provided as necessary in conducting work related business during normal operating hours and times when responding to properly documented emergency calls. Vehicles also may be used for meetings and gatherings for official agency business.

### 8.4.4 On-Call Vehicle Use

OJRSA will provide a vehicle necessary for convenience and efficiency in responding to and correcting mechanical and electrical problems. Two (2) methods to accomplish this are as follows:

- A. Method 1: An on-call employee may drive the maintenance vehicle directly to his/her place of residence at the close of normal operating hours. (This applies only to those who reside within twenty-five (25) miles of the Coneross Creek WRF.) The vehicle would remain parked at his/her residence until either a problem (call-in) occurred or the next regular scheduled workday arrived.
- B. Method 2: A maintenance vehicle and related tools would be available at the Coneross Creek WRF. In responding to an emergency call, the Standby personnel would be required to drive his/her personal vehicle to the plant, change into the maintenance vehicle, and respond to the problem or problems. After corrections are completed, personnel would return the vehicle to the plant and return home in his/her personal vehicle.

The Executive Director will make the final decision of which method will be utilized. Regardless of the method used, on-call employees are required to adhere to the policy covering the use of OJRSA equipment.

### 8.4.5 Personal Use of Vehicle

OJRSA vehicles are not to be used by employees for personal reasons at any time. If an employee is working in the field directly before and/or directly after lunch, the employee may use the company vehicle to go to lunch so long as the lunch location is not unreasonably far from the next work location after lunch (because of the time saved by not having to travel to the office for a personal vehicle); however, if an employee is at the WRF or Operations

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& Administration Building when leaving for lunch, then a personal vehicle must be used.

### **8.5 VEHICLE AND EQUIPMENT MONITORING POLICY**

Subject to certain OJRSA-imposed requirements, the agency generally makes vehicles available to its employees for their use in conducting official OJRSA business. OJRSA reserves the right to monitor and collect data related to the OJRSA vehicles for business and other legitimate purposes as determined by OJRSA in its sole discretion, including, without limitation, by using location monitoring technology. This location monitoring technology may include, but is not limited to, global position satellite (“GPS”) devices or technology. Features pertaining to the agency vehicles and equipment which may be monitored include, without limitation, their locations, the drivers’ identity, route history, harsh driving (e.g. hard starts, stops, cornering, etc.), speed, idling time, and geofence alerts and history which indicate the presence of the vehicle or equipment either inside or outside of designated perimeter lines.

Unless otherwise authorized jointly by the OJRSA Board Chair and Executive Director, only the Executive Director and designated agency Safety Officer are permitted to access monitoring information. If there is reason for another employee in a supervisory role to review the location of staff, they must provide sufficient reason to both the Executive Director and Safety Officer prior to gaining information. In the absence of one (1) of these individuals, they must receive authorization from a member of the OJRSA Board of Commissioners Executive Committee (“Executive Committee”). If both the Executive Director and Safety Officer are not available, then two (2) Executive Committee members must authorize written approval<sup>8</sup> prior to accessing information.

The monitoring information is gathered for safety, security, and productivity-related concerns, including but not limited to, the following:

- A. Logistics. Increasing efficiency, such as determining the closest employee(s) to promptly respond to a business-related matter including, without limitation, a customer need or complaint; assisting employees who are off-course and need directions; and locating employees who fail to respond to an OJRSA call or other communication.
- B. Emergency. Locating employees in the event of emergency.
- C. Security. Keeping unauthorized personnel out of secure areas.
- D. Time Keeping. Ensuring the accuracy of time records.
- E. Theft. Locating a vehicle or equipment in the event of theft.
- F. Workplace Conduct. Ensuring employee compliance with OJRSA policies and procedures including, without limitation, those pertaining to employee use of vehicles and equipment.
- G. Investigations. Conducting various investigations into matters as deemed necessary by OJRSA.

Remember that OJRSA vehicles and equipment are the property of the OJRSA. As such, the monitoring described above may take place twenty-four (24) hours a day, seven (7) days a week, even during off hours including, without limitation, in order to verify the proper use, security, and location.

### **8.6 POLITICAL ACTIVITIES**

All employees of the OJRSA have a civic responsibility to support good government. Employees may engage in political activities, except as follows:

- A. Employees shall not be required to contribute any money or anything of value to any candidate for nomination or election to any office.
- B. Employees shall not campaign or solicit contributions for any candidate or slate of candidates during working hours, nor shall they wear any articles of clothing, buttons, or the like that supports any candidate or a political position.
- C. Employees shall not campaign in OJRSA vehicles or using uniforms, nor should they use any equipment provided by the agency.

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<sup>8</sup> Can be in writing or by email. Both the Executive Director and Safety Officer shall receive copies of such approval.

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## **8.7 VISITOR POLICY**

The term “Visitor” shall apply to everyone other than current OJRSA employees or Commissioners. Visitors will be allowed at the Coneross Creek WRF for scheduled tours or other purposes during normal work hours, excluding holidays. Visitors may be permitted at the plant at times other than as listed above only when prior approval for such visits has been given to the Operator-On-Duty who will be on duty at the time of the visit.

All visitors must check in and out at the front desk prior to reporting to any location at the OJRSA Coneross Creek WRF or Administration Building.

## **8.8 TRAVEL AND REIMBURSEMENTS FOR TRAVEL**

### **8.8.1 General**

OJRSA personnel traveling out of town on authorized business shall be paid a per diem for qualifying meals while away and a mileage rate, if applicable. Meal costs on a per diem basis is preferred over a receipt reimbursement basis due to the inherent costs associated with management’s review and approval of receipts.

### **8.8.2 Request**

The employee will complete a Travel Advance Request form request as soon as the employee becomes aware of the necessary travel. The request must be completed stating the dates of travel, the destination, the purpose of the trip, and the times and dates of departure and return. The form must be signed and dated by the employee. The employee shall submit the completed form to their supervisor for review and an agenda for the meeting or training must be provided if one is available. The supervisor shall ensure that the request is accurate and complete and will sign and date the form attesting to the authorization of the employee to travel and that the expenses qualify for per diem and/or mileage. Additionally, the supervisor should indicate on the form the appropriate account number where the expense should be charged. A copy of all forms associated with travel can be obtained from the supervisor or Office Manager.

### **8.8.3 Qualifying Conditions**

Below are the conditions for what qualifies for per diem pay:

#### **A. Meals**

1. A qualifying meal is one that:
  - a. Is associated with authorized travel; and
  - b. Is not provided by:
    - i. The hotel (other than if the only option is a “continental breakfast”);
    - ii. Consultant or other persons who has business purposes for providing a meal; or
    - iii. Sponsor of the meeting, training session, or seminar.
2. The OJRSA will not furnish the employee’s:
  - a. Breakfast unless the employee must depart prior to 6:00 a.m. in order to arrive at their destination by the stated meeting time.
  - b. Lunch if travel is for one (1) day only unless staff depart prior to 6:00 a.m. and return later than 8:00 p.m.
  - c. Supper unless the employee arrives home from their travel after 8:00 p.m.

**B. Mileage:** Mileage will only be paid if there is not an OJRSA vehicle available for the employee to use. If a vehicle is available but the employee chooses to use their privately-owned vehicle (“POV”), mileage will not be paid.

### **8.8.4 Rates**

**Per Diem:** Per diem rates shall be paid based on the US General Services Administration’s (GSA) Meals & Incidentals rates as posted at [www.gsa.gov](http://www.gsa.gov).

**Mileage:** Mileage paid for the use of POVs will be based upon the round-trip miles from the Coneross Creek WRF to the meeting location using the Internet site, [Google Maps](http://Google Maps). Ten (10) miles per meeting day will be added to the

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total to cover any commuting between the meeting location and the place of lodging. The payment for mileage is based on the GSA's current stated rate using the "Modes of Transportation—If use of privately owned automobile is authorized or if no Government-furnished automobile is available" scale and should be placed in the appropriate rows on the Travel Advance Request form. See [www.gsa.gov](http://www.gsa.gov) for current POV rates.

Reimbursement for Other Expenses: Employee-paid costs for tolls, parking fees, etc. may be reimbursed with the completion of a Travel Expense Reimbursement Request form. Receipts for these types of expenses must be submitted and will be paid to the employee the following week after documents have been submitted. Failure to submit receipts will rule the reimbursement request as invalid.

### 8.8.5 Deadline for Submitting Requests

Employees are responsible for submitting any requests that they may have for approved work-related travel. Whenever an employee files for their per diem and/or mileage after-the-fact, employees must do so within five (5) working days of returning from their travel. Where an employee makes repeated short business-related travel (e.g., post office, etc.), with their supervisor's prior approval mileage may be accumulated for one (1) monthly submittal. In no case shall the mileage be accumulated beyond one (1) month. Requests submitted beyond this time limitation will be ruled as invalid.

### 8.8.6 Lodging

This section addresses occasions when employees may be traveling out of town on authorized business that involves overnight lodging:

- A. Selection of Lodging Accommodations: Employees are expected to make prudent and cost-effective decisions when selecting lodging. There are occasions when the meeting sponsor handles all lodging reservations. Where meeting attendees are not given options and room assignments are automatic, employees may stay where they are assigned. However, when employees are responsible for making their own reservations, an OJRSA staff designee will make the reservations for the traveling employee and the staff designee will request the least-cost option regarding the type, size, and location of the rooms that are available.
- B. Number of Nights Authorized
  1. The OJRSA will pay for lodging that is necessary without creating unrealistic travel for the employee. Employees will be allowed to leave work in order to travel to the location of their meeting.
  2. For travel to the meeting, the travel time allowed will be based upon the [Google Maps](https://www.google.com/maps) travel time plus one (1) hour. The additional hour is to accommodate traffic, parking, meeting check-in, hotel check-in, etc. Employees needing to leave prior to the normal work day in order to avoid arriving late for the meeting may travel the day before and use lodging at the OJRSA's expense if they must leave prior to 6:00 a.m. on the scheduled meeting date. Otherwise, the employee must travel on the day of the meeting.
  3. For travel returning home from the meeting, the travel time allowed will be based upon the [Google Maps](https://www.google.com/maps) travel time plus one (1) hour. Employees may stay an additional night and use lodging at the OJRSA's expense if the travel time after the meeting adjournment may result in their returning home after 9:00 p.m.; otherwise, the employee must travel home after the meeting adjournment.
- C. Extended Length of Stay: Employees may opt to leave earlier than necessary or stay longer than necessary but must do so using their accrued Vacation Leave and pay for the lodging, meals, and/or rental car at their own expense. The amount of Vacation Leave needed will be the difference between the allowed time and the actual time of leaving for the meeting or returning from the meeting.





**RESOLUTION 2024-16**

**Adoption of Personnel Policy Manual**

**A RESOLUTION ADOPTING A MANUAL CONTAINING EMPLOYMENT POLICIES OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY; AND OTHER MATTERS RELATED THERETO.**

**NOW, THEREFORE, BE IT RESOLVED** by the Oconee Joint Regional Sewer Authority Commission (the “Commission”), the governing body of the Oconee Joint Regional Sewer Authority, South Carolina (“OJRSA”) in a meeting duly assembled as follows:

**Section 1 Findings.** The Commission hereby makes the following findings of fact in connection with the adoption of this resolution (this “Resolution”):

- A. OJRSA was established pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the “Act”) by its three member-municipalities: the City of Seneca, the City of Walhalla, and the City of Westminster under the terms of an Intergovernmental Agreement dated October 31, 2007 (the “Agreement”).
- B. Pursuant to the Act and the Agreement, the Commission is tasked with the management and control over the joint regional sewer system owned by OJRSA.
- C. The Commission has determined that it is in the best interest of the OJRSA to revise the December 21, 2020 Employee Handbook that establishes the rules, regulations, processes, certain benefits, and other matters that apply to employees of OJRSA, which shall be known collectively as the 2024 OJRSA Personnel Policy Manual.

**Section 2 Adoption.** In accordance with the findings above, the Commission hereby adopts the amended and restated 2024 OJRSA Personnel Policy Manual as set forth at Exhibit A.

**Section 3 Effective Date.** The 2024 Personnel Policy Manual is effective October 8, 2024. All policies and provisions of the OJRSA Personnel Policy Manual dated December 21, 2020 are hereby repealed and are replaced by the policies and provisions in the 2024 Personnel Policy Manual. All resolutions, and all policies regardless of whether related to employment and not contained in the 2024 Personnel Policy Manual that are in conflict with the provisions of this Resolution or the 2024 Personnel Policy Manual are hereby repealed to the extent of the conflict or inconsistency or where the conflict or inconsistency is not severable from such document.

**DONE AND ADOPTED** by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 7th day of October 2024.

\_\_\_\_\_  
**Brian Ramey, Chair**  
OJRSA Board of Commissioners

Attest: \_\_\_\_\_  
**Lynn Stephens, Secretary/Treasurer**  
OJRSA Board of Commissioners -and-  
OJRSA Office Manager

Approved as to form:

\_\_\_\_\_  
**Larry Brandt, OJRSA Attorney**

Date: \_\_\_\_\_

<seal>

**Exhibit A**

*Attached beginning on following page*

**DISCLAIMER**

**ALL EMPLOYEES OF OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF OJRSA’S RULES, POLICIES, HANDBOOKS, PROCEDURES, OR OTHER DOCUMENTS, INCLUDING THIS PERSONNEL POLICY MANUAL, CREATES ANY EXPRESS OR IMPLIED CONTRACT. THIS MANUAL REPLACES ANY PREVIOUSLY ISSUED POLICIES, PRACTICES, AND UNDERSTANDINGS, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NOTHING CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS IN THIS PARAGRAPH CREATES ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE IN WRITING; 2) THE DOCUMENT IS LABELED “CONTRACT”; 3) THE DOCUMENT STATES THE ~~TERM~~-DURATION OF EMPLOYMENT FOR FIXED TERM; AND 4) THE DOCUMENT IS SIGNED BY THE OJRSA BOARD OF COMMISSIONERS.**

The *OJRSA Personnel Policy Manual* was APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on \_\_\_\_\_ October 7, 2024 with an effective date of October 8, 2024.\_\_\_\_\_

I hereby acknowledge receipt of this OJRSA Personnel Policy Manual. I understand that it is my continuing responsibility to read and know its contents.

I have read, understand, and have the continuing opportunity to ask questions about the *OJRSA Personnel Policy Manual*.

Acknowledgement:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



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## **DISCLAIMER**

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The *OJRSA Personnel Policy Manual* was APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on                      October 7, 2024 with an effective date of                      October 8, 2024.

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## **SECTION 1– DECLARATION OF POLICY**

The Oconee Joint Regional Sewer Authority (also referred to as “OJRSA”) does hereby declare the following principles ~~to constitute to guide~~ the personnel policies of the Oconee Joint Regional Sewer Authority:

- A. Employment with the OJRSA shall be based on merit, qualifications, and fitness, and free of personal and political considerations.
- B. Equitable incentives and conditions ~~shall~~ may be established and maintained in order to promote efficiency and economy in the operation of OJRSA facilities.
- C. The OJRSA strives to stimulate high morale by fair administration and by consideration of the rights and interests of employees, consistent with the best interests of the public and the OJRSA.
- D. Continuity of employment shall be subject to good behavior, satisfactory work performance, necessity for the work, and availability of funds.

The *OJRSA Personnel Policy Manual* (“Policy”) shall become effective in accordance with OJRSA Resolution 2024-~~16~~        . All resolutions or policies (including former personnel policies, employee handbooks, etc.) that are in conflict with the provisions of this Resolution or Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

The OJRSA also has other policies that are applicable to its employees. All OJRSA policies are intended to complement and be guided by the above-listed principles, and ~~These and other policies shall be considered extensions of this Policy and violations of these any OJRSA policy could result in disciplinary action, up to and including termination.~~ Some of OJRSA’s freestanding ~~such~~ policies include, but are not limited to:

- A. Ethics Policy
- B. Procurement and Property Disposal Policy
- C. Purchasing Card Policy

## **SECTION 2 – CORE POLICIES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY AND THE LAW**

The OJRSA provides equal opportunity to all applicants for employment and administers hiring, and all conditions and privileges of employment, such as compensation, training, promotions, transfer, and discipline without discrimination because of race, color, religion, gender, disability, genetic information, pregnancy including pregnancy related medical conditions, childbirth, or related medical conditions (including but not limited to lactation), age, military service, veteran status, or national origin. The OJRSA also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he /she has been discriminated or retaliated against in violation of this policy should report the matter to either the Office Manager or other position delegated with the Human Resources function, the Executive Director, or if necessary, the OJRSA Board Chairperson (or “Chair”).

Employment posters are located in the OJRSA Administrative and Operations Building near the timeclock.

### **2.2 REASONABLE ACCOMMODATIONS**

The OJRSA is committed to full compliance with the Americans with Disabilities Act (“ADA”), as amended, and ensures that disabled applicants and employees receive equal employment opportunities with respect to all phases, terms, conditions, and privileges of employment. In addition, the agency makes reasonable accommodations for qualified individuals with disabilities in accordance with and as required by applicable law. If you believe that you need a workplace accommodation as the result of a disability, ~~which accommodation would enable you in order~~

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for you to be able to perform the essential functions of your job, please notify the Office Manager, or other position delegated with the Human Resources function, or the Executive Director.

OJRSA also fully complies with and will respond to requests for reasonable accommodation for pregnancy, child-birth and related medical conditions, ~~made~~ pursuant to the federal Pregnant Worker Fairness Act and the South Carolina Pregnancy Accommodations Act. ~~Please see the Office Manager for details.~~

## **2.3 ANTI-HARASSMENT**

### **2.3.1 General**

Various laws and regulations generally prohibit employment decisions from being made based on race, gender, religion, national origin, color, age, genetic information, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), disability, or similar distinctionscategories. In addition, it is our OJRSA desires to provide a working environment in which employees are free from discomfort or pressure resulting from comments, electronic communications, jokes, ridicule, slurs, threats and all other harassing conductment either relating to such distinctionscategories or simply resulting from a lack of consideration for a fellow human being.

### **THE OJRSA DOES NOT TOLERATE HARASSMENT OF ANY KIND AND FORBIDS RETALIATION AGAINST ANYONE WHO HAS REPORTED HARASSMENT IN GOOD FAITH.**

### **2.3.2 Sexual Harassment**

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, electronic, or visual conduct based on sex constitute sexual harassment when:

- A. Submission to the conduct is an explicit or implicit term or condition of employment; or
- B. Submission to or rejection of the conduct is used as the basis for an employment decision; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

## **2.4 COMPLAINT PROCEDURE AND INVESTIGATIONS**

### **2.4.1 Procedure**

If an employees believes their rights as a workers have been violated by anyone with whom they have come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, they should must report the incident(s) immediately, but generally no later than three (3) calendar days after the incident occurred. This can be done by either of the following methods:

- A. Reporting to the supervisor or to a higher level in the "chain of command." Any potential violation of the OJRSA personnel policies made by the Executive Director should be made to the Chair of the OJRSA Board of Commissioners.
- B. Report to the OJRSA Office Manager or other position delegated with the Human Resources function, who serves the role as Human Resources Manager of the agency.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the OJRSA Office Manager or Executive Director as soon as possible.

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### 2.4.2 Investigations

All complaints and harassment allegations, whether they originate from internal or external source of the OJRSA, will be investigated, and the investigatory process may vary from case to case. The investigation is begun as promptly as possible and conducted as expeditiously as is practical. Investigations will be conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy and the law. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the victim of the complaint, or a witness. Persons who are interviewed are requested not to discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not complain to civil rights agencies make their own complaints to government agencies who enforce employee rights.

Complaints made pursuant to this policy are incredibly serious. While employees should raise legitimate good-faith concerns and complaints hereunder, employees are prohibited from making complaints or reports under this policy that the employee knows to be false.

Employees may be asked to submit to a polygraph (lie detector) examination.

To avoid misunderstandings, OJRSA may complaints require complainants and witnesses to make a written statement the completion of a complaint report either by the victim or by someone assisting the victim summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of the report.

These procedures have been established to enable the victim to get relief. The US Supreme Court has stated that as a general rule you may not sue a governmental agency for a violation of your rights unless you first give the entity notice and an opportunity to end the harassment. The reporting procedures developed are intended to establish a clear record of what has been reported.

### **2-32.5 RECRUITMENT**

Only the Executive Director or OJRSA Board Chair shall be authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants. All supervisors shall notify the Executive Director immediately upon learning that a vacancy will occur. The Administrative Office will then take those steps as may be necessary to attract qualified applicants. ~~The Administrative Office will eliminate those applicants who do not meet the minimum training and experience requirements before forwarding the remaining applications to the Executive Director for further consideration.~~

### **2-42.6 NEPOTISM**

Definition of "Family Member" for this Policy shall include spouse, mother, father, sister, brother, daughter, son, nephew, niece, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, aunt, uncle, and first cousins. A Family Member is also considered to include step-parents, step-children, step-brothers and step-sisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant, or significant other) are treated as being within the immediate family of each other for the purposes of this policy.

Two (2) or more Family Members shall not be employed by the OJRSA if such employment will result in one (1) Family Member family being under the supervision of another member, or where one (1) member occupies a position which has direct influence and control of the other's employment, promotion, salary administration, and other related management or personnel consideration.

In emergency situations where other qualified applicants are not available for an essential task, employment of close relatives may be permitted for temporary periods not to exceed thirty (30) calendar days, with the approval

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of the Chair of the OJRSA Board of Commissioners. Nothing herein shall prevent the OJRSA Chair from authorizing employment of a close relative under a temporary federal manpower or similar program designed to provide work on OJRSA projects by the unemployed or disadvantaged.

The OJRSA generally will not permit two (2) employees who become involved in a romantic relationship, sexual relationship, or who establish an immediate familial relationship through marriage, to have a direct or indirect reporting relationship to one another within the OJRSA, nor will the agency permit either of the two (2) employees to impact or influence OJRSA decision-making regarding the other employee. OJRSA reserves its right to ask that the employees decide between themselves which of the two (2) will resign from employment with the agency should such become necessary in OJRSA's sole discretion. If, upon request, the employees fail to make and communicate this decision to the OJRSA, the agency will generally take additional steps to resolve the issue including, without limitation, separating one (1) or both of the employees from employment.

Situations not specifically addressed in this policy that, in OJRSA's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at OJRSA's discretion.

### **2-52.7 APPLICATION FOR APPOINTMENT**

Applicants for OJRSA employment shall apply on forms provided by the agency. OJRSA does not hold applications after the position applied for is filled. Applicants must re-apply with a new application for a subsequent position even if it is the same position that became open again after applicants' original application for that position.

### **2-62.8 APPLICATION PROCESS**

As determined by the Executive Director and/or OJRSA Board of Commissioners, the selection process may include one (1) or more, or all, of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or non-assembled examinations. Physical examinations and drug analysis, ~~and polygraph~~ may be required after a conditional offer of employment for such classifications as may be determined necessary.

### **2-72.9 BACKGROUND CHECKS**

All offers of employment at the OJRSA are contingent upon clear results of a thorough background check. Background checks may will be conducted on all final any applicants for employment candidates and on all any employees who are promoted, as deemed necessary. Background checks typically will be conducted on all final candidates for a job offer.

Background checks may will include but are not limited to:

- A. Social Security Verification: Validates the applicant's Social Security number, date of birth, and former addresses.
- B. Prior Employment Verification: Confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire.
- C. Personal and Professional References: Calls will be placed to individuals listed as references by the applicant.
- D. Educational Verification: Confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- E. Criminal History: Includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
  1. The nature of the crime and its relationship to the position.
  2. The time since the conviction.
  3. The number (if more than one (1)) of convictions.
  4. Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches will may be required if applicable to the position:

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- A. Motor Vehicle Records: Provides a report on an individual's driving history in the state requested. This search will be run when driving is a requirement of the position.
- B. Credit History: Confirms candidate's credit history. This search may generally~~will~~ be run for positions that involve management of OJRSA funds and/or handling of cash or credit cards.

~~Final~~Any candidates for whom the OJRSA requires a background check must complete a Background Check Authorization Form and return it to the Office Manager, who will then order the background check upon receipt of the signed release form. Either internal OJRSA Administrative staff or an employment screening service will conduct the checks. A designated OJRSA representative will review all results.

The Office Manager will notify the hiring department manager regarding the results of the check. In instances where negative or incomplete information is obtained, the department manager and appropriate OJRSA administrative staff will assess the application of that information~~potential risks and liabilities related~~ to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by the Office Manager in conjunction with the employment screening service, if applicable.

### **2.82.10 SELECTION OF NEW EMPLOYEES**

Original appointments to vacancies of the OJRSA shall be based upon merit and suitability for the position. In determining the most suitable applicant, the OJRSA considers such factors as education, experience, aptitude, knowledge, character, and physical and mental fitness.

The final selection of the person to fill each vacancy shall be made by the appropriate department head, with the approval of the Director. The Director must approve the selection of OJRSA employees regardless of whether such employees are regular status, part-time, temporary, and regardless of sources of funds (local, state, federal) for payment. When final selection has been made to fill a vacancy, an employee's orientation checklist shall be completed by the Administrative Office and a file copy retained in the personnel folder of the employee.

### **2.92.11 EMPLOYEE CLASSIFICATIONS**

#### **2.11.1 Regular Full-Time Employees**

Regular Full-Time Employees are those OJRSA employees who are regularly scheduled to work at least thirty (30) hours in a given work week. Regular Full-Time Employees may generally become eligible for the various benefits that OJRSA provides its employees, subject to and in accordance with the applicable benefits policies, as well as applicable law. Below are the two (2) types of Regular Full-Time Employees of the OJRSA. NOTE: Other OJRSA Employees are not considered regular, full-time employees. Regular Full-Time Employees include:

#### **2.9.1 Non-exempt**

- A. ~~Non-Exempt~~ Employees: These are OJRSA full-time employees who are not exempt from, and therefore subject to, the recordkeeping, overtime, and minimum wage requirements of the federal Fair Labor Standards Act ("FLSA"). Non-exempt employees are paid based on criteria as stated in SECTION 6. **NON-EXEMPT EMPLOYEES MUST NEVER WORK OFF THE CLOCK.**

#### **2.9.2 Exempt**

- B. ~~Exempt~~ Employees: OJRSA full-time employees who are exempt from and, therefore, not subject to, the overtime and minimum wage requirements of the FLSA. However, there is an OJRSA exemption to this as stated in SECTION 6.6.

#### **2.11.2 Other OJRSA Employees**

Below are the categories of Other OJRSA Employees, who are not considered to be Regular Full-Time Employees. These employees are generally ineligible for benefits the OJRSA offers to its Regular Full-Time Employees except as may be required by applicable laws (e.g., overtime) unless or otherwise indicated. Other OJRSA Employees include:

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- A. Part-Time Employees:** ~~These~~ are ~~those~~ OJRSA employees who are regularly scheduled to work less than thirty (30) hours during a given work week. Part-time employees are typically ineligible for the various benefits that OJRSA provides to its employees, subject to and in accordance with the applicable policies, as well as applicable law. Part-time employees are not eligible for vacation, sick, or other paid leave.
- B. Seasonal Employees:** OJRSA employees ~~are those~~ who work for the agency for a limited period of time during the calendar year and, when employed, generally work forty (40) hours during a given work week are considered Seasonal Employees. Most seasonal employees hold non-exempt positions. ~~Seasonal employees are generally ineligible for benefits the OJRSA offers to its regular full-time employees except as required by applicable law.~~ In addition, some seasonal employees are currently eligible to receive holiday pay; however, they do not accrue vacation, sick, or other paid leave.
- C. Apprentices, Cooperative Education (“Co-op”) Workers, Employees, and Interns:** ~~These workers-employee Co-Ops are,~~ generally, employed with the OJRSA to work during designated educational semester rotations while also enrolled in college and receiving course credit, educational credit, or fulfilling a training requirement.
1. Apprentices typically shall not work more than thirty (30) hours a week.
  2. Some Co-Ops may work forty (40) hours a week or more. Co-Ops and Interns are generally ineligible for benefits the OJRSA offers to its regular full-time employees Regular Full-Time Employees except as may be required by applicable law (e.g., overtime).

### **2.112.12 TEMPORARY APPOINTMENTS**

In the absence of an appropriate list for filling of temporary or seasonal positions and temporarily in the case of emergencies, vacancies may be filled by temporary appointments by the agency. Such temporary appointments shall have a maximum duration of twelve (12) months. No temporary appointment shall be construed to confer tenure of regular status of employment upon the temporary employee, and any temporary appointment may be terminated at any time by the Executive Director and/or OJRSA Board of Commissioners.

### **2.122.13 PROBATIONARY PERIOD**

All new employees, including former employees who have been rehired, are considered to be on probation for the first six (6) months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for the job. This period is not a guarantee of employment for six (6) months. If the department head concludes at any time that the employee is not suited for the position, the employee may be terminated or may be placed on extended probation if approved by the Executive Director. The probation period ends successfully when the department head, not sooner than six (6) months after the employee was hired, evaluates the new employee in writing and authorizes the classification change to regular status.

### **2.132.14 REGULAR STATUS**

Employees who have satisfactorily completed at least six (6) months of continuous service with OJRSA shall be granted regular status. Regular status employees are entitled to all benefits and privileges provided by the OJRSA for its employees.

### **2.142.15 PERFORMANCE EVALUATIONS**

The OJRSA may conduct performance evaluations at any time it deems necessary or beneficial. Performance evaluations may be done annually an annual evaluation on or around an employee’s anniversary date the end of the organization’s Fiscal Year, and may be done at any other time including but not limited to at the end of the employee’s probationary period and as a result of disciplinary action. A performance evaluation may include a performance improvement plan. (Fiscal Year shall mean the definition as stated in the current version of the OJRSA Financial and Accounting Policy.)

If an employee is out for more than thirty (30) days during the year, their evaluation will be advanced.

### **2.152.16 SEPARATION FROM EMPLOYMENT**

To resign in good standing, an employee must submit written notice of resignation at least two (2) weeks in advance of the date of such resignation to his/her Department Manager. An employee must work during the notice



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period. The failure to do so will normally result in a denial of re-employment and denial of payment for accrued leave. However, upon determination by the Executive Director that exceptional circumstances existed which warranted the failure to provide such notice, the Department Manager may nevertheless enter such resignation as one in good standing. Department Managers, immediately upon receipt of notices of resignation, will forward the notice to the OJRSA Office Manager.

The requirement for this two (2) week notice may be waived by the ~~OJRSA~~ Executive Director, in his/her discretion, based upon the needs of the organization.

### **2.162.17 ABOLISHMENT OF POSITION**

A position may be abolished, or the number of personnel reduced by the OJRSA for reasons of economy, reorganization, or other reasons. The OJRSA may reassign any affected regular employees to another position within the agency for which the employee may be qualified. If no such position is available immediately, the name of the affected employee shall be kept on file and he/she may be offered employment should a vacancy occur in a position for which they are qualified.

### **2.172.18 EXIT INTERVIEWS**

All departing, regular employees will be asked to participate in an exit interview. Exit interviews may also be conducted with employees who are transferring between departments.

Employees ~~will~~ may be asked to complete a written questionnaire and given the opportunity to take part in a face-to-face interview, lasting approximately thirty (30) minutes.

The interview ~~is typically should be~~ conducted during the final week of employment. The ~~OJRSA~~ Office Manager or Executive Director will conduct all exit interviews with departing employees. Another individual may attend (to take notes or provide support to the interviewer), but the employee's direct supervisor typically will not be present. Generally, at least one (1) of the interviewers will take notes during the session, and the exit interview questionnaire will be used to guide the interview in order to ensure consistency of information gathered in each interview.

There may be instances where individuals who should be invited to participate in an exit interview are overlooked. Managers and the agency's Administrative Department will need to be vigilant to ensure that these opportunities to gain valuable information are not missed.

### **2.182.19 GRIEVANCE AND APPEALS**

When an employee feels they have not been treated fairly or consistently related to their employment, he/she may ask for a grievance or appeals meeting with the Executive Director. The request for a meeting shall be made in writing to the Director within ten (10) working days of when the incident giving rise to the grievance occurred.

Grievances and appeals can include, but are not necessarily limited to dismissal, promotion of others, and demotions. Compensation (including merit pay), evaluations, and oral reprimands are not grounds for consideration under the Grievance and Appeals policy.

If a meeting is granted, the Executive Director will hear the case from the employee. He/she will also listen to the counter arguments from others involved, such as supervisors and witnesses. Following the conclusion of the meeting, the Director will issue a decision, which will be binding and cannot be further appealed.

## **SECTION 3 – SAFETY AND GENERAL MEDICAL**

### **3.1 SAFETY**

Safety is a core value of the OJRSA and the agency firmly believes that all workplace incidents are preventable. It

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is essential that employees follow safety directives to provide for their safety as well as that of others. Failure to abide by these rules and guidelines may result in the disciplinary actions up to and including termination.

Most safety, security, and injury-related items can be found in the current versions of the following manuals (if applicable):

A. *OJRSA Safety Manual*

B. *OJRSA Emergency Action Plan*

C. *OJRSA Process Safety Management Program*

C.D. *OJRSA Risk Management Plan Safety Manual For Hazardous Materials*

### **3.2 NON-WORK INJURIES AND ILLNESSES**

If an employee is placed on work restrictions from an incident that did not occur ~~while working at work~~, the Work Status/Return to Work Form provided by the physician should be provided to the employee's supervisor and Office Manager prior to beginning work. The supervisor and Executive Director will ~~consider~~decide if the noted restrictions can be accommodated for the duration noted on the form.

### **3.3 WORKING WHILE UNDER MEDICAL CARE**

Once treated by a physician, the injured employee will receive a Work Status/Return to Work Form from the healthcare provider~~d~~. Employees are prohibited from returning to work ~~prior to~~before they are released by a ~~healthcare provider~~physician. The form must be provided to the Office Manager in order to be cleared to return to work.

If restrictions are noted, the ~~employee's department directors~~supervisor, Office Manager, and/or Executive Director must decide if those restrictions can be accommodated to allow the employee to perform his/her essential job functions for the duration noted on the form. OJRSA will attempt to work with the employee to accommodate the restrictions in the employee's current position, if possible, but the agency will not create work in order to accommodate the restrictions.

It is the responsibility of the injured employee to attend all re-examinations and treatments as prescribed by the applicable healthcare provider~~the agency's Primary Health Care Provider~~.

If the restrictions can be accommodated, the supervisor shall ensure the employee understands they are responsible for complying with all restrictions.

If it is not possible to accommodate the restrictions in the employee's position, OJRSA will attempt to find other work for the employee, so long as such work is available and the employee is qualified to perform the work, before considering alternative accommodations when required by applicable law.

If the restrictions cannot be reasonably accommodated, the employee must not return to work until restrictions have been lifted by the healthcare provider. A doctor's statement must be provided to OJRSA excusing him/her ~~from~~work.

### **3.4 ILLNESSES, INJURY, OR EXPOSURE TO CONTAGIOUS DISEASES**

An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (e.g., flu, measles, etc.) must report this exposure to his/her supervisor prior to reporting to work, even if the employee is not experiencing symptoms and should follow any instructions from his/her healthcare provider regarding returning to work. In the absence of advice or direction from the employee's healthcare provider, OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.

Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor in accordance with SECTION 3.3. If in OJRSA's sole opinion, it does not

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appear that the employee can safely perform his job, he/she will be sent home pending further determination. See SECTION 7.2.3 for agency’s Sick Leave policy.

**IF AN EMPLOYEE SHOWS OBVIOUS SIGNS OF ILLNESS OR INJURY WHILE AT WORK, THEN THE OJRSA RESERVES THE RIGHT AND MAINTAINS THE AUTHORITY TO:**

- A. Send the employee home using the appropriate leave for which they are entitled, and
- B. In certain cases, require the employee to see a qualified ~~physician~~ healthcare provider prior to returning to work.

**3.5 CONCEALED AND OTHER WEAPONS**

Concealable weapons are not allowed on OJRSA property, vehicles, or work sites, regardless of whether the person holds a valid permit to carry (open or concealed) firearms. In addition, employees may not bring tasers, pepper spray, explosives (including fireworks), or similar weapons to the workplaces. Knives, other than pocketknives, are also prohibited.

**3.6 PERSONAL PROTECTIVE EQUIPMENT**

The best way to reduce hazards is through engineering, work practices, and controls at the source; however, it is not always possible to control risks through these methods. When it is necessary for staff to wear personal protective equipment (“PPE”), it will be provided by the agency through one of two means by either: (1) Issuance of PPE by OJRSA or (2) PPE Allowance and Reimbursement Program, both of which are described within this section.

**3.6.1 Issuance of PPE by OJRSA**

The OJRSA stocks and issues most PPE that is necessary for employee safety. Items such as gloves, air-purifying respirators, hearing protection, safety glasses, hard hats, and high-visibility clothing are issued on an as-needed or as requested basis by the OJRSA. ~~When an employee realizes they need an article of PPE that is stocked, he/she~~ Employees can obtain ~~PPE these~~ from the supply room, supervisor, ~~Pretreatment & Safety Coordinator~~ Regulatory Services Coordinator, or Office Manager, as appropriate. More information about PPE can be found in the *OJRSA Safety Manual*.

**3.6.2 PPE Allowance and Reimbursement Program**

For PPE that is necessary (or in some cases not necessary but encouraged) but requires a custom fit or prescription, the agency will provide an allowance for such equipment. Staff that work in safety sensitive positions as defined in the OJRSA Safety Manual are eligible for reimbursement on purchases for items that qualify for the PPE Allowance and Reimbursement Program. Table 1 details the items covered by this program, the amount that is provided, and any notes or restrictions. The amount stated is the maximum amount the OJRSA will cover for expenses. If employees spend less than the maximum amount, they will only be reimbursed for the actual cost of the covered items.

*Table 1: PPE items eligible for reimbursement by OJRSA*

PPE Item	Maximum Amount	Frequency	Notes or Restrictions
Safety Boots/Shoes	<del>\$125</del> <u>160</u>	Annually based on employee’s date of hire	Must meet OSHA requirements as defined in 29 CFR 1910.136 (Personal Protective Equipment—Foot Protection). The employee must provide the Office Manager with a receipt and proof the safety boots/shoes meet the minimum OSHA requirements in order to receive reimbursement.
Prescription Safety Glasses	\$200	Biennially based on employee’s date of hire	<u>The OJRSA will not pay for the eye exam.</u> Must meet OSHA requirements as defined in 29 CFR 1910.133 (Personal Protective Equipment—Eye and Face Protection). The employee must provide the Office Manager with a receipt, proof the prescription safety glasses meet minimum OSHA requirements, and a copy of the prescription in order to receive reimbursement. <del>The OJRSA will not pay for the eye exam.</del>

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All reimbursements shall be made to the employee via check ~~during the following pay period~~ after providing documentation to the Office Manager.

## **SECTION 4 – STANDARDS OF EMPLOYEE CONDUCT**

### **4.1 EMPLOYEE CONDUCT**

#### **4.1.1 General**

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline that may be imposed includes but is not limited to oral reprimand, written warning, probation, reduction of leave balances, suspension without pay, demotion and discharge. In addition, OJRSA may procedurally suspend an employee without pay pending investigation to determine if disciplinary action is appropriate. If OJRSA determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, OJRSA may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE OJRSA AND MAY INCLUDE ANY LEVEL OF DISCIPLINE FOR A FIRST OFFENSE INCLUDING TERMINATION OF EMPLOYMENT.** NOTHING IN ANY OF THE OJRSA'S POLICIES OR BY ANY PAST PRACTICE OF OJRSA REQUIRES OJRSA TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE. Supervisors and department ~~heads~~directors must submit terminations to the Executive Director for review prior to administrating to the employee.

Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. If an employee refuses to sign the document, he/she will be relieved of duty without pay. If he/she does not sign the document by 5:00 p.m. at the end of his/her next scheduled workday, he/she will be presumed to have resigned.

#### **4.1.2 Examples of Conduct Warranting Disciplinary Action**

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any misconduct is at the sole discretion of the OJRSA. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including discharge.

**OJRSA RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD ~~TO~~FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

Examples include, but are not limited to:

A. Failure to act professionally, reasonably, or responsibly, or conduct that could reflect negatively on OJRSA

B. Failure to follow legal and regulatory requirements, including reporting requirements

~~A-C.~~ Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the OJRSA's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the OJRSA's determination on continued employment.

~~B-D.~~ Incompetence

~~C-E.~~ Unauthorized absence or tardiness or a pattern of absenteeism or tardiness

~~D-F.~~ Insubordination, including disrespect for authority, or other conduct that tends to undermine authority

~~E-G.~~ Failure or refusal to carry out instructions

~~F-H.~~ Unauthorized possession or removal, misappropriation, misuse, destruction, theft, or conversion of OJRSA property or the property of others

~~G-I.~~ Violation of safety rules, neglect, engaging in unsafe practices

~~H-J.~~ Interference with the work of others

~~I-K.~~ Threatening, coercing, or intimidating fellow employees, including "joking" threats

~~J-L.~~ Dishonesty

~~K-M.~~ Failure to provide information, falsifying OJRSA records, or providing falsified records to OJRSA for any

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purpose

~~L.N.~~ Failure to report personal injury, incident, accident, near miss, or property damage

~~M.O.~~ Failure to report a moving violation while operating OJRSA vehicle or equipment or while operating personal vehicles on OJRSA time and/or property

~~N.P.~~ Failure to secure OJRSA property, vehicles, or other sites

~~O.Q.~~ Neglect or carelessness

~~P.R.~~ Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on OJRSA property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is "under the influence" if he/she has any detectable amount of any such substance in his system.

~~Q.S.~~ Unsatisfactory performance

~~R.T.~~ Violation of OJRSA policies

~~S.U.~~ Lack of good judgment

~~T.V.~~ Any other reason that, in the OJRSA's sole determination, warrants discipline

#### ~~4.21.1 ANTI-HARASSMENT~~

##### ~~4.3.01.1.1 General~~

~~Various laws and regulations generally prohibit employment decisions from being made based on race, gender, religion, national origin, color, age, genetic information, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), disability, or similar distinctions. In addition, it is our desire to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.~~

#### ~~THE OJRSA DOES NOT TOLERATE HARASSMENT OF ANY KIND AND FORBIDS RETALIATION AGAINST ANYONE WHO HAS REPORTED HARASSMENT IN GOOD FAITH.~~

##### ~~4.7.01.1.1 Sexual Harassment~~

~~Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:~~

~~D.A. Submission to the conduct is an explicit or implicit term or condition of employment; or~~

~~D.A. Submission to or rejection of the conduct is used as the basis for an employment decision; or~~

~~D.A. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.~~

~~Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.~~

~~Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.~~

#### ~~4.161.1 COMPLAINT PROCEDURE AND INVESTIGATIONS~~

##### ~~4.17.01.1.1 Procedure~~

~~If an employee believes their rights as a worker have been violated by anyone with whom they have come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, they should report the incident(s) generally no later than three (3) calendar days after the incident occurred. This can be done by either of the following methods:~~

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~~D.A. Reporting to the supervisor or to a higher level in the “chain of command.” Any potential violation of the OJRSA personnel policies made by the Executive Director should be made to the Chair of the OJRSA Board of Commissioners.~~

~~D.A. Report to the OJRSA Office Manager, who serves the role as Human Resources Manager of the agency.~~

~~Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the OJRSA Office Manager or Executive Director as soon as possible.~~

#### ~~4.23.01.1.1 Investigations~~

~~All complaints and harassment allegations, whether they originate from internal or external of the OJRSA, will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy and the law. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the victim of the complaint, or a witness. Persons who are interviewed are requested not discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not complain to civil rights agencies.~~

~~Complaints made pursuant to this policy are incredibly serious. While employees should raise legitimate good-faith concerns and complaints hereunder, employees are prohibited from making complaints or reports under this policy that the employee knows to be false.~~

~~Employees may be asked to submit to a polygraph (lie detector) examination.~~

~~To avoid misunderstandings, complaints require the completion of a complaint report either by the victim or by someone assisting the victim summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of the report.~~

~~These procedures have been established to enable the victim to get relief. The U.S. Supreme Court has stated that as a general rule you may not sue a governmental agency for a violation of your rights unless you first give the entity notice and an opportunity to end the harassment. The reporting procedures developed are intended to establish a clear record of what has been reported.~~

#### **4.334.2: DRUG-FREE WORKPLACE**

Employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the influence of alcohol, illegal drugs, or improperly used controlled substances. For purposes of this policy, “under the influence” means having any detectable amount of any such substance in the employee’s system.

Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors and the OJRSA Leadership Team will determine whether an employee may continue to work while using the medication.

#### **4.344.3 EMPLOYEE SUBSTANCE ABUSE AND TESTING**

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, ~~on~~ morale, and ~~on~~ productivity. Furthermore, it is the policy of ~~the~~ OJRSA to comply with the state and federal Drug Free Workplace Acts, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and the use of controlled substances on or off the job.

For these reasons, OJRSA adopts the following policy:

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#### 4.34.14.3.1 General Rule

All employees of ~~the~~ OJRSA are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. This prohibition applies to use at any time, both on the job and off the job. OJRSA employees are permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the influence of alcohol, illegal drugs, legal substances that cause cognitive impairment, or improperly used controlled substances. For purposes of this policy, “under the influence” means having any detectable amount of any such substance in the employee’s system. Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors. OJRSA will determine whether an employee may continue to work.

~~OJRSA may test employees for drug or alcohol use in violation of this policy any time the OJRSA has reasonable suspicion of a violation of the policy.~~

All employees of OJRSA are prohibited from using or possessing alcoholic beverages on OJRSA premises or time. (The term “OJRSA premises or time” includes: OJRSA vehicles and private vehicles on OJRSA premises; parking lots and recreation areas; and any circumstances in which an employee is representing OJRSA, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The Executive Director may approve moderate alcohol use at designated social or business functions.

~~All employees of OJRSA are prohibited from reporting to or being at work while under the influence of alcohol. (An employee is considered to be “under the influence of alcohol” if he/she has any detectable amount of alcohol in his system.)~~

~~These prohibitions also apply to all persons employed by OJRSA, those persons working on OJRSA’s behalf but employed by another entity, and those persons working on OJRSA property.~~

#### 4.34.24.3.2 Prescribed Medication Use

An employee taking prescribed medication which may affect his/her ability to perform their job is required to advise their supervisor. OJRSA will determine whether and how the employee may continue to work ~~or they could without posing a safety risks~~ to themselves, their co-workers, or others.

~~These prohibitions also apply to leased all persons employed by OJRSA, those persons working on OJRSA’s behalf but employed by another entity, and those persons employees and contractors employed by the OJRSA or working on OJRSA property.~~

#### 4.34.54.3.3 Applicants for Employment

~~Applicants tentatively selected for All offers of employment employment are conditioned upon the applicant passing a must undergo a pre-employment drug test. OJRSA does will not hire applicants tentatively selected for employment anyone~~ who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances or the illegal use of authorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he/she can demonstrate that they are no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant’s expense. ~~(This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result on a more thorough drug test.)~~

#### 4.34.64.3.4 Current Employees

Department of Transportation (“DOT”) regulated employees (those with a Commercial Driver’s License, or “CDL”

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~~Drivers) are subject to special rules for post-accident testing and will be tested following an accident in accordance with DOT regulation for Substance Abuses and Testing addressed in a separate section within this Policy.~~

All OJRSA employees are subject to drug and alcohol testing by ~~urinalysis or other acceptable~~ any method (e.g. urinalysis, hair, blood, breathalyzer) ~~means recognized by OJRSA~~ where “particularized suspicion” of drug or alcohol use in violation of this policy exists ~~or under other lawful conditions~~.

#### 4.3.5 Particularized Suspicion and Post-Accident Testing

Particularized suspicion testing is conducted upon the approval of the Executive Director or his/her designee.

Particularized suspicion is deemed to exist when:

- A. Information that an employee has used drugs, alcohol, or substances in violation of this policy is provided by a reliable ~~informant~~source;
- B. An accident occurs. “Accident” is defined as:
  - 1. an accident involving a fatality;
  - 2. an accident causing personal injury; or
  - 3. an accident involving property damage.
- C. An employee exhibits any behaviors or other indicators of being under the influence of drugs or alcohol, including ~~of~~ the following:
  - 1. extreme mood swings;
  - 2. slurred speech;
  - 3. unusual clumsiness;
  - 4. staggering;
  - 5. dilation of pupils or bloodshot eyes;
  - 6. sleeping on the job or lethargy;
  - 7. excessive unexplained sweating;
  - 8. other aberrational behavior;
  - 9. odors;
  - 8-10. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.;
  - 9-11. an employee has been arrested for or convicted of a violation of drug laws; or
  - 12. an employee has tested positive for drugs or otherwise violated this policy within the past five (5) years.

D. An employee has admitted violating OJRSA’s Substance Abuse and Testing Policy;

E. An employee is arrested for or convicted of a drug or alcohol related offense;

F. An employee has tested positive in violation of this policy, or otherwise violated this policy, within the past five (5) years.

~~All OJRSA employees are subject to alcohol testing where “particularized suspicion” of alcohol use in violation of this policy exists.~~

~~Particularized suspicion is deemed to exist when:~~

- ~~A. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant~~source;
- ~~B. an accident occurs. “Accident” is defined in the same manner as it is in section (III) A of this policy.~~
- ~~C. an employee exhibits behavior consistent with alcohol use such as but not limited to:~~
  - ~~1. erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);~~
  - ~~2. the apparent odor of an alcoholic beverage on an employee’s breath;~~
  - ~~3. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.~~



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- ~~D.—an employee has admitted violating OJRSA’s alcohol policy;~~
- ~~E.—an employee is arrested for or convicted of an alcohol related offense;~~
- ~~F.—an employee has tested positive for alcohol in violation of this policy, or otherwise violated this policy, within the past five (5) years.~~

~~Particularized suspicion testing is conducted upon the approval of OJRSA Executive Director or designee.~~

All employees who are required by their jobs to possess a ~~Commercial Driver’s License~~CDL or employees whose jobs OJRSA regards as “safety-sensitive” are subject to random testing to determine compliance with this policy. A list of safety sensitive positions is listed in SECTION 4.3.15 ~~Table 3 on page 19~~. Random selection testing is unannounced.

Employees may be tested ~~for the use of controlled substances under this policy~~ as part of any “fitness for duty” physical examination mandated by federal/state law or by OJRSA, for follow-up testing after violation of this policy for up to twenty-four (24) months, or as otherwise allowed by law. The OJRSA may administer the types of tests as stated in Table 2.

*Table 2: Current employee drug and alcohol testing circumstances*

<u>Type of Test</u>	<u>Drugs</u>	<u>Alcohol</u>
<u>Pre-employment</u>	<u>Yes</u>	<u>Optional with employer</u>
<u>Random</u>	<u>Safety Sensitive Positions</u>	<u>Safety Sensitive Positions</u>
<u>Reasonable Suspicion</u>	<u>Yes</u>	<u>Yes</u>
<u>Post-Accident</u>	<u>Yes</u>	<u>Yes</u>
<u>Return to Duty</u>	<u>At OJRSA’s discretion</u>	<u>At OJRSA’s discretion</u>
<u>Follow-up</u>	<u>Yes</u>	<u>Yes</u>

Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate or substitute test samples, or interfere with the testing procedures, are in violation of this policy and subject to disciplinary action, up to and including discharge~~termination~~. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount ~~of urine, saliva or breath~~, the needed specimen, failure to undergo a medical examination to evaluate your ability to provide an adequate ~~urine, saliva or breath amount of~~ specimen, or failure to sign a required certification form.

4.34.74.3.6 Testing Procedures

Testing will be performed as follows:

A. Drug testing

1. Drug testing will be by urinalysis, hair sample, or other generally accepted means.
2. The collection of urine samples is performed under reasonable and sanitary conditions.
3. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule. In addition, direct observation will be used in DOT-mandated testing for DOT-regulated employees when allowed or required by DOT regulations.
4. Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
5. Specimens are may be checked for ~~at least~~ the following six (6) ~~drugs~~substances and possibly others:
  - a. Amphetamines
  - b. Barbiturates

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- c. Cocaine
  - d. Marijuana/Cannabinoids
  - e. Opiates
  - f. Phencyclidine
6. Other possible drugs that may be tested for include, but are not limited to: Benzodiazepines, Propoxyphene, Methadone, and Oxycodone
  7. NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.
  8. Applicants and employees are provided an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
  9. Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (“GCMS”) or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer is conclusive for all employment-related purposes.
  10. OJRSA’s Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies OJRSA.
  11. A positive-dilute result is treated as positive. A negative-dilute result will result in a retest. Absent satisfactory explanation, a second negative-dilute result may result in the test being considered adulterated. Dilute test results in DOT-mandated tests will be handled according to DOT regulations.
- B. Alcohol Testing
1. A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by OJRSA, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. OJRSA uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. OJRSA reserves the right to utilize blood testing for non-DOT alcohol tests.
  2. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
  3. The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)
  4. A confirmatory test result generated through the use of an EBT or blood test which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

#### 4.34.84.3.7 Notice to Employees

OJRSA attempts to distribute to all employees a copy of this [Employee Substance Abuse and Testing Policy](#). Additional copies of this ~~policy~~ are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

#### 4.34.94.3.8 Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities

As a condition of employment, employees agree to notify OJRSA within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee’s use. OJRSA will notify all state and federal grantors/contracting agencies of such employee convictions within ten (10) days, or as the requirements by the state and federal Drug Free Workplace Acts, which may change from time-to-time. (“Conviction” means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.)

OJRSA will notify law enforcement authorities whenever illegal drugs are found in the workplace.

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~~4.34.104.3.9~~ 4.34.104.3.9 Consequences of Violating the Substance Abuse Policy

**EMPLOYEES WHO VIOLATE THIS POLICY ARE SUBJECT TO IMMEDIATE TERMINATION OF EMPLOYMENT.** In lieu of terminating an employee, OJRSA may in its sole discretion condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of an alcohol or drug counseling/rehabilitation program.

If the OJRSA, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:

- A. Referral of the employee for alcohol or drug abuse counseling;
- B. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;
- C. Requiring the employee to authorize any rehabilitation facility to report periodically to OJRSA during the course of treatment/counseling;
- D. Placing the employee on probation for at least six (6) months following the employee's return to duty; *and*
- E. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five (5) years.

An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is in violation of this policy and subject to immediate termination.

An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to immediate termination.

~~4.34.114.3.10~~ 4.34.114.3.10 Coming Forward with Substance Abuse Problems

Employees, other than sworn law enforcement officers, who have substance abuse problems and report them to OJRSA before being selected for testing, and before the occurrence of an event which normally would result in testing, in OJRSA's sole discretion may ~~be~~ upon the first violation be subject to Parts (B) through (E) of SECTION 4.3.9 the "Consequences of Violating the Substance Abuse Policy" section of this Policy (CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY) document in lieu of termination.

An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of OJRSA, is subject to immediate termination if he /she again either admits to or is otherwise found to be in violation of this policy.

~~4.34.124.3.11~~ 4.34.124.3.11 Confidentiality

Any alcohol or drug test results or information supplied by employees and applicants as part of OJRSA's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy.

~~4.34.134.3.12~~ 4.34.134.3.12 Testing Costs

OJRSA is responsible for the costs of all drug tests to which OJRSA requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Parts (B) through (E) of SECTION 4.3.9 of this Policy (CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY) ~~the "Consequences of Violating the Substance Abuse Policy"~~ and is solely responsible for the cost of all follow-up tests.

~~4.34.144.3.13~~ 4.34.144.3.13 Notification of Test Results

Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within sixty (60) days of being notified of the disposition of the employment application.

Employees are notified of the results (including the drug(s) discovered) of all positive drug tests.

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~~4.34.154.3.14~~ **4.34.154.3.14 Drug, Alcohol, and Other Treatment Services**

The use of illegal drugs and similar substances is a serious threat to our nation’s collective health, safety, and welfare. Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, OJRSA has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

The OJRSA has also made available to its employees an Employee Assistance Program (“EAP”). The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. OJRSA’s ~~Employee Assistance Program~~EAP is coordinated through the Office Manager ~~at the OJRSA~~, who also has information available about the program.

The South Carolina Department of Alcohol and Other Drug Abuse Services (“DAODAS”) is a state government agency that assists with local substance abuse organizations that provide prevention, treatment, and recovery services. Contact information for DAODAS and others are listed in Table 3.

*Table 3: Employee assistance contacts*

S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS)	<del>864-882-7563</del> <u>Oconee Office</u> 803-896-5555 ( <u>8am-5pm</u> <del>24 hours</del> )	<a href="http://www.daodas.sc.gov">www.daodas.sc.gov</a>
Alcoholics Anonymous	864-233-6446 (24 hours)	<a href="http://www.upstateintergroup.org">www.upstateintergroup.org</a> <a href="http://www.aa.org">www.aa.org</a>
Narcotics Anonymous	864-282-0109 (24 hours) 818-773-9999	<a href="http://www.crna.org">www.crna.org</a> <a href="http://www.na.org">www.na.org</a>
U.S. Substance Abuse and Mental Health Services Administration	800-662- <del>HELP</del> (4357)- <del>(HELP)</del> (24 hours)	<a href="http://www.samhsa.gov">www.samhsa.gov</a>
National Council on Alcoholism and Drug Dependence	800-622-2255 (24 hours)	<a href="http://www.ncadd.org">www.ncadd.org</a>
<u>S.C. Department of Mental Health Mobile Crisis Hotline</u>	<u>833-364-2274 (24 hours)</u>	<a href="http://osp.scdmh.org">osp.scdmh.org</a>
National Suicide <del>Prevention &amp; Crisis</del> Lifeline	<u>988 (call or text 24 hours a day)</u> 800-273- <del>TALK</del> (8255)- <del>(TALK)</del> (24 hours)	<a href="http://www.988lifeline.org">www.988lifeline.org</a> <a href="http://www.suicidepreventionlifeline.org">www.suicidepreventionlifeline.org</a>

Periodically, OJRSA may make information regarding substance abuse available to employees. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

~~4.34.164.3.15~~ **4.34.164.3.15 Safety Sensitive Positions Subject to Random Testing**

Below is a list of the current positions at ~~the~~OJRSA that are considered ~~as~~ safety sensitive, but OJRSA may designate existing or new positions as safety-sensitive for purposes of this policy in its sole discretion:

- A. Individuals whose position requires them to hold a commercial driver’s license (CDL)
- B. Fire suppression or rescue personnel
- C. Equipment operators
- D. Wastewater and water treatment operators
- E. Mechanics, electricians, and maintenance personnel
- F. Individuals whose position requires them to enter confined spaces, work with chemicals, perform hot work, and other OSHA-regulated tasks
- G. Laboratory technicians
- H. Sample collectors

**4.354.4 DRUG AND ALCOHOL TESTING FOR CDL DRIVERS**

The United States Department of Transportation’s (“DOT”) Federal Motor Carrier Safety Act Regulations require

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regulated employers to provide covered employees with information about OJRSA's drug and alcohol testing program for operators of Commercial Motor Vehicles ("CMV"). This policy is intended to follow, at a minimum, the DOT's drug and alcohol testing requirements, and is supplemented by the DOT's testing procedures that are not fully included in this policy. This policy will automatically change to conform to any changes in the DOT's requirements that may occur from time to time or pursuant to any third-party vendor's recommendations as to testing best practices.

~~The United States Department of Transportation's Federal Motor Carrier Safety Regulations require regulated employers to provide covered employees with information about the Safety Regulations and about the employers' Drug and Alcohol Testing programs. For these reasons, the OJRSA adopts the following policy.~~

#### 4.35.24.4.1 Acronyms

BAC	Blood Alcohol Concentration
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
DOT	United States Department of Transportation
EBT	Evidential Breath Testing
GVW	Gross Vehicle Weight
MRO	Medical Review Officer
SCDMV	South Carolina Department of Motor Vehicles

#### 4.35.34.4.2 Contact Person

If employees have any questions about this information or the agency's drug and alcohol policies, the OJRSA Board of Commissioners has designated the ~~OJRSA~~ Office Manager to answer any questions.

#### 4.35.44.4.3 Affected Employees

All employees who are required to have a Commercial Driver's License ("CDL") and who may operate a CMV on behalf of OJRSA are subject to this policy. A CMV is any motor vehicle meeting any one of the following conditions:~~All employees who are required to have a Commercial Driver's License (CDL) to perform their jobs are subject to the Federal Motor Carrier Safety Regulations. This includes drivers who operate a motor vehicle with any of the following conditions:~~

- A. A gross combinations weight rating of twenty-six thousand and one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight (GVW) of more than ten thousand (10,000) pounds;
- B. A GVW rating of twenty-six thousand and one (26,001) or more pounds;
- C. Is designed to transport sixteen (16) or more passengers; or
- D. Is designed to carry hazardous materials which require the vehicle to display a hazardous materials placard.

There are limited exemptions to the testing requirements. The designated OJRSA Contact Person as stated in this document can provide a list of these exemptions and provide the determination as to whether an employee meets the exemptions listed in 49 CFR 382.103 of the law.

#### 4.35.54.4.4 Safety Sensitive Functions

A driver of a CMV is performing a safety sensitive function at all times ~~during the~~ while conducting the following:

- A. At an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier (waiting to be dispatched);
- B. Inspecting equipment relating to the operation of the CMV or servicing or conditioning any CMV;
- C. Driving the CMV;
- D. In or on a CMV;
- E. Loading or unloading a CMV;
- F. Repairing, obtaining assistance, or attending to a disabled vehicle.

#### 4.35.64.4.5 Prohibited Conduct

A driver shall not:

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- A. Report for or remain on duty with a Blood Alcohol Concentration ("BAC") of greater than or equal to four-hundredths ( $\geq 0.04$ );
- B. Perform functions defined within SECTION 4.3.15 (~~the SAFETY SENSITIVE FUNCTIONS~~) ~~section of this Policy~~ with a BAC of greater than or equal to two-hundredths ( $\geq 0.02$ ) or higher;
- C. Use alcohol while on duty;
- D. Perform functions defined within the "Safety Sensitive Functions" section of this policy within four (4) hours of using alcohol;
- E. Use alcohol within eight (8) hours following an accident requiring a test or until a post-accident test is completed (whichever occurs first);
- F. Use controlled substances except when the use is pursuant to the instructions of a trained medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. (This prohibition applies at any time, whether the employee is on or off the job.); and
- G. Report for or remain on duty if the driver tests positive for drugs.

~~4.35.74.4.6~~ 4.6 Mandatory Inquiries

The OJRSA is required by Federal Regulations to request information from previous ~~United States Department of Transportation (DOT)~~ regulated employers who have employed a driver during any period during the two (2) years before the date of a driver's application with the OJRSA. The agency must request the following:

- A. Alcohol tests with a BAC result of four-hundredths (0.04) or higher;
- B. Verified positive drug tests;
- C. Refusals to be tested (including verified adulterated or substituted drug test results);
- D. Other violations of DOT drug and alcohol testing regulations; and
- E. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the successful completion of DOT return-to-duty requirements as found in 49 CFR 382.309 (including follow-up tests). If the previous employer does not have information about the return-to-duty process, we must seek to obtain this information from the driver.

The OJRSA must also ask the applicant if he/~~she or she~~ tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer for whom the employee applied for and did not obtain safety sensitive DOT-covered work during the past two (2) years. Applicants who respond in the affirmative may not be employed in safety sensitive duties until the completion of a successful return-to-duty process.

~~4.35.84.4.7~~ 4.7 Testing

The Federal Motor Carrier Safety Regulations require a driver to submit to drug and alcohol tests under the circumstances as listed in Table 4.

Table 4: CDL drug and alcohol testing circumstances

Type of Test	Drugs (urine)	Alcohol (breath)
Pre-employment	Yes	Optional with employer
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-accident	Yes	Yes
Return to Duty	Yes	Yes
Follow-up	Yes <sup>1</sup>	Yes <sup>1+</sup>

Testing will be performed as follows:

- A. Pre-employment Testing: Employees hired to fill positions which require a CDL will submit to a drug test prior to commencing work in the position.
- B. Random Testing

<sup>1</sup> As required by a qualified Substance Abuse Professional.

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1. Regulations require random testing of CDL holders at a twenty-five percent (25%) annualized rate for drugs and a ten percent (10%) annualized rate for alcohol. (Unless a different rate for the year is published by the Federal Motor Carrier Safety Administration.) Thus, an employer with forty (40) CDL holders is required to conduct at least ten (10) random drug tests and four (4) random alcohol tests annually. These tests will be spread throughout the year. Random alcohol tests are conducted just before, during, or just after an employee performs safety-sensitive function.
  2. The OJRSA participates in a CDL drug testing consortium administered by a third-party.
- C. Reasonable Suspicion Testing: A driver must submit to a drug and/or alcohol test if the employer has reason to believe he/~~she or she~~ has violated the prohibitions set forth in the section entitled "Prohibited Conduct" within this policy. The regulations provide that a reasonable suspicion determination must be based on specific, contemporaneous observation of the driver's appearance or behavior by a supervisor trained in the detection of probable alcohol and/or drug use. However, independent authority permits employers to test in other circumstances which create reasonable suspicion.
- D. Post-Accident Testing: A driver must submit to both drug and alcohol tests when he/~~she or she~~ is involved in an accident involving a CMV where:
1. There is a fatality; or
  2. The driver received a citation [within eight (8) hours (for alcohol) or thirty-two (32) hours (for drugs)] for a moving violation arising from an accident including a commercial vehicle and including either of the following:
    - i. Bodily injury to any person necessitating immediate medical treatment away from the scene of the accident; or
    - ii. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  3. *NOTE: The above two (2) circumstances are the minimum regulatory requirements; however, the OJRSA may require post-accident testing in other circumstances as stated in the current version of the OJRSA Personnel Policy Manual.*
- E. Return-to-Duty and Follow-up Testing: A return-to-duty test will be required when a driver who has been determined to have engaged in prohibited conduct is permitted to return to duty after complying with education and/or treatment prescribed by the qualified Substance Abuse Professional. Follow-up testing shall normally be at the direction of a qualified Substance Abuse Professional.

#### 4.35.94.4.8 Refusal to Submit to a Test

Federal Regulations provide that a driver who refuses to submit to a test must, at a minimum, be removed from performing safety sensitive functions. Refusal to submit to an alcohol or controlled substance test includes:

- A. Failure to appear for the test;
- B. Failure to remain at the test site until the testing process is complete;
- C. Failure to provide a urine, breath, or saliva specimen;
- D. Failure to permit observation or monitoring of the driver's provision of a sample for a directly observed or monitored collection;
- E. Failure to provide a sufficient amount of breath or urine where the employer-provided physician or Medical Review Officer ("MRO") decides there is no adequate medical explanation for the failure;
- F. Failing or declining to take a second test when directed by the employer or collector;
- G. Failure to undergo a medical examination or evaluation as part of the verification process when directed by the MRO or employer;
- H. Failure to cooperate with any part of the testing process; or
- I. Being reported by the MRO as having a verified adulterated or substituted test result.

**OJRSA POLICY TREATS A REFUSAL TO SUBMIT TO A TEST AS INSUBORDINATE CONDUCT WHICH IS SUBJECT TO IMMEDIATE TERMINATION.**

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~~4.35.104.4.9~~ **Testing Procedures**

**Testing will be performed as follows:**

**A. Drug Testing Procedures**

1. The testing program required by the regulations is limited to five (5) drug types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines and Methamphetamines, and (5) Phencyclidine (“PCP”).
2. *NOTE: Independent authority permits testing for other classes of drugs; however, a DOT drug test will screen only for the five (5) classes of drugs listed above.*
3. All drug testing must be done from urine specimens collected under controlled conditions, except that alternative methods may be used when authorized by DOT regulations. Specimen collection procedures require:
  - a. A designated collection site;
  - b. Security for the collection site;
  - c. Chain of custody documentation;
  - d. Use of authorized personnel;
  - e. Privacy during collection (with certain exceptions depending upon the circumstances);
  - f. Integrity and identity of the specimen; and
  - g. Transportation to the laboratory.
4. Driver protection is built into the testing procedures. The only laboratories that can be used are those that have been certified by the federal government. The Department of Health and Human Services certifies laboratories under the National Laboratory Certification Program.
5. After the urine specimen has been collected and forwarded to the laboratory it may be tested to determine if it is consistent with normal human urine, and two (2) drug tests may be performed. The initial test determines whether any further testing for the five (5) classes of drugs listed above is necessary. If that test is positive, a more sophisticated test will be conducted to confirm the positive result. In addition, the laboratory will conduct tests to determine if the specimen is valid. Per 49 CFR Part 40 Section 40.87, positive levels for the five (5) classes of drugs are in ~~the~~ Table 5.

Table 5: Drug classifications

Type of Drug or Metabolite	Initial Test (ng/mL) <sup>22</sup>	Confirmation Test (ng/mL) <sup>2</sup>
Marijuana metabolites	50	15
Cocaine metabolites (Benzoylecgonine)	150	100
Hydrocodone / Hydromorphone	300	100 Hydrocodone 100 Hydromorphone
Oxycodone / Oxymorphone	100	100 Oxycodone 100 Oxymorphone
Codeine / Morphine	2,000	2,000 Codeine 2,000 Morphine
6-Acetylmorphine	10	10
Amphetamine / Methamphetamine	500	250 Amphetamine 250 Methamphetamine
MDMA (“Ecstasy”/“Molly”) / MDA (“Sally”)	500	250
Phencyclidine (“PCP”)	25	25

6. 1 ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.
7. If the results of the initial test are negative, the testing laboratory will advise the motor carrier’s MRO that the drug test was negative.

<sup>2</sup> ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter (0.001 L).



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8. Only specimens which are confirmed positive on the confirmatory test are reported positive to the MRO for review and analysis. The laboratory may also advise that a specimen is dilute, adulterated, substituted, or invalid.
9. A split specimen collection will be utilized. That is, the urine is divided into two (2) specimen bottles after the sample is taken. If staff are notified the test result of the primary specimen is positive, or that they have a refusal the test because of adulteration or substitution, they may request that the MRO send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels and/or for adulterants, dilution or substitution. If the result of the test of the split specimen is negative, the MRO shall cancel the test. If the employee wants the split specimen tested, he/~~she or she~~ must advise the MRO within seventy-two (72) hours of being notified of the positive test result of the primary specimen. If employees request a test, the OJRSA may charge them for the cost of the test of the split specimen.
10. Laboratories are required by DOT regulations to conduct specimen validity testing to determine whether the specimen has been adulterated, diluted, or is otherwise invalid. When required by DOT regulations, the MRO will direct a recollection of the urine specimen under direct observation of the employee. In addition, DOT regulations require direct observation of an employee if the drug test is a return-to-duty test or in some types of follow-up tests. DOT regulations require that the observer in a directly observed collection request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist and lower clothing and undergarments to show, by turning around, that they do not have a prosthetic device designed to defeat the test.
11. If the MRO reports that the specimen is positive dilute, then the test is treated as positive and no re-test is conducted. If the MRO reports that the specimen is negative dilute and directs a recollection under direct observation, then the employee must submit another specimen under direct observation. If the MRO reports that the specimen is negative dilute, but a direct observation retest is not required, then the employee must submit another specimen for retesting, but not under direct observation.
12. ~~The~~ OJRSA will keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

**B. Alcohol Testing Procedures**

1. Alcohol testing is confirmed by testing breath because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per two-hundred-and-ten liters (210 L) of breath. The confirmatory testing device is called an Evidential Breath Testing ("EBT") device. The EBT device is a scientific instrument which determines the concentration of alcohol expressed as a "percent by weight." It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol is converted to its equivalent value in blood. A Blood Alcohol Concentration (BAC) of "0.10" means one-tenth of a gram of alcohol per two-hundred-and-ten liters of breath (0.10 g alcohol / 210 L breath). The EBT will print three (3) copies of each test result and the test results are numbered. A test may have two (2) separate parts. The first test is the screening test. The initial test will be made using a DOT-approved screening device which may or may not be an EBT. The screening test may utilize a non-evidential screening device which tests saliva. An EBT will always be used to perform a confirmatory test from which a positive result is reported. If the initial test shows a BAC reading of less than two-hundredths (< 0.02) the test is recorded as negative. If the initial test result is greater than or equal to two-hundredths (≥ 0.02), then a confirmatory test will be done. The alcohol testing will be done at a site that affords privacy to the driver being tested. This site could be a room, van, or a partitioned-off area. Only one (1) breath test will be done at one (1) time. The person giving the test will not leave the testing site during the test.
2. The first part of the EBT testing process is to make sure that the EBT is operating properly. In the driver's presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero (0). Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a

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sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least six (6) seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The technician will immediately read the results of the test. Printed results are not required for the initial test, which may or may not use an EBT.

3. When the initial test result shows a reading of greater than or equal to two-hundredths ( $\geq 0.02$ ) BAC on a saliva test, a confirmation test is necessary. Before the confirmation test, a fifteen (15) minute waiting period will be observed. The purpose of the fifteen (15) minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The testing procedures for the EBT confirmation test are as described in the above paragraph. The driver will receive a copy of the printed result of the confirmation test.
4. When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences for the driver.

~~4.35.114.4.10~~ **4.10 Consequences of a Positive Test Result**

**THE CONSEQUENCES SET FORTH BELOW ARE THE MINIMUM CONSEQUENCES UNDER THE FEDERAL REGULATIONS. THE OJRSA'S POLICY IS MUCH MORE STRINGENT. A DRIVER WHO TESTS POSITIVE ON A DRUG OR ALCOHOL TEST WILL BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION.**

Positive Drug Test: Under Federal regulations a driver who tests positive for drugs or who has adulterated or substituted a test specimen:

- A. Cannot report for duty or perform safety sensitive functions;
- B. Must be evaluated by a qualified Substance Abuse Professional;
- C. Must comply with treatment recommendations; and
- D. Must undergo a return-to-duty drug test.

Positive Alcohol Test:

- A. Under the regulations, a driver with a BAC greater than two-hundredths ( $> 0.02$ ) but less than four-hundredths ( $< 0.04$ ) shall not perform safety sensitive functions until the later of twenty-four (24) hours following the test or the start of his next scheduled duty shift.
- B. A driver with a BAC greater than or equal to four-hundredths ( $\geq 0.04$ ):
  1. Cannot perform safety sensitive functions;
  2. Will be told of resources for solving alcohol problems;
  3. Must be evaluated by a qualified Substance Abuse Professional;
  4. Must comply with treatment recommendations; and
  5. Must undergo a return-to-duty test.

Mandatory Reporting:

- A. South Carolina law requires the OJRSA to report to the South Carolina Department of Motor Vehicles ("SCDMV") the following information:
  1. Applicants or employees for CDL positions who refuse to submit to a drug or alcohol screen;
  2. Applicants or employees whose sample is confirmed positive; and
  3. Applicants or employees who submit altered, diluted, or substituted specimens.
- B. Drivers who are reported to the SCDMV pursuant to the law may be disqualified from driving a CMV until the driver is evaluated by a qualified Substance Abuse Professional ("SAP") and has received from the SAP a certification of completion of an alcohol or drug treatment program. Further, a driver who is reported more than three (3) times in a five (5) year period may be disqualified from operating a CMV for life.
- C. In addition, ~~the~~ OJRSA is required to respond to requests for information from prospective employers concerning an employee's drug and alcohol tests during the two (2) years before the date of date of application with the prospective employer. The response will include any positive results.

~~4.35.124.4.11~~ **4.11 The Effects of Alcohol and Drugs on Health, Work, and Personal Life**

The abuse and misuse of alcohol and illegal drugs is a very serious problem which threatens our nation's collective

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health, safety, and welfare. Further, alcohol and illegal drugs reduce driver productivity and increase safety risks on the nation's roadways. Increases in medical costs affect both the employer and other employees who do not misuse alcohol or illegal drugs. The potential damage to the user's health, both mental and physical, is well chronicled. Alcohol remains the most abused substance in the United States and even low dosages of drugs and alcohol can impair judgment and coordination and can cause aggressiveness. Higher dosages interfere with an individual's ability to recognize, learn, and remember. Extremely high dosages can lead to respiratory failure and death. Various mixtures of drugs and alcohol, even in small quantities, can cause the same result. Prolonged consumption can lead to permanent damage to vital organs such as the brain and the liver. The person who misuses or abuses alcohol or illegal drugs harms not only himself but also his family, friends, and co-workers.

~~4.35-134.~~ **4.12 Signs and Symptoms of an Alcohol or Drug Problem**

Drugs and alcohol affect the user in a variety of ways. The effects are both physical and behavioral. Use of multiple substances both magnifies and increases the symptoms. Some of the noticeable symptoms of alcohol or drug misuse and abuse are:

- A. Drowsiness
- B. Loss of balance
- C. Confusion
- D. Constricted or dilated pupils
- E. Watery eyes
- F. Slurred speech
- G. Hyperactivity
- H. Memory loss
- I. Vomiting
- J. Sweats and chills
- K. Loss of appetite
- L. Odor of an alcoholic beverage
- M. Relaxed inhibitions
- N. Nausea
- O. Poor perception of time or space

~~4.35-144.~~ **4.13 Drug, Alcohol, and Other Treatment Services**

Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. For more information on awareness and treatment services, see SECTION 4.3.14.

~~4.364.~~ **4.5 VIOLENCE IN THE WORKPLACE**

All employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," making threats including joking threats, or other conduct that may be dangerous—or construed as being dangerous—to others. Conduct that threatens, intimidates or coerces another employee, customer, vendor, or business associate will not be tolerated. OJRSA resources may not be used to threaten, stalk, or harass anyone at or outside the workplace and the agency treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible, generally no later than three (3) calendar days after the incident occurred, to a supervisor, the ~~OJRSA~~-Office Manager, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident, except to call emergency authorities for help (call 911).

Employees should promptly inform the ~~OJRSA~~-Office Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns

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with regard to intimate partner violence. OJRSA will not retaliate against employees making good-faith reports.

OJRSA is committed to supporting victims of intimate partner violence by providing referrals to the company's employee assistance program and community resources and providing time off for reasons related to intimate partner violence. Time off may be using paid leave such as vacation or pursuant to OJRSA's Leave Without Pay policy (7.2.9).

Investigations to all allegations or incidents of threats and violence shall be promptly and thoroughly investigated as stated in SECTION 2.4.2.

#### **4.374.6 CONFIDENTIALITY**

~~The~~ OJRSA does create and maintain information that is considered confidential as defined in the Confidentiality Agreement provided to every employee as a condition of employment ("Confidential Information"). Employees must not disclose any data or information that ~~the~~ OJRSA considers to be Confidential Information unless they are expressly authorized by appropriate agency management to do so. ~~All OJRSA employees are required, as a condition of continued employment, to execute a Confidentiality Agreement that will be provided by OJRSA.~~ Confidential Information consists of all OJRSA non-public confidential and proprietary information such as, without limitation, the following (note that this list is not all inclusive):

- A. Any information, regardless of form, that OJRSA deems proprietary or commercially sensitive, which may include, without limitation, feasibility, planning, and marketing studies and evaluations;
- B. Personal information, where the public disclosure of such information would constitute an unreasonable invasion of personal privacy;
- C. Documents related to ~~the~~ OJRSA's proposed contractual arrangements and proposed sales or purchases of property;
- D. Confidential proprietary information provided to OJRSA for the purposes of economic development or contract negotiations;
- E. Attorney-client privileged communications, correspondence, and work product of OJRSA legal counsel, and any other materials the disclosure of which would violate the attorney-client relationship;
- F. Certain materials gathered by the OJRSA for any job applicant, current employee, or former employee during a search to fill an employment position, including, without limitation, income tax returns, medical records, social security numbers, and any other protected personally identifying information;
- F.G. Items discussed in executive session portion of commission meetings;
- ~~G. Personal identifying information of any current or former OJRSA employee, including, without limitation, social security numbers or other personal identification numbers, driver's license numbers, and financial account numbers;~~
- ~~H. Confidential medical files and any protected health information contained therein, of any current or former OJRSA employee;~~
- H. In certain circumstances, the identity, or information tending to reveal the identity, of any individual who makes a good faith complaint regarding a violation or potential violation of applicable law;
- I. Information relating to security plans and devices proposed, adopted, installed, or utilized by ~~the~~ OJRSA;
- ~~K.J. Certain information related to OJRSA water reclamation facilities; and~~
- ~~L.K. Any and all notes, analyses, compilations, reports, summaries, interpretations, and other materials that contain, are based on, or otherwise reflect or are derived, in whole or in part, from any of the foregoing items A through L within this Section.~~

#### **4.384.7 TOBACCO AND ELECTRONIC CIGARETTE USE**

No use of tobacco products, including cigarettes, e-cigarettes ("vapes"), and smokeless tobacco (e.g., chewing tobacco, dip, etc.) will be allowed in any OJRSA building, work area, vehicle, or piece of equipment at any time. Smoking or tobacco use shall be permitted only during designated breaks during the workday and in selected smoking areas located at least twenty-five (25) feet outside the building entrance, operable windows, loading bay, rollup doors, and ventilation systems of enclosed areas to prevent ~~tobacco~~ smoke and exhalants from entering those areas. Smoking and tobacco use must also take place greater than twenty-five (25) feet away from confined

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spaces.

All materials used for smoking in designated smoking areas, including cigarette butts, ~~and~~ matches, and cartridges, will be extinguished and disposed of in appropriate containers.

#### **4.394.8 OUTSIDE EMPLOYMENT**

All outside employment must be reported to, and be approved by, the ~~OJRSA~~-Executive Director, on an OJRSA Outside Employment Form. Outside employment must in no way conflict with or be detrimental to the employee's work for the agency in order to be approved. Approval may be withdrawn at any time for any or no reason.

The following activities are examples of employment which are deemed inconsistent, incompatible, and in conflict with employment by ~~the~~OJRSA and which will not be approved:

- A. Any employment activity or enterprise which involves the use ~~for private gain or advantage~~ of OJRSA time, facilities, equipment supplies, prestige, or influence of agency employment or office for private gain or advantage.
- B. Receipt or acceptance by any employee of any money or other consideration from anyone other than ~~the~~ OJRSA for the performance of an act which the employee would be required or expected to render in the regular course of his or her duties as an OJRSA employee.
- C. Employment or activities which impair the attendance or efficiency in the performance of his or her duties.

#### **4.404.9 FACILITY APPEARANCE**

OJRSA establishes this policy on office appearance in accord with its values of efficiency and professionalism. As an expression of those values, all areas, including employee work areas, common areas, maintenance and storage areas, and grounds should be kept neat and orderly.

Employees should keep their individual work areas as neat as possible during the regular workday. Before leaving the work area at the end of the workday, the OJRSA requires employees to organize their areas to secure work materials and to present an orderly and professional image.

In order to accomplish the goals set forth by this policy, the following requirements apply:

- A. Any picture or item hung directly on the walls of the building must be approved in advance by the director of administrative services.
- B. Posters, pictures, notes, etc., are not permitted on the outside of workstations (e.g., offices, cubicles, etc.).
- C. Posters, pictures, notes, etc., are permitted on the inside of workstation panels as long as they are appropriate for workplace display, are not offensive to other employees, and are not permanently attached to a wall (see Item A above). The OJRSA consistently enforces its policies prohibiting workplace discrimination and harassment of any kind, including images, graphics, political information, or other visual displays, that may constitute offensive or inappropriate workplace conduct.
- D. Boxes and other storage items should remain out of sight within a workstation or placed in other appropriate onsite or offsite storage areas.
- E. Employees should leave public areas, such as the library, training rooms, copy room, break areas, conference rooms, and restrooms in a clean and orderly condition for other employees and guests.

Employees in violation of this policy will be subject to appropriate disciplinary procedures, up to and including termination of employment, for repeated or egregious violations.

#### **4.414.10 SPEAKING ON BEHALF OF THE AGENCY**

Only the Board Chair and Executive Director are authorized to speak on behalf of ~~the~~ OJRSA. Employees should direct all inquiries from outside entities, including the media, to the Executive Director and the Board Chair, and notify the Executive Director and Board Chair of the inquiry including who made it and that person or entity's contact information, if known.

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## **4.424.11 GIFTS AND SOLICITATIONS**

### **4.42.14.11.1 Selling Items for Personal Profit**

The OJRSA prohibits employees from selling products of any kind on OJRSA properties to any person, whether an employee, vendor, visitor, etc. and/or during work hours regardless of whether the selling is during work time or in work areas for personal profit products of any kind to other employees, visitors, or others who conduct business with the agency.

### **4.42.24.11.2 Distribution and Solicitation of Employees**

No one, whether employee or non-employee, and regardless of whether affiliated with an organization may solicit funds from employees during work time or distribute anything during work time or in work areas. within the agency nor may they distribute flyers or other materials related to fund drives without the approval of theThe Executive Director may occasionally permit solicitation and/or distribution for charitable purposes.

### **4.42.34.11.3 Gifts to Employees**

No employee may directly or indirectly solicit, accept, or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege or thing of value that could be interpreted as influencing an employee's impartiality. A gift includes, but is not limited to, meals, trips, money, loans, rewards, gift cards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by OJRSA suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in ~~the~~ OJRSA's sole discretion.

### **4.42.44.11.4 Gifts from Employees to Employees**

Individual employees generally should refrain from giving gifts to employees who exercise any administrative or supervisory jurisdiction over them, be it directly or indirectly. The agency also discourages the collection of money for group gifts except in special circumstances such as bereavement, serious illness, or for mementos at retirement.

## **SECTION 5 – HOURS OF WORK**

### **5.1 WORK WEEK AND WORK HOURS**

The official work week begins at midnight Saturday (12:00 a.m.) and ends ~~seven days later~~on Friday at 11:59 p.m.

Normal work hours are listed below based on position. It should be noted that employee schedules may be changed at any time for any operational reason.working hours

- A. forWater Reclamation Treatment Plant Operator ("Operator") hours are ~~s~~are 7:00 a.m. until 6:00 p.m. Monday through Friday and 7:00 a.m. until 12:00 p.m. (noon) on Saturdays, Sundays, and holidays. ~~Normal working hours are from 8:00 a.m. until 5:00 p.m.~~ (These Operators are on a ten (10) hour per day schedule during weekdays and five (5) hours per day on weekends and holidays) The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.
- B. Maintenance and Conveyance System staff's normal working hours are from 8:00 a.m. until 5:00 p.m. These staff are on an eight (8) hour per day schedule. The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.
- C. Other staff's normal work hours are from 8:00 a.m. until 5:00 p.m. Monday through Friday. These positions are on an eight (8) hour per day schedule.

### Breaks

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~~A. All employees are authorized to take One (1) hour is authorized for lunch from 12:00 p.m. (noon) until 1:00 p.m. at a time designated by the Executive Director. Some employees (Operations, Maintenance, etc.) are more likely to have changes to their regular schedule because of cannot adhere to the typical working hours and/or work week due to~~ the unusual responsibilities of their tasks. In those departments, the supervisor concerned will prescribe the work schedule for employees under his/her supervision.

~~A.B.~~ Workload permitting, staff may take one (1) ten (10) minute break midmorning and one (1) ten (10) minute break during midafternoon. Tobacco (including smokeless tobacco) and electronic cigarette use, as defined by ~~the Tobacco and Electronic Cigarette Use policy~~ in SECTION 4.7, shall be limited to use only during these two (2) break periods.

~~Non-exempt e~~Employees ~~may not clock in~~should not begin work more earlier than seven (7) minutes prior to his/her shift and ~~may should~~ not ~~clock out~~end work later than seven (7) minutes after their shift without prior approval by their ~~department supervisor~~division director (or designee) or the Executive Director. All hours worked must be documented. Non-exempt employees are prohibited from working when not clocked in, including during meal breaks. If a non-exempt employee works when not clocked in, such as during a meal break, the employee must report that work to his/her supervisor as soon as possible, and at least during the same work-week.

Employees are generally prohibited from working when not on shift unless called back into work. Non-exempt employees are generally prohibited from working remotely, but if they must work remotely, for example if traveling for work, they must record all time worked and are subject to the same overtime authorization requirements as if they were present at OJRSA.

Commuting: Any time an employee must report to work, whether for the employee's normal work schedule, when called in during on-call duty, for an emergency, inclement weather, or for any other reason, the employee's time commuting to, and home from, work, is not compensable time, except that OJRSA will compensate for the commute when an employee is called in for on-call duty or to assist on-call staff.

## **5.2 REMOTE WORK**

OJRSA does not allow remote work (also known as "work from home" or "telecommuting"), except when extraordinary circumstances warrant remote work as determined by OJRSA in its sole discretion. Remote work that would prevent an employee from performing his/her essential job functions will not be allowed. Even if extraordinary circumstances warrant a remote work schedule, remote work will typically be approved only on a hybrid schedule where the employee reports to OJRSA's worksite in person a majority of the time, and remote work will only be approved for a temporary period of time. Further, Non-Exempt Employees and those in safety-sensitive positions are less likely to be able to perform their essential job duties from home or remotely. Any approved remote work will include terms and conditions, which OJRSA will communicate at the time of approval and with which the employee must comply, subject to discipline.

Employees are subject to all the Personnel Manual policies while working remotely.

Employees seeking a reasonable accommodation for a disability should follow the REASONABLE ACCOMMODATION POLICY (2.2). Employees who wish to request remote work due to extraordinary circumstances should make that request in writing to the Director and must provide any information requested by the Director to support the request and for its full consideration. Failure to comply with requests for information or to cooperate in the process may result in denial of the request and further discipline.

### **5.25.3 STANDBY-ON-CALL DUTY AND CALL-IN**

#### **5.2.15.3.1 Response Time**

~~OJRSA staff who are required to serve in a~~While scheduled for on-call duty~~standby role, employees must be able~~

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~~to respond to the OJRSA Coneross Creek Water Reclamation Facility (“WRF”) within a forty-five (45) minute reporting time in order to respond to emergencies must remain within a forty-five (45) minute reporting time to the OJRSA Coneross Creek WWTP at all times while serving in that capacity. Employees on-call are otherwise free to use their time outside of their regular shift schedule for their own benefit and enjoyment.~~

#### ~~5.2.25.3.2 Standby-On-Call Personnel~~

~~Operations and Maintenance staff are designated to respond to abnormal conditions outside of normal hours at all OJRSA facilities. OJRSA endeavors to provide a schedule for standby-on-call personnel will be created and distributed to all staff no later than December 15th prior to the year the schedule will take effect, but will provide as much notice as possible of the on-call schedule, subject to the need for the schedule to change based on personnel and operational factors.-~~

~~On-Call Response Compensation: Staff that are called in during their on-call work week are to be compensated in accordance with sections 6.4, 6.5 and 6.7 of this Policy.~~

#### ~~5.2.35.3.3 Standby-On-Call Period~~

~~Standby-The on-call period begins at 5:00 p.m. on Friday and ends at 4:59 p.m. the following Friday. Typically, employees will be on call for one (1) week increments with at least one (1) week between on-call periods, subject to change based on personnel and operational factors.~~

### **5.35.4 AFTER-HOURS RETURN TO FACILITIES**

Employees are prohibited from returning to any OJRSA facility between their shifts unless it is necessary in carrying out their duties, such as during emergency situations that require immediate attention. ~~if for any reason any employee or other person returns to the plant after hours, the Operator On Duty is required to enter in the Operations Log the person’s name, the time of arrival, the purpose for being here, and the time of departure.~~

### **5.45.5 INCLEMENT WEATHER AND OTHER EMERGENCY SITUATIONS**

Due to the critical services that the OJRSA provides in protecting health and the environment, the Coneross Creek ~~Wastewater Treatment Plant~~WRF is to be staffed as necessary in order to comply with all state and federal requirements.~~at all hours of the year.~~

#### 5.5.1 Reporting to Work

~~Staff designated by the Executive Director or his/her designee(s)All Operations and Maintenance staff are to report to work as expected during all weather conditions. Due to the nature of the event, it may be necessary for employee work schedules to be altered in order to maintain continuity of operations during an emergency or abnormal operational event. If nonessential Employees<sup>3</sup> other personnel are scheduled to work but do not feel comfortable driving to work, they may use a paid vacation daytime or take unpaid leave.~~~~Vacation Leave. However, the Executive Director may require that a Nonessential Employee<sup>4</sup> report to work if weather conditions reasonably allow in the Executive Director’s discretion. If it is critical that an employee report to work during inclement weather and they are not able to drive themselves, the OJRSA will arrange for transportation for essential personnel.~~Essential Employees only.

#### 5.5.2 Sheltering at Work

~~Inclement weather and/or other emergency may require certain staff to stay at OJRSA facilities or other designated locations (e.g., county emergency operations center), to ensure continuity of operations during an emergency or abnormal operational event. An employee who is required to shelter at work for less than twenty-four (24) hours will be compensated for all time on duty. An employee who is on duty for twenty-four (24) or more agrees to be compensated for all hours on duty except for a sleeping period not to exceed eight (8) hours, as long as a sleeping period of at least five (5) hours is provided by OJRSA.~~

<sup>3</sup> Essential Employee shall mean those as identified for the various types of emergency events by the Executive Director and Leadership Team as stated within the current version of the OJRSA Emergency Action Plan. Nonessential Employees means all employees other than Essential Employees.

<sup>4</sup> An employee that is not serving as an Essential Employee per Footnote 3.



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## **SECTION 6 – COMPENSATION**

### **6.1 WAGES**

Employees are paid bi-weekly no later than 12:00 p.m. (noon) on Friday ~~by direct deposit~~. Employees should examine their paychecks and pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. ~~Any payment errors must be reported to payroll within 14 calendar days.~~

Salary Deduction Safe Harbor: OJRSA intends to pay all Exempt Employees their regular salary by only making proper deductions from their regular salaries. If an Exempt Employee believes that OJRSA has improperly deducted from employee's salary, the Employee should immediately contact the Executive Director, or the Office Manager or other position delegated with the Human Resources function, who will review the deductions in question, and will correct any deductions found to be improper by providing for compensation for the improper deductions and taking steps to prevent them in the future.

The OJRSA deducts from employees' gross pay all taxes and withholdings as required by the taxing authorities, as well as other mandatory deductions such as retirement contributions. The agency may also deduct from pay the employees' share of any premiums or plan contributions for insurance, optional retirement accounts (e.g., 401(k)), and similar plans that are elected by the employee. The agency may make other deductions as required by law or court order. The agency does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.

Cash, ~~and~~ Debts owed to the OJRSA, including advanced wages and payments of fringe benefit premiums are loans to employees and are due immediately upon separation of employment and may be deducted from wages owed or otherwise demanded for immediate repayment. ~~fringe benefits,~~ Other amounts owed upon separation of employment, including payments for uniforms, tools, equipment, vehicles, instruction manuals, keys, identification cards, and other items belonging to the OJRSA that are advanced or issued to an employee but not repaid or returned by the time of termination may be deducted from wages owed to the Employee pursuant to applicable law ~~are considered advances of wages, the value of which may be deducted from the employee's pay and may be demanded for immediate repayment if not repaid through wages owed. OJRSA may use a debt collection service to recover amounts owed by a former employee. This policy does not prevent OJRSA from demanding and recovering debts owed by current employees.~~

### **6.2 POSITION CLASSIFICATION**

Each position has been assigned or allocated to an appropriate ~~job~~ classification as exempt from federal minimum wage and overtime requirements, or non-exempt meaning subject to minimum wage and overtime requirements, depending on applicable factors including ~~on the basis of~~ the kind and level of its duties and responsibilities. The salary threshold as identified by an independent and qualified classification/compensation/benefits consultant and approved by the Board of Commissioners for exempt status of each position may be based on the minimum salary for that position's pay band so that all employees in the same position have the same classification, subject to exceptions at the discretion of the Executive Director.

The classification plan may be amended from time to time by ~~the~~ OJRSA. Such changes may result from the need of creating new positions, changes in organizational structure, or changes in assigned duties and responsibilities, or other applicable factors.

The OJRSA shall review all requests for creation of new positions, the abolition or consolidation of present positions, reclassification of positions to different job classes, or the reallocation of positions to new salary ranges. In such review, they shall study the current duties and responsibilities of the position concerned and take appropriate action necessary to insure the correct classification and allocation of the position.

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Each manager and/or supervisor, as appropriate, shall report to the Executive Director changes in the organization or assignment of duties and responsibilities to a given employee which result in changes in the position classification plan or in the classification of any of the positions in their respective department. Periodically, the Executive Director will review all job descriptions of all employees and may report any recommended changes to the OJRSA Board of Commissioners for appropriate action if necessary.

An employee may submit a request in writing to the Executive Director at any time for a review of the duties and responsibilities of their position. Such a request shall be submitted through his/her supervisor and shall include the employee's own description of their current duties and responsibilities. The Executive Director shall then make an investigation of the position to determine its correct allocation report the finding to the OJRSA Board of Commissioners and furnish a copy to the employee requesting the review and to the employee's supervisor.

### **6.3 WORK WEEK AND OVERTIME**

The work period-week of the OJRSA is defined as Saturday at 12:00 a.m. (midnight) through the following Friday at 11:59 p.m.

**ALL OVERTIME MUST BE APPROVED BY THE OPERATIONS DIRECTOR OR THE EXECUTIVE DIRECTOR IN ADVANCE OF PERFORMING THE WORK, WHICH MUST BE DEEMED NECESSARY IN ORDER TO SUPPORT THE MISSION OF THE AGENCY.** The Operations Director and/or Executive Director may schedule an employee off during normal working hours during the same work period-week in lieu of accruing overtime, which is preferred whenever possible.

Time worked by non-exempt employees in excess of forty (40) hours in one (1) work period-week is considered to be overtime. Employees will receive pay for overtime at a rate of one-and-one-half (1.5) hours for each hour of overtime and will be paid the first pay day after the work period in which earned. ~~The~~ OJRSA does not offer compensatory time.

See SECTION 6.5 for information on leave and holiday compensation.

### **6.4 EMERGENCY ~~CALL-INS~~ RESPONSE FOR NON-EXEMPT EMPLOYEES**

Returning to Work for Response: Call-back pay for emergencies shall be computed at a rate of one-and-one-half (1.5) times the regular pay rate for actual time worked during a call-in that lasts longer than one (1) hour. If less than one (1) hour is required for all calls in a single workday, personnel will receive one (1) hour pay times their regular hourly rate, unless the call back results in overtime during the work week. To be eligible for call-back pay at one-and-one-half (1.5) times the regular rate under this policy, an employee must have already been relieved of work for the day and must have left work. If an emergency arises while an employee is still at the workplace or before having been relieved of work for the day, even if the employee is working outside of his/her regular work hours at the time of the emergency or other work need, then the employee will receive his/her regular rate of pay for the hours worked unless or until those hours exceed forty (40) in the workweek at which time the overtime rate will apply.

Although the OJRSA is not obligated by law to do so, the agency currently reimburses non-exempt employees who use their personal vehicles in order to respond to an Emergency Call-In for reasonable mileage incurred at the standard IRS reimbursement rate, provided the employee timely (e.g. completes and submits the Travel Expense Reimbursement Request form within five (5) working days~~a one-week period~~ of incurring the mileage)~~completes and submits a mileage reimbursement form~~ to their supervisor for signature and, subsequently, to the Office Manager for processing. The OJRSA will only reimburse employees for Emergency Call-In mileage from the employee's home to and from the on-call site back to the employee's home. However, in the event an employee simply reports to work for his/her regularly scheduled shift or work hours immediately or shortly after working an Emergency Call-In, the employee will only receive mileage for the trip from the employee's home to the Emergency Call-In site. OJRSA reimburses for mileage as soon as administratively feasible following the timely reimbursement submission. The agency reserves the right to decline to reimburse employees for mileage in the event

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a mileage reimbursement request is not timely submitted in accordance with this policy. Employees should be aware that, in certain instances prescribed by the IRS, the OJRSA must deduct taxes from mileage reimbursements.

Response Not Requiring a Return to Work: When an employee must work to handle an issue that does not require the employee to return to the workplace, the employee will be paid for the actual time worked except that OJRSA will pay a minimum of fifteen (15) minutes for any issue that requires less time.

## **6.5 LEAVE AND HOLIDAY COMPENSATION**

**FOR COMPENSATION PURPOSES, VACATION, SICK, OTHER LEAVE INCLUDED IN SECTION 7.2 IS NOT CONSIDERED AS TIME WORKED.** Leave Compensation shall be granted in accordance with the appropriate subsection within ~~SECTION 7~~SECTION 7.

An employee must work the last scheduled workday before and the first scheduled workday after a holiday to be paid for the holiday unless the absence is pre-approved or if they have a physician's statement for the workday(s) immediately preceding or following the holiday.

### 6.5.1 Non-Operator Holiday Compensation

- A. Holiday compensation is paid at a regular rate (no overtime) that is equal to for the number of the employee's normal working hours an employee usually works during a normal day (e.g., an employee that normally works eight (8) hours a day shall receive holiday compensation for eight (8) hours while a ten (10) hour a day employee receives ten (10) hours of holiday compensation) of eight (8) hours at the regular rate (no overtime) for all employees.
- B. On-Call Response Compensation: If a non-exempt employee must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., respond to alarm at pump station or overflow, etc.), then they receive holiday pay ~~of eight (8) hours~~ as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

### 6.5.2 Operator Holiday Compensation

- A. Non-exempt regular full-time Operators who are scheduled to and do work on a holiday observed by OJRSA will be paid one and one half (1.5) times their regular hourly rate of pay for their actual hours worked on the observed holiday, in addition to holiday pay of the number of normal work hours for their position at a rate if hour-for-hour (non-overtime rate).<sup>5</sup> Regular full-time non-exempt Operators who do not work on an observed holiday will receive the holiday pay equal to the number of hours of their normal work day. Typically, the on-call Operator will work a schedule of 7:00 a.m. to 12:00 p.m. (noon) on a holiday; however, this is subject to change based on organizational need. If an emergency such as high flow, equipment failure, or a power outage at the treatment plant occurs, the Operator will notify the supervisor immediately. The supervisor may assign a Maintenance Technician or other resource to assist and/or replace the Operator.
- B. On-Call Response Compensation: If a non-exempt Operator must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., perform daily check of WRF), then they receive holiday pay as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate.
- C. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6 OJRSA will pay non-exempt Operators who are called in during their on-call week at the overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

<sup>5</sup> Example—If Operators normally work a ten (10) hour workday, then they will receive holiday pay for ten (10) hours.

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## **6.6 EXEMPT EMPLOYEE EMERGENCY AND DISASTER PAY**

~~The~~OJRSA shall pay exempt employees that are required to work beyond their traditional hours at an hour-for-hour rate due to a declared emergency or disaster by the federal government, which is normally issued by the Federal Emergency Management Agency (FEMA). Pay shall only be issued once the disaster is officially declared by the federal government; a federal declaration is not to be assumed.

Exempt staff whose function is determined to be necessary for emergency mitigation and administrative functions must accurately account for their hours, which is to include normal working hours as defined in SECTION 5.1.

Pay shall abide by all OJRSA policies governing overtime and emergency call-back pay for non-exempt staff with the exception of the multiplier (1.0x the hourly wage for exempt employees versus 1.5x for non-exempt staff).

Exempt staff do not receive ~~standby-on-call~~ pay.

## **6.7 STANDBY-ON-CALL AVAILABILITY PAY**

Non-exempt employees who serve in ~~standby-an on-call~~ capacity for emergencies will receive ~~fifty-five~~~~fifteen~~ dollars (~~\$55~~~~15~~) per each weekday, including workdays, weekends, and holidays. They are paid this amount whether called into work or not. If, on occasion it is necessary to split this pay between two (2) or more individuals, then the per-day rate shall be divided proportionately based on the percent of the day each employee had to serve in standby capacity.<sup>6</sup>

## **6.8 ERRORS IN PAY, ~~LEAVE,~~ AND TAX DOCUMENTS**

It is ~~the~~OJRSA's policy and practice to accurately compensate employees and to do so in compliance with applicable state and federal laws. To ensure that employees are properly paid for all time worked and that no improper deductions are made, non-exempt employees must accurately record all time worked, and all employees must review their paychecks and all tax documents (e.g., Form W-2) promptly upon receipt in order to identify and report all errors to the agency within 14 calendar days as soon as possible but within the same work week, if possible. Employees must report all errors in pay including any deductions from pay they believe to be improper to the Executive Director, or the Office Manager or person delegated with the Human Resources function. Employees will not be retaliated against for reporting errors in pay and must immediately report any concerns about retaliation to the Executive Director or the Chair of the Board of Commissioners.

## **6.9 WORKING FROM HOME OR OFFSITE**

Unless specific, advance written authorization from the ~~OJRSA~~ Executive Director is obtained, which is only granted in rare circumstances where compelling business-related or other justifications exist in ~~the~~OJRSA's sole discretion, no non-exempt employee may work from home. Any employee who is granted permission in this regard must accurately record and report to OJRSA all hours worked so that OJRSA can pay the employee appropriately. Any permitted work from home will be temporary and will not amend job requirements to be present in the workplace or regarding attendance. Employees are subject to all the Personnel Manual policies while working remotely.

## **6.10 MERIT INCREASES**

An employee may be eligible for a merit increase upon satisfactory evaluation on a schedule approved by the OJRSA Board of Commissioners. The OJRSA does not guarantee merit or any other increases nor does it guarantee evaluations.

## **6.11 NEW APPOINTMENTS**

A new employee shall be paid at least the minimum of the approved salary grade for the position to which he/she

<sup>6</sup> Example—Employee A served in the standby role for the first 10 hours of a day and Employee B served in the role for 14 hours. Based on a 24 hour day, Employee A covered 41.67% of the day and Employee B covered the remaining 58.33%, so by multiplying the \$15 per day standby pay by the appropriate percentage and rounding to the nearest cent, Employee A shall receive \$6.25 and Employee B \$8.75 in standby pay for this day.

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is appointed. In exceptional cases, the person may be appointed above the minimum based on qualifications and experience by the approval of the Executive Director within parameters granted by the OJRSA Board of Commissioners.

### **6.12 TEMPORARY APPOINTMENTS**

When a vacancy is filled by a temporary appointment, the employee shall be paid at the minimum step of the applicable salary grade for the position or at their current rate, whichever is higher.

### **6.13 DEMOTIONS**

An employee demoted for disciplinary reasons to a classification having a lower salary grade shall receive such salary within the lower salary grade as the OJRSA shall specify.

## **SECTION 7 – EMPLOYEE BENEFITS**

### **7.1 HEALTH INSURANCE**

#### **7.1.1 Eligibility**

~~Employees will become eligible for insurance in accordance with OJRSA’s group health insurer requirements and other applicable OJRSA policies. To be eligible to be covered under OJRSA-paid group health insurance, an employee must be in regular status~~ as defined by the OJRSA Personnel Policy Manual/OJRSA Employee Handbook.

#### **7.1.2 Insurance Plans and Costs**

The group health insurance provider for the OJRSA is the South Carolina Public Employee Benefit Administration (“PEBA”) and the agency follows all policies and requirements of PEBA. The agency provides the State Health Plan’s Standard Plan, Vision, and Dental/Dental Plus, Long-Term Disability, and a \$3,000 life insurance policy for the Regular Full-Time Employees ~~employees~~ at no additional cost. Insurance is available to family members as allowed by PEBA; however, the OJRSA does not subsidize the employee portion of these expenses.<sup>7</sup>

#### **7.1.3 Coverage for Employees on Leave Without Pay**

The OJRSA shall follow all PEBA and other requirements regarding Consolidated Omnibus Budget Reconciliation Act (“COBRA”).

As a matter of general policy, ~~the~~ OJRSA will continue to pay an employee’s health insurance (employee only) for a period not to exceed six (6) months in duration after an employee uses accrued Sick Leave and Vacation Leave and is placed on Leave Without Pay, after which the employee shall have the option to pay his/her insurance premium through ~~the~~ OJRSA for the duration of the Leave Without Pay. OJRSA reserves the right to require employees to reimburse these health insurance premiums paid on their behalf.

### **7.2 LEAVE**

#### **7.2.1 General Leave Policy**

~~Unless noted within SECTION 7.2,~~ all employees shall earn leave based on an eight (8) hour workday.

#### ~~7.1.4~~**7.2.2 Vacation Leave**

Vacation Leave is earned in accordance with the following policies:

##### A. Rate of Accrual

1. Full-Time Employees: All full-time employees ~~assigned to regular positions who have completed six (6) months of satisfactory service~~ shall earn paid Vacation Leave according to Table 6.

<sup>7</sup> Eligible employees may also elect to participate in other plans offered by PEBA to potentially save on the costs they will pay to cover eligible family members.

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Table 6: Vacation Leave accrual rate

Continuous Service	Total Vacation Time Accrued Per Year	Annual Vacation Accrual Rate
<del>Less than 6 months</del>	<del>N/A</del>	<del>Receive 32.00 hours at the beginning of their 7th month's service</del>
<del>Greater than 6 months and Less than 1 year</del>	<del>56.60 hours total earned during first year</del>	<del>Accrue 4.805.00 hours per month for the remainder of their first years' service starting the first day of the month following the employee's first day of employment</del>
1 Year	80 hours	Employees begin accruing 6.67 hours per month starting <u>the first day of the month following their 1st on the anniversary date of their 1st years' service</u>
2-5 Years	96 hours	Employees begin accruing 8.00 hours per month starting <u>the first day of the month following their 2nd on the anniversary date of their 2nd years' service</u>
6-9 Years	112 hours	Employees begin accruing 9.33 hours per month starting <u>the first day of the month following their 6th on the anniversary date of their 6th years' service</u>
10-13 Years	120 hours	Employees begin accruing 10.00 hours per month starting <u>the first day of the month following their 10th on the anniversary date of their 10th years' service</u>
14-17 Years	136 hours	Employees begin accruing 11.33 hours per month starting <u>the first day of the month following their 14th on the anniversary date of their 14th years' service</u>
18+ Years	176 hours	Employees begin accruing 14.67 hours per month starting <u>the first day of the month following their 18th on the anniversary date of their 18th years' service</u>

2. ~~Part-Time, Seasonal, and Other Employees~~ Part-time and Seasonal Employees: Part-time employees and/or Other Employees ~~employees hired to fill temporary or seasonal positions~~ shall not accrue, nor be paid for, any Vacation Leave.
3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) consecutive workdays do not accrue ~~credits for~~ paid Vacation Leave.
- 3.4. If an employee is using Donated Sick Leave, then they are not eligible to accrue Vacation Leave.

B. Use of Vacation Leave

1. ~~Full-time employees shall not be eligible to take paid Vacation Leave during their first six (6) months of employment at the OJRSA.~~
- 2.1. Vacation Leave cannot be taken before it is accrued.
- 3.2. Vacation Leave, subject to the approval of the Operations Director or Executive Director, may be taken in units of quarter hour, half hour, hour, and full day increments.
- 4.3. Except in the case of an emergency, all vacation must be approved in advance by the Supervisors, Division Managers/Directors, Operations Director or Executive Director. Whenever possible, an employee wishing to take more than eight (8) hours of Vacation Leave should request approval at least one (1) week in advance.
- 5.4. Whenever possible, employees will be allowed to take Vacation Leave at times most convenient to them. However, in order to ensure continuous operation and maintain a high level of quality in the delivery of services to the users of the OJRSA, the agency reserves the right to limit the number of employees that may be absent from a given department or unit at any time. When there is conflict in the vacation choices of two (2) or more employees who cannot be spared at the same time, the Executive Director will make the determination.
- 6.5. Employees cannot take more than two (2) weeks of leave concurrently without the approval of the Executive Director, which includes any combination of Vacation Leave and observed Holidays.
- 7.6. When a paid holiday is observed by ~~the~~ OJRSA during the period an employee is on Vacation Leave, the employee shall receive their regular holiday pay, and that day shall not be charged against the

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employee's vacation earnings.

C. Payment and Accumulation of Vacation Leave

1. Up to three hundred sixty (360) hours of Vacation Leave may ~~be accrued and be~~ carried over from ~~year to year one calendar year to another, except that but~~ Vacation Leave ~~that accumulates~~~~accumulated~~ in excess of three hundred sixty (360) hours ~~must be used by the end of the employee's anniversary calendar year or it will be forfeited so that only three hundred sixty (360) hours will carry over to the following calendar year (starting January 1). shall be forfeited on the beginning of the next years' service based on the employee's date of hire following close of business on the last calendar day of each year.~~
2. At the time of separation from service for non-disciplinary reasons, an employee shall be entitled to any Vacation Leave pay ~~not to exceed three hundred sixty (360) hours~~ accumulated and not previously used, provided the employee gives and works a two (2) week notice. The requirement for this two (2) week notice may be waived by the OJRSA-Executive Director, in his/her discretion, based upon the needs of the organization.

D. Transfer of Vacation Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Vacation Leave.

7.1.57.2.3 Sick Leave

Sick Leave is earned in accordance with the following policies:

- A. It is the policy of ~~the~~ OJRSA to provide reasonable time off with pay, up to the amount of unused Sick Leave ~~earnings~~, to employees who are unable to work due to personal illness or injury.
- B. Rate of Accrual
  1. Regular Employees: ~~Starting on the first day of the first full month of employment, Employees will earn eight (8) hours of paid sick leave and will be eligible to use accrued sick leave immediately after it first accrues. Upon becoming a regular employee, which is normally six (6) months from date of hire following a probationary period, an employee shall be credited twenty four (24) hours of Sick Leave. All full-time employees assigned to regular positions shall accrue credits for paid Sick Leave at a rate of eight (8) hours per month of continuous service accumulative up to seven hundred twenty (720) hours.~~
  2. Part-Time, ~~and~~ Seasonal, ~~and~~ Other Employees: Part-time employees and/or ~~Other Employees~~~~employees hired to fill temporary or seasonal positions~~ shall not accrue, nor be paid for, any Sick Leave.
  3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) ~~consecutive~~ workdays do not accrue credits for paid Sick Leave while in Leave Without Pay status. If an employee is using Donated Sick Leave, then they are not eligible to accrue Sick Leave.
- C. Use of Sick Leave
  1. Sick Leave will be charged in ~~units of~~ quarter hour, half hour, hour, and full day increments.
  2. Sick Leave may be taken for personal medical, eye care, and dental appointments.
  3. Sick Leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health ~~or safety~~ of fellow workers.
  4. Employees who exhibit symptoms of illness may be required to leave work. In such cases, Sick Leave must be used. ~~(See SECTION 3.4 for more information).~~
  5. When a paid holiday occurs during the period an employee is on Sick Leave with pay, the employee shall receive only their regular holiday pay ~~provided they have prior approval from their supervisor for the time off or a written doctor's excuse (See SECTION 6.5)~~, and that day shall not be charged against their Sick Leave earnings.

D. Payment and Accumulation of Sick Leave:

~~D.1.~~ In order to be eligible ~~to use for~~ Sick Leave ~~with pay~~, an employee must:

- ~~1.a.~~ Report to their supervisor at least thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor at least one (1) hour before beginning of shift. An employee who fails to ~~so~~ notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.

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- ~~2-b.~~ If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised ~~to of~~ his/her condition and anticipated date of return.
- ~~3-c.~~ Submit a statement from the attending ~~physician~~ healthcare provider as to the nature and duration of the illness, if requested. Such certification is required for absences of three (3) consecutive work days or longer. A ~~physician's~~ healthcare provider's statement is also required whenever a given individual has already utilized over forty-eight (48) hours of Sick Leave, which includes Family Sick Leave, during the last rolling backward twelve (12) month period, or for any other reason the agency determines such certification is warranted. At the employee's request, ~~the~~ OJRSA, at its discretion, may allow up to one (1) additional day of Sick Leave beyond the return-to-work date as stated on the physician's statement without requiring an additional doctor's note with a new date listed.
- ~~4-d.~~ Upon leaving OJRSA employment for whatever reason other than retirement, an employee will not be ~~reimbursed~~ paid for unused accrued Sick Leave.
- ~~e.~~ If an employee retires from ~~the~~ OJRSA, they may be eligible to use Sick Leave as a credit toward retirement in accordance with PEBA requirements.

~~5-2.~~ Sick Leave may be accrued and carried over from year-to-year, but Sick Leave accumulated in excess of seven hundred twenty (720) hours shall be forfeited following close of business on the last calendar day of each anniversary year for the employee.

#### E. Family Sick Leave

1. Employees earning Sick Leave, ~~as provided in "Sick Leave"~~ as stated in ~~this~~ the section of the *OJRSA Personnel Policy Manual* titled "SICK LEAVE," (7.2.3) may use up to forty (40) hours of Sick Leave annually (based on the calendar year) to care for ill members of their immediate families. For purposes of this policy, the employee's "immediate family" means the employee's spouse, children, parent, brother, sister, grandparent, legal guardian, or grandchild.
2. In order for staff to use Family Sick Leave, the following requirements must be observed:
  - a. Report to their supervisor thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor one (1) hour before beginning of shift. An employee who fails to ~~so~~ notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.
  - b. If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised of their anticipated date of return.
  - c. Proof from the Immediate Family ~~member's~~ Member's attending healthcare provider, which states the member was under the provider's care, must be submitted to the ~~OJRSA~~ Office Manager in cases involving Family Sick Leave absences of three (3) consecutive work days or longer or if employee has used more than forty-eight (48) sick hours in a rolling backward twelve (12) month period.

#### F. MaternityParental Leave and Lactation Support

1. OJRSA supports employees who are pregnant, during and after their pregnancies by providing leave for the prenatal needs, birth, recovery, and bonding with their child, as well as employees adopting or beginning foster care relationships with children, by providing Parental Leave.
  2. To be eligible for this policy, employees must have been employed on a full-time basis for at least six (6) consecutive months.
- ~~F.~~ OJRSA provides eligible employees with up to eight (8) weeks of unpaid leave that can be used for prenatal care and needs, the birth and recovery from birth, and bonding. Employees can, but are not required to, use accrued Vacation and/or Sick Leave for any portion of the Parental Leave Period. Employees can apply for short-term disability and any other health and welfare benefits in which they may be enrolled through their employment.
3. Employees must give OJRSA as much advanced notice of the need for Parental Leave as possible and work with their supervisor and the Office Manager (or other position delegated with the Human Resources function) to plan for the leave, subject to changes to the plan as necessary for unexpected needs. Employees must communicate with OJRSA during leave as requested and must update OJRSA in



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changes to the plan during the leave as promptly as possible. Parental Leave is job-protected as long as employees can return to work as planned or within a reasonable time thereafter. OJRSA's other leave policies may apply to a need for extended leave beyond the Parental Leave.

4. OJRSA provides reasonable time for employees to express breast milk. Employees should use their regular break time and/or their meal break for this purpose, where possible. If not possible, then OJRSA will provide reasonable additional unpaid time for expressing breast milk. Employees who need lactation support should notify the Office Manager (or other position delegated with the Human Resources function) to agree on a reasonable schedule for expressing breast milk. OJRSA will provide a private, secure location other than a bathroom for this purpose.

G. Absence Due to Illness or Exposure or Exposure to Diseases

1. An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (for example, the flu, measles) must report this exposure to his supervisor prior to reporting to work, even if the employee is not experiencing symptoms. OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.
2. Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor. If in OJRSA's sole opinion, it does not appear that the employee can safely perform his job or is a risk to others, he/she will be sent home.

H. Long Term Illness

1. General: After an employee who has completed at least one (1) year of satisfactory service has used all accrued Sick Leave ~~credits~~, he/she must use his/all accrued vacation ~~earnings~~ before being placed on leave without pay. Such Leave Without Pay may be up to six (6) months from the last day worked, with special written permission by the ~~OJRSA~~Executive Director. However, there is no guarantee of the length of ~~a leave of absence~~the Leave Without Pay, nor is there a guarantee ~~of a return to the job that OJRSA will be able to hold the employee's position for the duration of the leave~~. Decisions will be made on a case-by-case basis.
  2. Returning to Work: The position held by an employee may be held open while they are on an extended medical leave by redistributing the work among the other employees in the department, or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a permanent basis, the employee shall be notified immediately. ~~The, and~~ OJRSA will attempt to place ~~them~~the employee in a position of like status and pay for which he/she is qualified when ~~they are~~ able to return to work.
  3. If an employee is unable to return to work on the date established for his/her return to duty, they shall notify their supervisor as soon as possible. An employee who fails to return to work on the date established, and fails to notify their supervisor in advance, will be considered to have resigned.
  4. The agency reserves the right to require a statement from the employee's attending ~~physician~~healthcare provider~~to the effect~~ that the employee is able to resume his/her normal duties and schedule before allowing the employee to return to work.
- I. Transfer of Sick Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Sick Leave.
- J. Transfer of Sick Leave to Co-Worker
1. Employees are authorized to transfer accumulated Sick Leave to another employee who has exhausted his/her Sick Leave, Vacation Leave, and other paid leave, and who is personally experiencing a catastrophic ~~injury, or~~ long-term illness, pregnancy-related disability, or delivery of a baby and maternity leave to care for the child (collectively "Catastrophic Illness") which will require absences in excess of twenty (20) days. This policy excludes elective surgery ~~and normal pregnancy and delivery~~. A panel consisting of the ~~OJRSA~~-Executive Director, Office Manager, and Board Chair will determine whether the illness or ~~accident~~injury is catastrophic based on information presented, the extent of impairment to an employee's ability to perform his/her job, and other circumstances.
  2. In order to be eligible to receive days to be used from other employees, the employee who meets the catastrophic illness criteria must:

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- a. Be a full-time non-probationary OJRSA employee; and
  - b. Must be scheduled by a physician to be out of work for twenty (20) or more consecutive days as a result of illness or accident (an exception may be made for intermittent catastrophic illnesses as defined herein).
3. A Catastrophic Illness may also be intermittent in nature, meaning that it could be an “on-going” illness to the employee that would require him/her to use sick leave at intermittent times due to the type of illness and treatment. For intermittent Catastrophic Illness, an employee may be able to return to work for a period but must take leave occasionally due to special treatment or therapy.
  4. A staff member who meets the eligibility criteria as described in this policy may apply to draw from a co-worker’s donated Sick Leave using an Application for Use of Donated Sick Leave form. This application must be accompanied by a Physician’s Confirmation containing the nature and expected duration of the disabling condition. An employee is only eligible to receive donated sick leave for one (1) event per calendar year, and the maximum number of days which may be used from donations shall be thirty (30) days per calendar year.
  5. Members who have been approved for Workers’ Compensation due to a job-related injury, or who have been approved for, and are receiving disability benefits, are not eligible to apply for Donated Sick Leave days.
  6. The employee who transfers Sick Leave time to another employee shall lose the number of days of accumulated leave that is transferred. The transfer of leave time shall be done on a volunteer basis. A Sick Leave Transferal Request form must be filled out authorizing the transfer of time.

#### ~~7.1.6~~7.2.4 Compensatory Leave

Compensatory Leave, commonly referred to as “comp time,” is not awarded by ~~the~~ OJRSA. Eligible staff that work overtime shall receive compensation in accordance with SECTION 6.3 and other applicable sections of the OJRSA Personnel Policy Manual/OJRSA Employee Handbook.

#### ~~7.1.7~~7.2.5 Bereavement Leave

In the event of a death in the employee’s immediate family, the employee may take leave with pay, not to exceed three (3) days. The term “immediate family,” for the purpose of this subsection, shall include:

- A. The employee’s spouse, child, parent, brother, sister, grandparent, grandchild, or legal guardian.
- B. The child, parent, brother, or sister of his/her spouse.

The OJRSA may require proof of relationship to the deceased to confirm they are immediate family as defined in this policy.

The number of hours of Bereavement Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

#### ~~7.1.8~~7.2.6 Civil Leave

The number of hours of Civil Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

Jury Duty: All OJRSA fulltime employees selected for jury duty shall be entitled to Civil Leave with pay for the period of absence required up to a maximum of ten (10) days per year. Such leave shall not be charged to Vacation or Sick Leave earnings/balances, except that on any day when such employee is excused from service on a jury, he/she will be expected to report for duty at their regular place of work, if within reasonable commuting distance, or be charged Vacation Leave for time excused from jury duty. Likewise, any period for which an employee is excused from jury duty, because of illness, shall be charged to Sick Leave. An employee shall be entitled to all fees received as a juror.

Official Court Attendance: All employees subpoenaed or ordered to attend court to appear as a witness, or to testify ~~in~~ in their OJRSA official capacity, shall be entitled to Civil Leave with pay for such period as his/her court attendance may require.

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Private Litigation: A leave of absence of an OJRSA employee to appear in private litigation in which they are a ~~prin-~~~~cipal~~-party or witness shall be charged to Vacation Leave or to Leave Without Pay at the employee's choice.

### ~~7.1.9~~7.2.7 Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law.

Employees on Military Leave will receive paid leave for up to fifteen (15) days per ~~military fiscal~~rolling backward twelve (12) month period (looking back twelve (12) months from the day the leave is to begin to determine the balance of the paid leave used in that twelve (12) month period) year for training or call-up. In addition, if an employee is called upon to serve during an emergency, the employee will receive paid leave of absence ~~for~~ not exceeding thirty (30) additional days for a total of forty-five (45) days per military fiscal year.

The number of hours of Military Leave for each day is equal to the employee's normal working hours per SECTION 5.1.

### ~~7.1.10~~7.2.8 Educational Leave

This policy is provided to encourage all regular employees to continue their education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities in the future. The Executive Director has the authority to determine whether classes meet this requirement. Classes should be scheduled during off-duty hours and should not regularly interfere with the employee's normal working hours. Employees should notify their department manager and the Executive Director at the time they register for classes if taking classes that might interfere with their normal working hours.

If classes interfere with an employee's work schedule, then upon request, the Executive Director may approve unpaid leave to accommodate the occasional or unexpected need for leave for class requirements.

This policy applies to employees' elective education, not to mandatory continuing education required for the employee's position with OJRSA.

### ~~7.1.11~~7.2.9 Leave Without Pay

Full-time employees may be granted Leave Without Pay for personal reasons. Normally, it is granted only when the employee has used their accumulated Sick and Vacation Leave in the case of illness, or Vacation Leave if Leave Without Pay is requested for reasons other than illness. Written request for Leave Without Pay must be initiated by the employee, favorably endorsed by his/her supervisor, and approved by the Executive Director before becoming effective. Such leave shall not be approved for a period longer than twelve (12) weeks of combined leave (Sick Leave, Vacation Leave, and Leave Without Pay) within a rolling backward twelve (12) month period (as defined in the Military Leave policy above).~~rolling period~~.

### ~~7.27~~7.3 HOLIDAYS

The eleven (11) holidays below are observed by ~~the~~-OJRSA. Each day is ~~paid~~ recognized with the employee's normal working hours per SECTION 5.1~~normal working hours, typically either eight (8) or 10 hours of pay~~.

- A. New Year's Day
- B. Martin Luther King, Jr. Day
- C. Memorial Day
- D. Independence Day
- E. Labor Day
- F. Veteran's Day
- G. Thanksgiving Day
- H. Day After Thanksgiving
- I. Christmas Eve

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- J. Christmas Day
- K. Day After Christmas

If a holiday falls on a Sunday, it shall be observed on the following Monday; and if a holiday falls on a Saturday, it shall be observed on the preceding Friday.

Where it is necessary to maintain service requiring a regular employee to work on an official holiday, such employees shall be paid for all hours worked in addition to receiving holiday pay.

Pay for holidays is defined in SECTION 6.5 of the [OJRSA Personnel Policy Manual](#)~~OJRSA Employee Handbook~~.

### **7.37.4 TUITION REIMBURSEMENT**

#### **7.3.17.4.1 Eligibility**

Employees that are interested in continuing their education must meet the following criteria:

- A. Be a ~~full-time staff member~~Regular Full-Time Employee with at least one (1) year of continuous service.
- B. Courses must be directly related to and of assistance to the employee in their work with ~~the~~ OJRSA.
- C. Courses must be taken ~~in conjunction with~~through an accredited institution.
- D. The curriculum must be presented to the department manager in advance in order for the manager to determine if the employee's work responsibilities and academic load are compatible.

#### **7.3.27.4.2 Covered Expenses**

An employee may be reimbursed for the cost of tuition, all course-related fees, and one-half (1/2) the cost of required books. All other costs, such as activity fees, graduation fees, shall be paid by the employee.

#### **7.3.37.4.3 Applying for Reimbursement**

Within ten (10) days after receiving grades, the employee shall submit an Application for Tuition Reimbursement form to the Administrative Office with the following attachments:

- A. Receipts showing the amounts paid for tuition fees and books.
- B. A copy of the employee's official transcript, grade sheet, or other proof of satisfactory completion, as appropriate. Payment may be made only for those courses in which the employee earns a grade of "C" or better for the course. Proof of satisfactory completion will be required for those courses for which grades are not given. After approving the application, the Executive Director will forward the form for payment.

#### **7.3.47.4.4 Conditions**

- A. Managers must inform the Executive Director prior to April of each year in order for the expense to be placed into the agency's budget.
- B. The OJRSA's obligation to pay education assistance expenses is voided if an employee voluntarily terminates their employment or is terminated involuntarily before completing an approved course. In such cases, any costs already incurred by the OJRSA will be deducted from the employee's final paycheck.

#### **7.3.57.4.5 Required Courses**

From time to time, it may be necessary for ~~the~~OJRSA to require certain employees to take one (1) or more courses. When this ~~does~~ occurs, the agency will pay all of the costs of the course, including tuition, fees, book, and reasonable transportation costs as well as the employee's compensation for the time in the required course.

#### **7.4.6 Advancement of Wages for Tuition Purposes**

When an employee's position with OJRSA requires continuing education or training in order to obtain or maintain a certification or license, OJRSA may approve an advance of the employee's wages for some or all of the cost. An employee must request the advance of wages to the Executive Director, who must approve that the education or training qualifies, and who approves the amount to be advanced. In order to receive an advance of wages for this

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purpose, the employee must sign an agreement with OJRSA containing additional terms and conditions of the advanced wages, including that the employee will repay the wages through payroll deductions or otherwise as specified in the agreement.

### **7.47.5 RETIREMENT BENEFITS**

#### **7.4.17.5.1 Pension**

~~The~~ OJRSA participates in the South Carolina Retirement System, which is administered by ~~the~~ PEBA. Membership in the retirement programs offered by PEBA is mandatory as a condition of employment. OJRSA employees are subject to the laws, rules, regulations, and policies of PEBA.

#### **7.4.27.5.2 Insurance**

~~The~~ OJRSA offers health insurance coverage to retirees that meet the eligibility qualifications as required by PEBA for local subdivisions of the state. The terms of this coverage are dictated by PEBA and may change from time-to-time without notice from OJRSA. ~~Currently, T~~the employee shall be responsible for zero percent (0%) of the associated employer expenses and zero percent (0%) of the employee expenses.

### **7.57.6 OPTIONAL BENEFITS**

~~The~~ OJRSA may offer employees and their eligible family members other optional benefits through PEBA and other agencies, such as life insurance, supplemental insurance (e.g., Aflac), tax-favored medical and dependent care account programs (e.g., MoneyPlu\$), and supplemental long-term disability insurance. All such benefits are subject to the rules, policies, and rates of the agencies providing the benefits, and may change from time-to-time without notice from OJRSA. ~~The~~ OJRSA does not subsidize these costs and the employee is entirely responsible for all associated rates for products they elect to procure.

### **7.67.7 EXAMINATIONS, MEMBERSHIPS, LICENSES, AND CERTIFICATIONS**

#### **7.6.17.7.1 Responsibilities**

Below are the employee's responsibilities regarding examinations, licenses, and other such matters:

- A. Employees must commit to obtaining the necessary Continuing Education Units ("CEU") or Professional Development Hours ("PDH") to maintain their license or certification. While the OJRSA will attempt to make these opportunities available to staff, it is ultimately the responsibility of the employee to ensure they have the necessary CEUs and PDHs necessary to maintain their license or certification.
- B. It is the responsibility of the employee to keep track of their CEUs and PDHs.
- C. The employee must remain in good standing with the licensing and certification agencies at all times.
- D. Employees must provide a copy of the current license or certification to the Office Manager. A copy of the documents will be placed in the employee's personnel file.

#### **7.6.27.7.2 Reimbursement Criteria and Conditions**

The OJRSA will either pay for or reimburse eligible employees for certain fees associated with job-related requirements and memberships as stated in, Table 7, Table 8, and Table 9. In order for an employee to be considered eligible, the exams, professional memberships, and licenses must either be required by the employee's current position description or is considered beneficial or advantageous to the agency. In order for an employee to have the agency pay for these items through reimbursement or direct pay, the following conditions shall apply:

- A. The employee must have the approval of his/her supervisor prior to scheduling an exam or joining a professional organization as a member.
- B. The employee must provide the Office Manager with a copy of the invoice and certification, membership, or license in order to receive reimbursement or direct pay by the agency. If an employee prefers to be reimbursed, payment shall be made to the employee via check during the following pay period after providing the necessary documentation to the Office Manager.
- C. If an examination is failed or must be rescheduled after the cancelation or reschedule date, the OJRSA will pay for the missed exam only if it was the fault of the OJRSA; otherwise, the employee shall be responsible for paying for the text.

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- D. The OJRSA is not responsible for fees associated with late payments, whether it is due to the employee failing to submit payment in a timely manner or providing payment to the Office Manager for payment and processing too close to the deadline for timely delivery. If the delay is due to the OJRSA, the agency shall pay the late fees.

*Table 7: Exams eligible to be reimbursed for by OJRSA*

<b>Exam</b>	<b>Reimbursement Conditions</b>
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for each level or type of exam <u>once</u> .
<del>DHEC</del> <u>South Carolina Department of Environmental Services (“SCDES”)</u> Backflow Prevention Certification	The OJRSA will pay for the exam <u>once</u> .
<del>DHEC</del> <u>SCDES</u> Certified Erosion Prevention and Sediment Control Inspector (“CEPSCI”)	The OJRSA will pay for the exam <u>once</u> .
<u>Municipal Association of South Carolina (“MASC”)</u> Electrical Certification	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
SC Professional Engineer or Surveyor	The OJRSA will pay for the exam <u>once</u> .
<u>South Carolina Department of Motor Vehicles (“SCDMV”)</u> Commercial Driver’s License Permit	The OJRSA will pay for the exam <u>once</u> .
SCDMV Commercial Driver’s License Skills Test (“permanent” license) – Only valid for SC Class “A” (with Z restrictions) or “B” CDL, tanker endorsement is also required	The OJRSA will pay for the exam <u>twice</u> — once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
SCDMV Commercial Driver’s License Tanker Endorsement	The OJRSA will pay for the exam <u>once</u> .
<u>South Carolina Labor, License, and Regulation (“SCLLR”)</u> Biological Wastewater Treatment Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
<u>Water Environment Association of South Carolina (“WEASC”)</u> <u>Voluntary Collection System (“VCC”)</u> Collection System Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

*Table 8: Memberships eligible for reimbursement by OJRSA*

<b>Membership</b>	<b>Reimbursement Conditions</b>
American Water Works Association (“AWWA”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Society for Human Resource Management (“SHRM”) for Office Manager or Director	The OJRSA will pay for once per year.
Water Environment Association of South Carolina ( <del>WEASC</del> ) for licensed Water Reclamation Operators and Collection System staff	The OJRSA will pay for once per year.
Water Environment Federation (“WEF”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

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Table 9: Licenses and certifications eligible for reimbursement by OJRSA

License and Certification	Reimbursement Conditions
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for once per year.
<del>DHEC-SCDES</del> Backflow Prevention Certification	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
<del>DHEC-SCDES Certified Erosion Prevention and Sediment Control Inspector (CEPSCI)</del>	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
MASC Electrical Certification	The OJRSA will pay for once per year.
SC Professional Engineer or Surveyor	The OJRSA will pay for once per year.
SCDMV Commercial Driver’s License new and renewal	The OJRSA will pay for as required by SCDMV but in no case more frequently than once per year.
SCLLR Biological Wastewater Treatment Operator	The OJRSA will pay for once per year.
SCLLR Physical/Chemical Treatment Operator	The OJRSA will pay for once per year.
WEASC VCC Collection System Operator	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

**7-77.8 HAND TOOL PURCHASING POLICY**

Employees in the Conveyance System, Maintenance, and Water Reclamation Facility Operations departments are required to provide their own hand tools in order to perform OJRSA-required tasks. Hand tools are considered commonly used tools such as wrenches, power saws, drills, impact drivers, etc. Hand tools do not include specialty tools like welders, rotary hammers, generators, or safety equipment, which will be provided by ~~the~~ OJRSA.

Employees are expected to have and use their own tools and maintain them in good working order.

~~The~~ OJRSA will assist employees ~~to~~ with purchasing ing tools through payroll deduction under the following conditions:

- A. **ANY MONEY PROVIDED TO EMPLOYEES TO PURCHASE HAND TOOLS IS CONSIDERED AN ADVANCEMENT OF WAGES, THE VALUE OF WHICH CAN BE DEDUCTED FROM THE EMPLOYEE’S FINAL PAYCHECK, INCLUDING FROM ACCRUED LEAVE. (See SECTION 6.1 for more information)**
- B. The OJRSA will advance wages not to exceed five hundred dollars (\$500) every six (6) or twelve (12) month period, whichever the employee chooses when completing the Payroll Deduction Purchase Agreement form. This period cannot be modified once the form is submitted to the Office Manager for processing; however, employee can elect to reimburse the OJRSA earlier than the date stated on the form.
- C. Employee can only have one (1) advancement of wages for hand tool purchases at a time.
- D. The hand tools are kept in good, safe working condition. **DAMAGED OR UNSAFE TOOLS ARE NOT TO BE USED FOR OJRSA TASKS. FAILURE TO COMPLY WITH THIS CONDITION COULD LEAD TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.**

The OJRSA is not responsible for the replacement of lost, stolen, or damaged tools. If an employee is currently paying on a hand tool(s) that was purchased using this policy and it is lost, stolen, or damaged, then they are still responsible for reimbursing the OJRSA in accordance with this policy and the employee remains ineligible to receive an additional advancement of wages until reimbursement is complete.

**SECTION 8 – ~~GENERAL~~ OTHER PERSONNEL POLICIES**

**8.1 RESPONDING TO EMERGENCIES, ALARMS, AND OTHER ABNORMAL CONDITIONS**

The following protocols must ~~to~~ be adhered to by staff members who respond to emergencies, alarms, and other abnormal operational situations:

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- A. A cellphone or other such communication device is provided by ~~the~~ OJRSA to assure constant communication from the plant with the person on ~~-standby~~call. This ~~cellphone device~~ must be kept in the standby on-call employee's possession at all times while on-call and must be in good working condition.
- B. Standby On-call personnel are required to respond immediately to calls, correct problems, and restore operation as safely and efficiently as possible. If additional help or personnel are needed, the Maintenance Supervisor, Operations Director, and Executive Director must be notified as soon as reasonably possible.
- B-C. On-call personnel shall be able to respond to the Coneross Creek Water Reclamation Facility within forty-five (45) minutes at all times when serving in an on-call role.
- D. Any on-call personnel that receives an alarm or notification must acknowledge the condition in accordance with agency protocols.
- E. Documentation of Response: The Documentation of Response Procedure is as follows ~~but is~~ (subject to change from time-to-time):
1. If a physical response to the condition is necessary at any time, including if it is performed at a later date and/or time during normal work hours, then a work order must be completed for each situation and the Standby Call-In Log must be completed.
  2. If a situation can be appropriately addressed without a physical response, then it is not necessary to complete a work order; however, the Standby Call-In Log must be completed during the next scheduled work day.
- ~~H. Upon arrival at the site of the emergency, maintenance personnel must notify the Plant Operator On Duty of corrective actions taken for documenting in the Facility Operations Logbook. In the event of potential damage or injury to personnel or equipment, the Maintenance Supervisor, Operations Director, and Executive Director must be notified. It is also necessary to record call-ins on the Standby Call-In Log and the person's time card. This can be completed on the next scheduled workday, and a work order shall be written to document the problem. All information related to any incidents must be documented in the Facility Operations Logbook.~~

## **8-38.2-DRESS CODE**

### **8-3-18.2.1 Objective**

OJRSA strives to maintain a workplace environment that is safe, well-functioning, and free from unnecessary distractions and annoyances. As part of that effort, the company requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and the work being performed. To that end, the Executive Director may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

### **8-3-28.2.2 Procedures**

All agency staff members are expected to present a professional, businesslike image to visitors, customers, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods with special emphasis on the requirement of staff to wear personal protective equipment (PPE) as necessary. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

All staff members must carry or wear the OJRSA identification badge at all times while at workworking.

### **8-3-38.2.3 Specific Requirements**

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or PPE, depending on the nature of their job. Below is a list of expectations for staff:

- A. Uniformed Employees: Uniforms and protective clothing may be required for certain positions and will be provided to employees by the agency. Those positions that are provided with a uniform shall wear their uniform at all times while performing work for the agency and should keep the uniform in good condition. Because of



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the potential exposure by staff to bloodborne pathogens at the workplace, OJRSA provides laundry services for uniforms and employees are expected to use this service unless a Laundry Service Waiver form has been read and signed by the employee.

~~1-B.~~ Employees are prohibited from wearing OJRSA uniforms during non-work time.

~~B-C.~~ Non-Uniformed Employees: Non-uniform staff members are expected to present a professional appearance and are not permitted to wear ripped, frayed, or disheveled clothing or athletic wear. Likewise, tight, revealing, or otherwise workplace-inappropriate dress is not permitted. Shirts should be tucked in. While professional open-toe shoes are generally acceptable by administrative staff while working in offices, flip-flops are not.

~~C-D.~~ Jewelry and Tattoos:

1. ~~No more than two (2) implements may be worn in each ear and other facial piercings are prohibited in the workplace. Ear gauges are prohibited.~~ Front-line staff must wear jewelry, including implements such as piercings and ear gauges, in compliance with all applicable safety requirements.
2. Visible tattoos are allowed as long as they are not considered offensive in nature (e.g., sexual, racist, etc.). If such "offensive" tattoos exist, they must remain covered at all times while on the job. Office staff should not have ~~exposed tattoos or other~~ body art (e.g., surgically implanted ball bearings, spikes, etc.).

~~D-E.~~ Facial Hair: Employees who are required to wear a respirator as a part of their job description must be clean shaven in order for their respirator to fit properly.

#### 8.3.48.2.4 Corrective Action

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate attire or does not meet the grooming standards, the employee set forth will be subject to corrective action and will be required to go home, change into conforming attire or properly groom, and return to work. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

### **8.48.3 WORKPLACE PRIVACY AND COMPUTER, SOCIAL MEDIA, AND ELECTRONIC DEVICE ABUSE**

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work twenty-four (24) hours a day, seven (7) days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on OJRSA premises are not entitled to a guarantee of privacy.

Management may search OJRSA property and documents in OJRSA-owned vehicles, employee desks, lockers, file cabinets, etc. **EMPLOYEES HAVE NO REASONABLE EXPECTATION OF PRIVACY IN ANY OJRSA PROPERTY, WHICH MAY BE SUBJECT TO SEARCH BY THE AGENCY AT ANY TIME WITHOUT FURTHER NOTICE TO THE EMPLOYEE. CONTINUANCE OF EMPLOYMENT FOLLOWING RECEIPT OF THIS POLICY, AS WELL AS YOUR SIGNATURE ON THE ACKNOWLEDGEMENT OF RECEIPT, DISCLAIMER, AND CONSENT LOCATED ON THE FRONT COVER OF THIS HANDBOOK, CONSTITUTE YOUR CONSENT TO THIS POLICY AS WELL AS ANY SEARCHES CONDUCTED PURSUANT TO THIS POLICY.**

Electronic media raise similar issues. OJRSA provides electronic and telephonic communication devices and, when necessary, computers and mobile devices, to employees for use in performing their job duties. Although assigned to the employee, these items still belong to ~~the~~ OJRSA. Similarly, any computer files created or software downloaded on an OJRSA computer belong to OJRSA.

Employees are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else, including software and program licensing rights. Software, programs, games, and any other downloads may not be installed on OJRSA computers without the written permission of OJRSA.

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Employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing databases containing ~~personal~~ employees' personal information. Employees who have received appropriate authorization to access and/or view databases containing ~~personal~~ employees' personal information are prohibited from using or discussing information in those databases except as required for their job duties or directed by management.

OJRSA consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of OJRSA. The only sure way to avoid violating OJRSA's policy on personal use is not to use OJRSA's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

- A. Accessing any material which would tend to violate OJRSA's discrimination and harassment policies, or that that OJRSA considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in OJRSA's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or ~~some similar distinction-~~ other protected category;
- B. Conducting business for outside employment or a side-business;
- C. Purchasing any goods or services, even if charged to the employee's personal credit card.

Although employees may use OJRSA-owned communication devices, computers and network for limited personal use, all files and data created or transmitted using a computer (including desktop, laptop, tablet, etc.), telephone, pager, smart phone, or any other electronic device provided to the employee by OJRSA belong to OJRSA and may be accessed by OJRSA during transmission of the communication or while in storage on OJRSA's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text (~~SMS~~) messages, multi-media messages (~~mms~~), instant messages, and the content of internet websites.

**BY ACCEPTING EMPLOYMENT WITH OJRSA, YOU CONSENT TO MONITORING, INCLUDING "REAL TIME" MONITORING AS PERMITTED BY LAW, OF ALL COMMUNICATIONS DESCRIBED IN THIS POLICY AND AUTHORIZE OJRSA TO ACCESS ALL DATA STORED ON COMMUNICATION DEVICES PROVIDED BY OJRSA.** OJRSA also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on an OJRSA communication device includes data, such as personal third-party e-mail accounts (e.g., Yahoo, Gmail, Hotmail, etc.) and websites, that is accessed with a password where the data was accessed using OJRSA's communication device. Thus, if you do not want OJRSA to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using OJRSA-owned communication devices. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that OJRSA cannot do so. It is also possible to generate a report of every Internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using OJRSA-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected OJRSA-owned communication device. OJRSA is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using OJRSA-owned equipment.

OJRSA employees may not use their own personal electronic equipment (including, but not limited to, personal laptop computers, cellular phones, and smart phones) on OJRSA property or at OJRSA work sites to engage in conduct which would be prohibited if using OJRSA equipment.

#### 8.4.18.3.1 Use of Technology During Work Hours

During work hours, employees should only participate in business pertaining to ~~the~~ OJRSA. However, the agency consents to incidental personal use of ~~OJRSA-owned and~~ personal computer systems and telecommunications devices during work hours as defined in the HOURS OF WORK policy (SECTION 5~~SECTION 5~~). The term incidental as

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used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Executive Director. The only sure way to avoid violating this policy is to refrain from any personal activity during work hours.

Participating in social media, games, technology-supported games, or other personal-recreational uses of technology during work hours is strictly prohibited.

~~8.4.2 Use of OJRSA-Owned Technology During Work or Nonwork Hours~~

~~The OJRSA's technology systems (including but not limited to telecommunications devices; computer equipment; software; email; internet browsing; File Transfer Protocol; and networking and intranet systems) are to be used only for business purposes in serving the interests of the membership and in the course of normal operations.~~

~~8.4.48.3.2-Prohibited Activities~~

~~Below are activities that are prohibited by the OJRSA:~~

- ~~A. Employees may not display of any kind of sexually explicit image or document on any OJRSA system. Sexually explicit material may not be archived, stored, distributed, edited, or recorded using the agency's network of technology resources.~~
- ~~B. Employees may not engage in any activity that violates the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations.~~
- ~~C. Employees may not engage in any activity that violates the rights to privacy of protected healthcare information or other confidential OJRSA information.~~
- ~~D. Employees may not engage in any activity to introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses, etc.).~~
- ~~E. Employees may not circumvent or attempt to avoid the user authentication or security of workstations or accounts. Employees may not access or try to access electronic data for which they are not authorized nor log into an account that they are not authorized to access.~~
- ~~F. Streaming video and music for personal use are not allowed on OJRSA computers.~~
- ~~G. When using OJRSA-owned telecommunications devices, employees are prohibited from calling 1-900, 1-976 or other similar "pay per minute" services or making personal long distance calls on office telephones ("land lines"). In addition, directory assistance (411) calls should be kept to a minimum.~~
- ~~H. Employees may not connect to the OJRSA's wireless network for Internet access from a personal device.~~

~~8.4.5 Use of Personal Technology Devices~~

~~The OJRSA consents to the incidental personal use of its computers, Internet connection, email, and telecommunications devices (phones, cell phones, smart phones, etc.) as long as it does not conflict with the OJRSA's business use. The term incidental as used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Executive Director. The only sure way to avoid violating this policy is to refrain from any personal activity using agency-owned technology systems.~~

~~Use of OJRSA-owned systems, including information stored on those systems, to conduct privately owned business activities is not authorized and is strictly forbidden.~~

~~Any use of the Internet or OJRSA Intranet for conducting job searches; forwarding chain emails; soliciting or proselytizing for commercial ventures, religious or personal causes, or outside organizations is strictly prohibited.~~

~~8.4.118.3.3-Use of OJRSA Email Addresses~~

Employees must not use OJRSA email addresses to create or manage personal accounts (e.g. shopping websites, personal bank accounts, social media accounts). OJRSA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

~~8.4.128.3.4 Privacy of Communications~~

Employee communications, both business and personal, on the OJRSA's computer and telecommunications systems are not private. Users should be aware that their activity and the data they create on the OJRSA's systems is

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the property of the ~~Oconee Joint Regional Sewer Authority~~OJRSA and usually can be recovered even though deleted by the user.

All communications on OJRSA equipment as well as business-related communications on equipment and accounts not owned by OJRSA (e.g., personal email accounts, cell phone text messages, etc.) is subject to Freedom of Information Act ("FOIA") requirements. There should be no expectation of privacy by OJRSA staff for work-related items contained on personal devices.

#### ~~8.4.138.3.5~~ Monitoring

The OJRSA reserves the right to monitor all employee usage of OJRSA-owned technology systems to ensure proper working order, appropriate use by employees and the security of the agency's data. ~~The agency's management~~OJRSA reserves the right to access and inspect any or all user files, for any purpose, including but not limited to, archived material of present and former employees without the user's consent.

#### ~~8.4.148.3.6~~ Software and Applications

All software and applications on OJRSA systems are owned or licensed by the OJRSA. No OJRSA-owned or licensed software or applications may be copied, deleted, distributed, or used on any systems other than those owned by the agency without notification of and written consent from the Executive Director. No software or applications may be downloaded, installed, distributed from or copied to OJRSA systems without the approval of the Executive Director.

#### ~~8.4.158.3.7~~ Remote Access

When accessing the OJRSA's systems remotely using OJRSA or personal devices, employees must follow security guidelines. Remote access is restricted to business use.

~~Non-exempt staff (as defined by the Fair Labor Standards Act) may occasionally need to access the OJRSA's technology systems remotely when staffing the receptionist desk or working at an off-site work function. The OJRSA strongly discourages nonexempt staff from working remotely at any other time using the agency's technology systems unless approved by the employee's supervisor. All work, as defined in the hours of work policy, whether in or out of the office, must be recorded on time sheets. This includes time worked while connected remotely to the OJRSA's technology systems. As stated in the overtime policy, nonexempt employees must receive authorization by their supervisor before working over forty (40) hours in a work week. The OJRSA's technology systems may be checked periodically to assess proper use by employees.~~

#### ~~8.4.168.3.8~~ Security

Although ~~the~~OJRSA does everything possible to protect the agency's systems and the confidentiality and integrity of the agency's information stored on its computer systems, employees are responsible for all activities that originate from their computer accounts, systems, or telecommunications devices and are responsible for protecting data and information stored on the OJRSA's electronic equipment from unauthorized access and disclosure. In addition to sensitive information such as Social Security and credit card numbers, ~~the~~OJRSA processes data which must remain confidential because of governmental rules and regulations.

Employees are required to lock their computers when not in use and must log off at the end of each work day.

Employees must not share their technology passwords with anyone other than the Executive Director, or anyone designated by the Executive Director (typical example being Information Technology vendors), whether by phone, print, in-person, electronically, or any other means. Employees may not use passwords other than those issued by OJRSA.

Employees must immediately report loss or theft of any technology device to the Executive Director.

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### ~~8.4.17~~8.3.9 Archiving and Backup of Systems

Employees are responsible for ensuring that data is stored in the proper location to allow centralized data backups. No OJRSA data should be stored on the employee's local hard drive or an external hard drive. An employee with questions about the proper location and storage of OJRSA data should contact their supervisor or manager.

### ~~8.4.18~~8.3.10 Social Media Sites

Social media sites such as Facebook, Instagram, and X/Twitter may be used strategically as part of ~~the~~OJRSA's communication and outreach efforts. Only employees designated by the Executive Director are authorized to post on ~~the~~OJRSA's social media sites.

## **8.5.8.4 EQUIPMENT USE**

**~~THE~~ OJRSA WILL NOT BE LIABLE FOR ANY LEGAL CONSEQUENCES ASSOCIATED WITH AN EMPLOYEE VIOLATING THIS POLICY, INCLUDING BUT NOT LIMITED TO ANY CONSEQUENCES ASSOCIATED WITH A VEHICULAR OR OTHER ACCIDENT OCCURRING WHILE AN EMPLOYEE IS IN BREACH OF THIS POLICY AND/OR ANY FINE, PENALTY OR DAMAGES ARISING FROM A VIOLATION OF THIS POLICY BY AN EMPLOYEE. IF AN OJRSA EMPLOYEE VIOLATES THIS POLICY, THEY ARE ACTING OUTSIDE OF THE SCOPE OF THEIR EMPLOYMENT WITH THE OJRSA AND THE EMPLOYEE WILL BEAR FULL PERSONAL RESPONSIBILITY FOR ANY AND ALL DAMAGES RESULTING THEREFROM, WHICH RESPONSIBILITY OJRSA EXPRESSLY DISCLAIMS.**

### ~~8.5.18.4.1~~ OJRSA Equipment Use

It is prohibited for any person to utilize any piece of OJRSA equipment on private and/or public property in any way other than conducting OJRSA business. Personal use is prohibited unless specifically allowed by another policy herein.

### ~~8.5.28.4.2~~ Passengers, Riders, and Insurance

~~The~~OJRSA provides automobile insurance coverage on its motor vehicles during normal operating hours and during other authorized business.

Persons not employed by Oconee Joint Regional Sewer Authority OJRSA are prohibited from operating or being a passenger in any agency-owned vehicle at any time. Exceptions to the passenger rule include OJRSA Commission members, government officials, contractors, and others who are directly employed, appointed, or elected by OJRSA and who may be involved in agency business.

### ~~8.5.38.4.3~~ Vehicle Use

Vehicles are provided as necessary in conducting work related business during normal operating hours and times when responding to properly documented emergency calls. Vehicles also may be used for meetings and gatherings for official agency business.

### ~~8.5.48.4.4~~ On-Call Vehicle Use

~~The~~OJRSA will provide a vehicle necessary for convenience and efficiency in responding to and correcting mechanical and electrical problems. Two (2) methods to accomplish this are as follows:

- A. Method 1: An on-call standby employee may drive the maintenance vehicle directly to his/her place of residence at the close of normal operating hours. (This applies only to Oconee County residents~~those who reside within twenty-five (25) miles of the Coneross Creek WRF.~~) The vehicle would remain parked at his/her residence until either a problem (call-in) occurred or the next regular scheduled work day arrived.
- B. Method 2: A maintenance vehicle and related tools would be available at the Coneross Creek Wastewater Treatment Plant~~WRF~~. In responding to an emergency call, the Standby personnel would be required to drive his/her personal vehicle to the plant, change into the maintenance vehicle, and respond to the problem or problems. After corrections are completed, personnel would return the vehicle to the plant and return home in his/her personal vehicle.

The Executive Director ~~for the Oconee Joint Regional Sewer Authority~~ will make the final decision of which

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method will be utilized. Regardless of the method used, ~~Standby-on-call employees~~**personnel** are required to adhere to the policy covering the use of OJRSA equipment.

#### 8.4.5 Personal Use of Vehicle

OJRSA vehicles are not to be used by employees for personal reasons at any time. If an employee is working in the field directly before and/or directly after lunch, the employee may use the company vehicle to go to lunch so long as the lunch location is not unreasonably far from the next work location after lunch (because of the time saved by not having to travel to the office for a personal vehicle); however, if an employee is at the WRF or Operations & Administration Building ~~at~~ when leaving for lunch, then a personal vehicle must be used.

### **8-68.5 VEHICLE AND EQUIPMENT MONITORING POLICY**

Subject to certain OJRSA-imposed requirements, the agency generally makes vehicles available to its employees for their use in conducting official OJRSA business. OJRSA reserves the right to monitor and collect data related to the OJRSA vehicles for business and other legitimate purposes as determined by ~~the~~ OJRSA in its sole discretion, including, without limitation, by using location monitoring technology. This location monitoring technology may include, but is not limited to, global position satellite (“GPS”) devices or technology. Features pertaining to the agency vehicles and equipment which may be monitored include, without limitation, their locations, the drivers’ identity, route history, harsh driving (e.g. hard starts, stops, cornering, etc.), speed, idling time, and geofence alerts and history which indicate the presence of the vehicle or equipment either inside or outside of designated perimeter lines.

Unless otherwise authorized jointly by the OJRSA Board Chair and Executive Director, ~~only~~ ~~the Executive Director and designated agency Safety Officer~~ ~~authorized members of OJRSA management~~ are permitted to access monitoring information. ~~If there is reason for another employee in a supervisory role to review the location of staff, they must provide sufficient reason to both the Executive Director and Safety Officer prior to gaining information. In the absence of one (1) of these individuals, they must receive authorization from a member of the OJRSA Board of Commissioners Executive Committee (“Executive Committee”). If both the Executive Director and Safety Officer are not available, then two (2) Executive Committee members must authorize written approval<sup>8</sup> prior to accessing information.~~

The monitoring information is gathered for safety, security, and productivity-related concerns, including but not limited to, the following:

- A. Logistics. Increasing efficiency, such as determining the closest employee(s) to promptly respond to a business-related matter including, without limitation, a customer need or complaint; assisting employees who are off-course and need directions; and locating employees who fail to respond to an OJRSA call or other communication.
- B. Emergency. Locating employees in the event of emergency.
- C. Security. Keeping unauthorized personnel out of secure areas.
- D. Time Keeping. Ensuring the accuracy of time records.
- E. Theft. Locating a vehicle or equipment in the event of theft.
- F. Workplace Conduct. Ensuring employee compliance with OJRSA policies and procedures including, without limitation, those pertaining to employee use of vehicles and equipment.
- G. Investigations. Conducting various investigations into matters as deemed necessary by OJRSA.

Remember that OJRSA vehicles and equipment are the property of the OJRSA. As such, the monitoring described above may take place twenty-four (24) hours a day, seven (7) days a week, even during off hours including, without limitation, in order to verify the proper use, security, and location.

<sup>8</sup> Can be in writing or by email. Both the Executive Director and Safety Officer shall receive copies of such approval.

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### **8-78.6 POLITICAL ACTIVITIES**

All employees of the OJRSA have a civic responsibility to support good government. Employees may engage in political activities, except as follows:

- A. Employees shall not be required to contribute any money or anything of value to any candidate for nomination or election to any office.
- B. Employees shall not campaign or solicit contributions for any candidate or slate of candidates during working hours, nor shall they wear any articles of clothing, buttons, or the like that supports any candidate or a political position.
- C. Employees shall not campaign in OJRSA vehicles or using uniforms, nor should they use any~~or~~ equipment provided by the agency.

### **8-88.7 VISITOR POLICY**

The term "Visitor" shall apply to everyone other than current OJRSA ~~staff~~employees or Commissioners. Visitors will be allowed at the ~~plant~~Coneross Creek WRF for scheduled tours or other purposes during normal work hours, excluding holidays. Visitors may be permitted at the plant at times other than as listed above only when prior approval for such visits has been given to the Operator-On-Duty who will be on duty at the time of the visit.

All visitors must check in and out at the front desk prior to reporting to any location at the OJRSA ~~Coneross Creek Wastewater Treatment~~WRF or Administration Building.

### **8-98.8 TRAVEL AND REIMBURSEMENTS FOR TRAVEL**

#### **8-9-18.8.1 General**

OJRSA personnel traveling out of town on authorized business shall be paid a per diem for qualifying meals while ~~out of town~~away and a mileage rate, if applicable. Meal costs on a per diem basis is preferred over a receipt reimbursement basis due to the inherent costs associated with management's review and approval of receipts.

#### **8-9-28.8.2 Request**

The employee will complete a Travel Advance Request form request as soon as the employee becomes aware of the necessary travel. The request must be completed stating the dates of travel, the destination, the purpose of the trip, and the times and dates of departure and return. The form must be signed and dated by the employee. The employee shall submit the completed form to their supervisor for review and an agenda ~~of~~for the meeting or training must be provided if one is available. The supervisor shall ensure that the request is accurate and complete and will sign and date the form attesting to the authorization of the employee to travel and that the expenses qualify for per diem and/or mileage. Additionally, the supervisor should indicate on the form the appropriate account number where the expense should be charged. A copy of all forms associated with travel can be obtained from the supervisor or ~~OJRSA~~ Office Manager.

#### **8-9-38.8.3 Qualifying Conditions**

Below are the conditions for what qualifies for per diem pay:

- A. Meals
  1. A qualifying meal is one that:
    - a. Is associated with authorized travel; and
    - b. Is not provided by:
      - i. The hotel (other than if the only option ~~if is~~ a "continental breakfast");
      - ii. Consultant or other persons who has business purposes for providing a meal; or
      - iii. Sponsor of the meeting, training session, or seminar.
  2. The OJRSA will not furnish the employee's:
    - a. Breakfast unless the employee must depart prior to 6:00 a.m. in order to arrive at their destination by the stated meeting time.
    - b. Lunch if travel is for one (1) day only unless staff depart prior to 6:00 a.m. and return later than 8:00 p.m.
    - c. Supper unless the employee arrives home from their travel after 8:00 p.m.

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- B. Mileage: Mileage will only be paid if there is not an OJRSA vehicle available for the employee to use. If a vehicle is available but the employee chooses to use their privately-owned vehicle ("POV"), mileage will not be paid.

~~8.9.48.8.4~~ **Rates**

Per Diem: Per diem rates shall be paid based on the US General Services Administration's (GSA) Meals & Incidentals rates as posted at [www.gsa.gov](http://www.gsa.gov) ~~amounts below and should be noted on the Travel Advance Request form:~~

- ~~— Breakfast = \$10.00~~
- ~~1. Lunch = \$15.00~~
- ~~2. Supper = \$20.00~~

Mileage: Mileage paid for the use of POVs will be based upon the round-trip miles from the ~~OJRSA Coneross Creek Wastewater Treatment Facilities~~WRF to the meeting location using the Internet site, [Google Maps](#). Ten (10) miles per meeting day will be added to the total to cover any commuting between the meeting location and the place of lodging. The payment for mileage is based on the GSA's current stated rate using the "Modes of Transportation— If use of privately owned automobile is authorized or if no Government-furnished automobile is available" scale and should be placed in the appropriate rows on the Travel Advance Request form. See [www.gsa.gov](http://www.gsa.gov) for current POV rates.

Reimbursement for Other Expenses: Employee-paid costs for tolls, parking fees, etc. may be reimbursed with the completion of a Travel Expense Reimbursement Request form. Receipts for these types of expenses must be submitted and will be paid to the employee the following week after documents have been submitted. Failure to submit receipts will rule the reimbursement request as invalid.

~~8.9.58.8.5~~ **Deadline for Submitting Requests**

Employees are responsible for submitting any requests that they may have for approved work-related travel. Whenever an employee files for their per diem and/or mileage after-the-fact, employees must do so within five (5) working days of returning from their travel. Where an employee makes repeated short business-related travel (e.g., post office, etc.), with their supervisor's prior approval mileage may be accumulated for one (1) monthly submittal. In no case shall the mileage be accumulated beyond one (1) month. Requests submitted beyond this time limitation will be ruled as invalid.

~~8.9.68.8.6~~ **Lodging**

This section addresses occasions when employees may be traveling out of town on authorized business that involves overnight lodging:

- A. Selection of Lodging Accommodations: Employees are expected to make prudent and cost-effective decisions when selecting lodging. There are occasions when the meeting sponsor handles all lodging reservations. Where meeting attendees are not given options and room assignments are automatic, employees may stay where they are assigned. However, when employees are responsible for making their own reservations, an OJRSA staff designee will make the reservations for the traveling employee and the staff designee will request the least-cost option regarding the type, size, and location of the rooms that are available.
- B. Number of Nights Authorized
1. The OJRSA will pay for lodging that is necessary without creating unrealistic travel for the employee. Employees will be allowed to leave work in order to travel to the location of their meeting.
  2. For travel to the meeting, the travel time allowed will be based upon the [Google Maps](#) travel time plus one (1) hour. The additional hour is to accommodate traffic, parking, meeting check-in, hotel check-in, etc. Employees needing to leave prior to the normal work day in order to avoid arriving late for the meeting may travel the day before and use lodging at the OJRSA's expense if they must leave prior to 6:00 a.m. on the scheduled meeting date. Otherwise, the employee must travel on the day of the meeting.
  3. For travel returning home from the meeting, the travel time allowed will be based upon the [Google Maps](#) travel time plus one (1) hour. Employees may stay an additional night and use lodging at the



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OJRSA's expense if the travel time after the meeting adjournment may result in their returning home after 9:00 p.m.; otherwise, the employee must travel home after the meeting adjournment.

- C. **Extended Length of Stay:** Employees may opt to leave earlier than necessary or stay longer than necessary but must do so using their accrued Vacation Leave ~~or Compensatory Time~~ and pay for the lodging, ~~and meals,~~ and/or rental car at their own expense. The amount of Vacation Leave ~~or Compensatory Time~~ needed will be the difference between the allowed time and the actual time of leaving for the meeting or returning from the meeting.

**1.0 PURCHASING ACCOUNTS, CREDIT CARDS, FUEL CARDS, AND THE LIKE**

- ~~B. OJRSA employees, who have access to, or are authorized to use an agency issued credit or fuel cards, are prohibited from using the cards for the purchase of any goods or services not directly related to official agency business. Failure to follow this guideline can result in disciplinary action up to and including termination of employment.~~
- ~~C. Employees will be required to sign an agreement authorizing the agency to recover, from their salary as an advance of wages, any amount incorrectly claimed.~~
- ~~D. Lost or stolen cards must be reported immediately to the OJRSA Office Manager and Executive Director.~~
- ~~E. Agency credit card expenditures must be reconciled and submitted with receipts to the Office Manager within ten (10) business days of the credit card reconciliation statement.~~
- ~~F. If a receipt is lost, the employee will be required to contact the vendor and request a copy of the receipt. If a copy of the receipt is not available, then staff must submit a completed Missing Receipt Affidavit form with their reconciliation statement.~~
- ~~G.A. Continued or repeated nonconformance to this procedure will result in cancellation of the card and other actions as appropriate.~~



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---

**MEMORANDUM**

**TO:** Chris Eleazer  
**FROM:** Michael S. Traynham  
**RE:** Review of OJRSA SUR FOG Program Revisions  
**DATE:** October 2, 2024

---

This memorandum is provided to memorialize our firm’s review of revisions to Oconee Joint Regional Sewer Authority’s (“OJRSA’s”) Sewer Use Regulation (“SUR”), which were initially provided on or about August 30, 2024. The majority of the substantive changes to the SUR reviewed as part of this revision relate to the requirements and administration of the OJRSA Fats, Oils, and Grease (“FOG”) Control Program. As FOG can create significant operational issues for Publicly Owned Treatment Works (“POTWs”), implementation and enforcement of appropriate FOG controls is critical to protecting OJRSA’s infrastructure. This review assumes that the OJRSA Board’s approval to provide the recent revisions to counsel for comment represents the Board’s support of the revised FOG Control Program. Board and Member City support is vital to success of the program, since all FOG ultimately contributed to OJRSA’s system is first created by or at user locations within the Member Cities, and enforcement of the program by OJRSA will necessarily involve regulatory interactions with constituents of the Member Cities.

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We are aware of no state or federal requirements which would dictate specific terms for the FOG Control Program, and we offer no comments or edits on the proposed FOG Control Program revisions. The additional (Non-FOG Program) revisions relate primarily to the restructuring of the state environmental regulatory agency pursuant to 2023 S.C. Act 60 (i.e., changing references to “the South Carolina Department of Health and Environmental Control” or “DHEC” to “the South Carolina Department of Environmental Services” or “DES”) or minor adjustments to the enforcement response provisions of the SUR. These changes appear appropriate.

I recommend as a next step that the revised SUR be provided to DES for review and comment and/or approval. The revised SUR can be transmitted to DES directly by OJRSA staff. If preferred, we would be happy to transmit a copy to DES and coordinate with the agency on any comments or concerns they may have.



## Oconee Joint Regional Sewer Authority

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### MEMORANDUM

TO: Board of Commissioners

FROM: Chirs Eleazer, Executive Director

DATE: October 7, 2024  
OJRSA Board of Commissioners Meeting

SUBJECT: Draft revision to Sewer Use Regulation

As directed by the OJRSA Board of Commissioners at its July 1, 2024 meeting, OJRSA staff and consulting experts familiar with state and federal requirements have reviewed the Sewer Use Regulation (SUR) for pretreatment and fats, oils, and grease (FOG) requirements, which were approved for legal review by the Board at the September 9 meeting.

Below is a table containing changes within the draft SUR revision. Unless otherwise indicated, the numbers in the left column of the table reference the line in the SUR to which a change was made. Only modifications requiring explanation are provided below—see the document in its entirety for all proposed changes.

*Note: There has been an addition to the Authority and General Conditions section (10.1) of the SUR regarding the acceptance of hauled waste from outside the OJRSA service area. This proposed addition has been reviewed and approved by Mr. Traynham for consideration by both the Board and SCDES.*

SUR Line Number (beginning)	Comment
<i>General</i>	The addition of Hydromechanical FOG Devices and its acronym have been added in various places in the SUR
<i>General</i>	In most cases, the South Carolina Department of Health and Environmental Control (SCDHEC) has been updated to the South Carolina Department of Environmental Services (SCDES). This is to reflect the state agency's change from a combined health/environmental organization to one with the sole function of environmental compliance.
<i>General</i>	Added Hotel with Kitchen to various sections of the SUR
<i>General</i>	Added notes to certain sections that require Wet Signature as defined in the SUR. <i>Note: There may be others this requirement is added to as we continue to review and receive input from consultants and legal experts.</i>

SUR Line Number (beginning)	Comment
<i>General</i>	Green text with double green underlines ( <u>EXAMPLE</u> ) in the marked up document were moved. The location where they were moved from are indicated by green text with double strikethrough lines ( <del>EXAMPLE</del> ).
<i>General</i>	In Section 8.12 Enforcement Management Strategy, changed “terminate water and/or sewer” to “seek termination of water and/or sewer”
<i>General</i>	Corrected scrivener’s errors
2	Update to revision table to be completed upon adoption of SUR
121	Update to Section 1 and document header will be necessary upon adoption of SUR
403	Allowed smaller units for Multi-Family Developments on a case-by-case basis
472	Added definition of a Hotel with Kitchen
476	Added definition of a Hydromechanical FOG Device
551	Clarified what sewer plumbing is for a Multi-Family Development and removed information from the definition that is referenced later in the SUR
788	Made change to shared service/plumbing for Single-Family Residential that will allow shared services for up to two (2) units, meaning that certain facilities like townhomes can have a shared connection between two adjacent units and not be required to install a FOG Control Device.
800	Added definition of Special Pretreatment Device
842	Added definition for Wastestream
1002	Added section for electronic submittal of documents. <i>Note: This may be moved to a different section of the document prior to final draft is presented to Board.</i>
1257	Added sentence regarding specific variances that may be found elsewhere in the Regulation (e.g., variances for FOG devices)
2822	See comment for Line 788 above
2828	Added section for Hotels with Kitchens as defined in SUR
2908	Added comment to allow for acceptance of certain electronic records
2963	Paragraphs D and E were moved to Section 9.9 and placed in the appropriate section for FOG Interceptors
3012	Starting here and as applicable elsewhere following this section, references to the need of the NAICS codes to be provided to OJRSA has been removed
3015	Added language to allow for HFDs to be used for this class
3019	Changed regulations associated with Retail Food Establishments from SCDHEC to the SC Department of Agriculture, which took effect when SCDHEC dissolved on July 1, 2024. This was also changed as needed following this revision.
3039	Added language to allow for HFDs to be used for this class
3058	Added Hotels with Kitchens as a Class 2 facility
3059	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3061	Added language to allow for HFDs to be used for this class
3071	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3087	Grouped the contents of this section into General Requirements, General FCD, FOG Trap, HFDs, and FOG Interceptors for easier use
3108	Added requirement that FOG Traps be certified by PDI for flow and capacity
3119	Added design and installation requirements for HFD
3127	Added minimum retention time for liquid in FOG Interceptor, which is based on International Plumbing Code

SUR Line Number (beginning)	Comment
3135	Added language that allows the OJRSA to consider maintenance requirements on a case-by-case basis, which are to be determined on any number of conditions
3138	Statement allowing the OJRSA to require increased cleaning if there is evidence of excess FOG in public sewer system
3144	Established objective criteria for cleaning FOG Traps, including the "25% Rule" (defined in footnote of SUR) or evidence of visible solids leaving the treatment device (defined "evidence" in footnote of SUR). Also changed the maximum cleaning cycle from two (2) weeks to twenty-one (21) calendar days for FOG Traps.
3152	Added maintenance requirements for HFD. Added that there shall be no evidence of prohibited solids or other matter in the effluent of the device.
3164	Most of these changes were from Section 9.6(D)
3175	Green font was moved from Section 9.6(E)
3176	Added that 25% Rule applies for FOG Interceptor maintenance
3185	Green font was moved from Section 9.6(E)
3207	Some of the companies do not know how often the interceptors are pumped out and a few have included this on their form, which is very helpful to the Regulatory Services Coordinator and Commercial Pretreatment & Construction Inspector
3208	Certain establishments have their facilities cleaned out afterhours, so there should be an agreement with a waste hauler and a copy of it should be at the facility and available to OJRSA upon request
3213	Moved here from Line 3213
3267	Starting here, numerous additions were made regarding maintenance variance requests, including the procedure for requesting a variance
3310	Added authorization for Executive Director to accept hauled waste from outside OJRSA service area during declared emergencies. <b>[THIS RECOMMENDATION HAS BEEN ADDED DUE TO HURRICANE/TROPICAL STORM HELENE. IT HAS BEEN REVIEWED AND APPROVED BY OJRSA ENVIRONMENTAL COUNSEL.]</b>
3433	Removed "FOG Trap or Interceptor" because the OJRSA no longer accepts brown grease for disposal

**OJRSA Sewer Use Regulation**  
**DRAFT September 9, 2024 FOR BOARD OF COMMISSIONERS**

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Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	South Carolina Department of Health and Environmental Control (SCDHEC) Approved Sewer Use Ordinance	SCDHEC
7/18/1995	Oconee County Ordinance 1995-07	Oconee County Council
10/3/2011	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
4/1/2017	Sewer Use Regulation revision	OJRSA Board of Commissioners
3/1/2018	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
8/23/2019	Non-substantial modification to correct discrepancy Enforcement Management Strategy	SCDHEC and OJRSA Board of Commissioners
10/01/2023	Comprehensive revision and inclusion of attachments into the main body of the Regulation, update to comply with SCDHEC Consent Order and CMOM requirements, and to further develop the FOG Management Program for OJRSA. Adopted by <i>OJRSA Resolution 2024-02</i> on 09/11/2023.	SCDHEC and OJRSA Board of Commissioners
XX/XX/XXXX	Minor revision of Regulation, mainly for FOG, Special Pretreatment Devices, and recordkeeping requirements	SCDES and OJRSA Board of Commissioners

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OJRSA Sewer Use Regulation

DRAFT September 9, 2024 FOR BOARD OF COMMISSIONERS

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## OJRSA Sewer Use Regulation

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**Section 1 – Sewer Use Regulation Adoption and Approval**

121  
122 These Regulations shall be in full force and effect from and after passage, approval, and publication, as provided  
123 by law.

124  
125 As reviewed by the Approval Authority (South Carolina Department of Health and Environmental Control) and ap-  
126 proved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on August  
127 7, 2023, a thirty (30) day public notice given on August 11, 2023 in *The Journal* (Seneca, South Carolina), on the  
128 OJRSA website ([www.orjsa.org](http://www.orjsa.org)), and on social media accounts updated by OJRSA.

129  
130 The Approval Authority was made aware of the public notice and comment period on August 4, 2023.

131  
132 A public comment period was granted from August 11, 2023, until the OJRSA Board of Commissioners Meeting on  
133 the evening of September 11, 2023. The agency also accepted written comments as stated in the legal notices ad-  
134 vertised in *The Journal* (Seneca, South Carolina) on August 11, 2023 and September 2, 2023; at [www.ojrsa.org/](http://www.ojrsa.org/info)  
135 [info](http://www.ojrsa.org/info); and on OJRSA social media accounts.

136  
137 APPROVED and ADOPTED by *OJRSA Resolution 2024-02* by the Oconee Joint Regional Sewer Authority Board of  
138 Commissioners on September 11, 2023 during the Board of Commissioners Meeting.

139  
140 **EFFECTIVE DATE: 12:01 AM LOCAL TIME ON OCTOBER 1, 2023.**

141

## OJRSA Sewer Use Regulation

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142 **Section 2 – Administrative Information**143 **2.1 PURPOSE AND POLICY**

144 Recent developments in both Federal and State law have created increasing and more stringent requirements upon  
145 public wastewater treatment facilities and demand compliance to avoid incurring severe sanctions and penalties.  
146 The purpose of these Regulations and amendments thereto are to ensure compliance with the Federal Water Pol-  
147 lution Control Act Amendments of 1972 (Public Law 92-500) and subsequent amendments, including the Water  
148 Quality Act of 1987 (PL 100-4) together with the South Carolina Pollution Control Act and other State and Federal  
149 statutes and regulations.

150  
151 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)  
152 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal  
153 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations  
154 are:

- 155 A. To prevent discharges to the POTW which will interfere with the operation of the POTW;
- 156 B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately  
157 treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;
- 158 C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the  
159 sludge;
- 160 D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;
- 161 E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement  
162 of the POTW;
- 163 F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their em-  
164 ployment and to protect the general public; and
- 165 G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which  
166 the POTW is subject.

167  
168 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-  
169 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement  
170 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.  
171 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users  
172 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly  
173 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these  
174 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items  
175 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the  
176 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

177  
178 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 3.17.

179 **2.2 APPLICATION OF REGULATIONS**

180 These Regulations shall apply to persons within the County of Oconee and to persons outside the County who, by  
181 contract with the OJRSA or other means, are Users of OJRSA wastewater facilities. The Director shall implement and  
182 enforce the provisions of these Regulations, and the governing body of the OJRSA shall adopt such regulations as it  
183 deems necessary to implement the provisions and requirements of these Regulations.

184 **2.3 DEFINITIONS**

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185 Unless the context indicates otherwise, the terms and phrases used in these Regulations shall have the following  
186 meanings:

187

188 Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33  
189 USC §1251 et seq.)

190 Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations  
191 regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have  
192 occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing  
193 Officer will be appointed by the Director and shall have no connection with the preparation or presentation of  
194 the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be  
195 guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for  
196 the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of  
197 evidence.

198 Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take  
199 corrective action or refrain from an activity. It describes the violations and actions to be taken and can be en-  
200 forced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and  
201 Desist Order.

202 Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of  
203 presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. Also see  
204 Fermented Beverages.

205 Approval Authority shall mean the State of South Carolina, by and through the Department of Health and Environ-  
206 mental Control, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and asso-  
207 ciated regulations.

208 Authorized Representative or Duly Authorized Representative of the User shall mean:

209 A. If the User is a corporation:

- 210 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal  
211 business function, or any other person who performs similar policy or decision-making functions  
212 for the corporation; or  
213 2. The manager of one or more manufacturing, production, or operating facilities, provided the man-  
214 ager is authorized to make management decisions that govern the operation of the regulated facil-  
215 ity including having the explicit or implicit duty of making major capital investment recommenda-  
216 tions, and initiate and direct other comprehensive measures to assure long-term environmental  
217 compliance with environmental laws and regulations; can ensure that the necessary systems are  
218 established or actions taken to gather complete and accurate information for individual wastewater  
219 discharge permit requirements; and where authority to sign documents has been assigned or del-  
220 egated to the manager in accordance with corporate procedures.

221 B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

222 C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or des-  
223 igned to oversee the operation and performance of the activities of the government facility, or their de-  
224 signee.

225 D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized  
226 Representative if the authorization is in writing, the authorization specifies the individual or position re-  
227 sponsible for the overall operation of the facility from which the discharge originates or having overall re-  
228 sponsibility for environmental matters for the company, and the written authorization is submitted to the  
229 OJRSA. If the designation is no longer accurate because a different individual or position has responsibility  
230 for the overall operation of the facility or overall responsibility for environmental matters for the company,  
231 a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior  
232 to or together with any reports to be signed an Authorized Representative.

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- 233 E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or  
234 Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.
- 235 Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from  
236 wastewater.
- 237 Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater  
238 through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that  
239 does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A  
240 slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at  
241 the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.
- 242 Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to  
243 the water reclamation facility and its treatment process.
- 244 Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures,  
245 and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also  
246 include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or  
247 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and  
248 methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by  
249 OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of*  
250 *certain established Categorical Pretreatment Standards and effluent limits.]*
- 251 Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in  
252 the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty  
253 degrees Centigrade (20°C).
- 254 Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.
- 255 Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale.  
256 Breweries also produce non-alcoholic products (e.g., “non-alcoholic beer”). Breweries shall also include craft  
257 brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced  
258 at the facility. *Also see Alcoholic Beverage.*
- 259 Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion  
260 of fat, oil, grease, solids, and water.
- 261 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater  
262 and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five  
263 (5) feet outside the building wall.
- 264 Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.  
265 Building drains are considered a portion of the building sewer.
- 266 Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee*  
267 *Handbook* or when otherwise established by the OJRSA Board of Commissioners.
- 268 Bypass shall mean the intentional diversion of Wastestreams from any portion of a User’s treatment facility.
- 269 Calendar Day shall mean all days, including weekends and holidays.
- 270 Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive)  
271 each year.
- 272 Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.
- 273 Capacity Permit. See definition for Permit.
- 274 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.

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- 275 Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Con-  
276 trol Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease  
277 retained in the control device.
- 278 Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste  
279 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.
- 280 Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and  
281 a tasting room products for produced at the facility. Also see Alcoholic Beverage.
- 282 CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that  
283 assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has  
284 adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to elimi-  
285 nate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of over-  
286 flows on Waters of the State/United States, the environment, and public health.
- 287 Collection System. See definition for Conveyance System.
- 288 Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or  
289 equivalent methods approved by EPA.
- 290 Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. OJRSA cur-  
291 rently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer  
292 system.
- 293 Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for  
294 commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.
- 295 Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater,  
296 are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional)  
297 Users may be subject to Local Limits as determined by the Director.
- 298 Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative  
299 Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address  
300 a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may  
301 include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA,  
302 with failure to meet such deadlines subject to potential additional enforcement action as stated within the Reg-  
303 ulation, including civil penalties.
- 304 Cumulative Consumer Price Index, as applicable to SECTION 8.6, shall mean the aggregate administrative, civil, or  
305 criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index  
306 as reported for the month of December each calendar year beginning with December 2023. This amount shall  
307 be rounded up or down to the next whole dollar.
- 308 Contact Cooling Water. See definition for Cooling Water.
- 309 Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and  
310 challenges to the environmental community as a result of:
- 311 A. The recent development of new chemicals or other products;  
312 B. New or recently identified byproducts or waste products;  
313 C. Newly discovered or suspected adverse health or environmental impacts;  
314 D. Physical or chemical properties that are not fully evaluated or understood;  
315 E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other  
316 environmental program levels of control; and  
317 F. Other factors.
- 318 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-  
319 maceuticals and their constituents, and steroids and hormones.

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- 320 Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this  
321 Regulation.
- 322 Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and  
323 appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treat-  
324 ment facility. The conveyance system is considered to be a component of the POTW.
- 325 Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling,  
326 evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product,  
327 intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water  
328 can be generated from any cooling equipment blowdown or produced as a result of any cooling process through  
329 either a single pass (once through) or recirculating system. There are two types of cooling water:
- 330 A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact  
331 with any raw material, waste intermediate or final product, and which does not contain levels of contami-  
332 nants detectably higher than that of intake water and does not have added chemicals for water treatment  
333 at the facility.
- 334 B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact  
335 means the water has chemical(s) added at the facility or comes into contact with the product produced at  
336 the facility. This includes water contaminated through any means, including chemicals added for water  
337 treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, pro-  
338 cess materials, intermediate materials, final products, waste product, and/or wastewater.
- 339 County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any*  
340 *county.*
- 341 Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-  
342 four (24) hour period.
- 343 Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where  
344 Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the  
345 course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge  
346 is the arithmetic average measurement of the pollutant concentration derived from all measurements taken  
347 that day.
- 348 Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment  
349 or solids that have settled in the tank or vessel.
- 350 Director. See definition for Executive Director.
- 351 Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic  
352 wastewater source.
- 353 Discharge Permit. See definition for Permit.
- 354 Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and SCDES approved loca-  
355 tion.
- 356 Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail  
357 store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*
- 358 Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, com-  
359 mercial establishments, institutions and the like, but excluding industrial process wastes.
- 360 Duration of the Violation shall mean the length that the violation existed.
- 361 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-  
362 tion.



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- 363 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set  
364 forth in SECTION 8 of this Regulation.
- 365 Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appro-  
366 priate, the Administrator or other duly authorized official of the EPA.
- 367 Environmental Harm shall mean a pollutant effluent which:  
368 A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;  
369 B. Causes a violation of the POTW's NPDES permit (including water quality standards); or  
370 C. Causes a pass-through.
- 371 Equivalent Permitting Record. See definition for Permit.
- 372 Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA*  
373 *Sewer Use Regulation* or Industrial User permit.
- 374 Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the  
375 person serving as the chief administrative officer (CAO) of the agency.
- 376 Existing Source shall mean any source of discharge that is not a New Source.
- 377 Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for  
378 commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products  
379 produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence  
380 or amount of alcohol volume. Also see Alcoholic Beverage.
- 381 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- 382 FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal  
383 and/or vegetable or plant sources.
- 384 FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liq-  
385 uify the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices  
386 must be cleaned manually to remove any FOG accumulation.
- 387 FOG Control Devices shall mean FOG Interceptors, FOG Traps, Hydromechanical FOG Device, or other OJRSA ap-  
388 proved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment  
389 works.
- 390 FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support  
391 elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system  
392 and treatment works. This program is detailed in SECTION 9 of these Regulations.
- 393 FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and  
394 grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated  
395 living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to  
396 the OJRSA FOG Program unless they are preparing food for commercial purposes (catering and other such oper-  
397 ations are considered a commercial purpose subject to FSE regulations).
- 398 FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats,  
399 oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Inter-  
400 ceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not con-  
401 sider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be con-  
402 strued as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller  
403 devices will be considered by OJRSA on a case-by-case basis for Multi-Family Developments.
- 404 FOG Permit. See definition for Permit.

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- 405 FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the  
406 responsibility of administering the provisions of the FOG Control Program to ensure User compliance with ap-  
407 plicable laws, rules, regulations, and policies.
- 408 FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.
- 409 FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the Wastestream.  
410 These are identified as an “under the sink” reservoir or a “floor trap” which is a small container or tank with  
411 baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be connected to a  
412 drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease interceptor” but  
413 should not be confused with a FOG Interceptor as defined by the OJRSA.
- 414 FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial oper-  
415 ations through the use of a FOG Interceptor, Hydromechanical FOG Device, or FOG Trap.
- 416 FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to  
417 include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within  
418 the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumb-  
419 ers must perform an inspection on a FCD when the device is being cleaned.
- 420 FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and ap-  
421 pliances to the FOG Control Device.
- 422 Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where  
423 several food preparation establishments having different Owners may share seating space or plumbing facilities.
- 424 Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or  
425 making food available for consumption. Single-Family Residential locations and Multi-Family Developments with  
426 four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator  
427 and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes  
428 (*catering operations are considered a commercial purpose subject to FSE regulations*). FSEs will include but are  
429 not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens,  
430 assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities,  
431 and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establish-  
432 ment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-  
433 related wastes. Also see definition of FOG Generator.
- 434 Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A  
435 force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.
- 436 Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events  
437 must be unforeseeable and unavoidable, and not the result of the User’s actions, hence they are considered “an  
438 act of God,” such as an earthquake, flood, or riot.
- 439 Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and  
440 dispensing of food, and from the Commercial handling, storage, and sale of produce.
- 441 Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for  
442 discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”
- 443 Grab Sample shall mean a sample that is taken from a Wastestream without regard to the flow in the Wastestream  
444 and over a period of time not to exceed fifteen (15) minutes.
- 445 Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous  
446 rights, privileges, uses, or practices.
- 447 Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such  
448 as toilets and urinals. *This does not include process wastewater from industrial facilities.*

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- 449 Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that  
450 may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal  
451 grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common  
452 effluent line shared by a number of wash stations.
- 453 Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from ves-  
454 sels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, Hydrome-  
455 chanical FOG Devices, and vacuum pump tank trucks.
- 456 Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of  
457 transporting solid and/or liquid waste products for treatment or disposal.
- 458 Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concen-  
459 tration, or characteristics, may:
- 460 A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;  
461 B. Pose a substantial hazard to human health or the environment if improperly handled; or  
462 C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of  
463 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal  
464 law.
- 465 Hazardous Waste. See definition for Hazardous Material Item B.
- 466 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in  
467 accordance with SCDES and EPA regulations.
- 468 Hearing Officer shall be defined by OJRSA SUR 8.2(D)(5).
- 469 Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trail-  
470 ers, septic tanks, and vacuum pump tank trucks.
- 471 Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for  
472 lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing  
473 dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility  
474 shall be considered a Food Service Establishment.
- 475 Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity be-  
476 tween wastewater and FOG to affect separation of FOG of FOG from wastewater, and may incorporate a flow  
477 control device, air entrainment, and other means or principles to improve the efficacy of separation as demon-  
478 strated by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by  
479 an independent entity using specific equipment or devices that have been tested and meet or exceed standards  
480 established by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which  
481 may include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical  
482 Engineers (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combina-  
483 tion of these and other entities to include the aforementioned requirements. Some jurisdictions refer to these  
484 as “hydromechanical grease interceptors”.
- 485 Indirect Discharge. See definition for Discharge.
- 486 Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under  
487 regulations issued pursuant to Section 402 of Act. An Industrial User may or may not be a CIU and/or SIU.
- 488 Industrial User Permit. See definition for Permit.
- 489 Industrial Wastewater. See definition for Wastewater.
- 490 Infiltration shall mean water other than wastewater flow that enters a sewer system from the ground through pipes,  
491 pipe joints, connections, or manholes.

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492 Inflow shall mean water other than wastewater flow entering the sewer system from such sources as, but not lim-  
493 ited to: roof leaders; cellar, yard, and area drains; foundation drains; unpolluted water (including cooling water  
494 or condensation discharges); drains from springs and swampy areas; manhole covers; cross connections from  
495 storm sewers and/or Combined Sewers; catch basins; stormwaters; surface runoff; street wash waters, or drain-  
496 age.

497 Inflow and Infiltration shall collectively mean inflow and/or infiltration as defined in this Regulation.

498 Informal Conference shall mean a meeting between a User and the Director, or Director's designee, to discuss one  
499 (1) or more alleged violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA, to exchange  
500 information regarding such alleged violations and any corrective actions taken or proposed to be taken, and to  
501 discuss methods to obtain compliance with the Regulation by consent of all parties. An Informal Conference may  
502 result in the entry of a Consent Agreement outlining agreed upon relief, including an enforceable Compliance  
503 Schedule, but will not result in the entry of a unilateral final decision by the OJRSA on an alleged violation prior  
504 to the User's opportunity for an Adjudicatory Hearing.

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

508 Institution (or Institutional) shall mean an organization that provides services to the public or a specific sector of  
509 the public. Examples includes schools, places of worship, colleges, government buildings, hospitals, prisons, etc.

510 Institutional User. See definition for Commercial User.

511 Interference means a Discharge which, alone or in conjunction with a discharge(s) from other sources, both:  
512 A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or dis-  
513 posal; and  
514 B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase  
515 in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in  
516 compliance with the following statutory provisions and regulations or permits issued thereunder (or more  
517 stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act  
518 (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act  
519 (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant  
520 to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection,  
521 Research and Sanctuaries Act, and the South Carolina Pollution Control Act.

522 Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompli-  
523 ance.

524 Isolated (or Infrequent) [regarding violations] shall mean violations that do not meet the definition of recurring  
525 violations.

526 Lateral (or Service Lateral). See definition for Sewer Service.

527 Lint Interceptor shall mean a device used to remove lint and other debris from wastewater prior to its discharge to  
528 the sewer system. Facilities that may be required to install a Lint Interceptor include, but not limited to, laun-  
529 dromats, hotels/motels, dormitories, and apartment complexes with common laundry facilities shared by users.

530 Local Limits shall mean specific discharge limits developed and enforced by the OJRSA upon industrial or Commer-  
531 cial facilities to implement the general and specific discharge prohibitions listed in SC R61-9 403.5.

532 May is permissive. Shall is mandatory and requires compliance.

533 Measured Daily Flow shall mean the actual flow, in gallons, measured at the flowmeter for each day.

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- 534 Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological  
535 wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially con-  
536 taminated laboratory wastes, and dialysis wastes.
- 537 Member City (or Member Cities) shall mean the cities of Seneca, Walhalla, and Westminster and others as defined  
538 by legally binding Intergovernmental Agreement(s).
- 539 Mobile Food Unit shall mean a self-propelled or vehicle- or trailer-mounted unit intended to be used as a Food  
540 Service Establishment. Mobile Food Units must have an approved location to discharge used fats, oils, and grease  
541 waste.
- 542 Monthly Average shall mean the sum of all “daily discharges” measured during a calendar month divided by the  
543 number of “daily discharges” measured during that month.
- 544 Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, cal-  
545 culated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily  
546 discharges” measured during that month.
- 547 Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside  
548 in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condomini-  
549 ums, duplexes/multiplexes, etc. A structure or complex of buildings is also considered to be a Multi-Family De-  
550 velopment if it has a shared privately-owned sewer service (the portion located on private property) serving two  
551 (2) or more individual living units (e.g., apartments, townhomes, etc.) that is combined prior to connection to  
552 the public sewer system.
- 553 National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits prom-  
554 ulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of  
555 Industrial Users. NCPs are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 556 National Pollutant Discharge Elimination System Permit. See definition for Permit.
- 557 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, stormwater retention/detention pond,  
558 or other surface water or groundwater.
- 559 New Source shall mean:
- 560 A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the  
561 construction of which commenced after the publication of proposed Pretreatment Standards under Section  
562 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in ac-  
563 cordance with that section, provided that:
- 564 1. The building, structure, facility, or installation is constructed at a site at which no other source is  
565 located; or
- 566 2. The building, structure, facility, or installation totally replaces the process or production equipment  
567 that causes the discharge of pollutants at an Existing Source; or
- 568 3. The production or wastewater generating processes of the building, structure, facility, or installa-  
569 tion are substantially independent of an Existing Source at the same site. In determining whether  
570 these are substantially independent, factors, such as the extent to which the new facility is inte-  
571 grated with the existing plant and the extent to which the new facility is engaged in the same gen-  
572 eral type of activity as the Existing Source, should be considered.
- 573 B. Construction on a site at which an Existing Source is located results in a modification rather than a New  
574 Source, if the construction does not create a new building, structure, facility, or installation meeting the  
575 criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production  
576 equipment.
- 577 C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator  
578 has:
- 579 1. Begun, or caused to begin, as part of a continuous onsite construction program:

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- 580 (a) any placement, assembly, or installation of facilities or equipment; or  
 581 (b) significant site preparation work including clearing, excavation, or removal of existing build-  
 582 ings, structures, or facilities which is necessary for the placement, assembly, or installation  
 583 of New Source facilities or equipment; or  
 584 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are  
 585 intended to be used in its operation within a reasonable time. Options to purchase or contracts  
 586 which can be terminated or modified without substantial loss, and contracts for feasibility, engi-  
 587 neering, and design studies do not constitute a contractual obligation under this paragraph.

588 Noncontact Cooling Water. See definition for Cooling Water.

589 Non-Process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.

590 Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not  
 591 limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educa-  
 592 tional facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also in-  
 593 clude apartments, condominiums, and other multi-unit housing complexes with a common sewer service lateral  
 594 or system serving multiple units prior to connecting with a public sewer. Also see Single-Family Residential, Multi-  
 595 Family Development, Hotel with Kitchen, User, and others.*

596 Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling re-  
 597 quirements but is permitted and may have other requirements to meet.

598 North American Industry Classification System or NAICS shall mean the standard reference classification system  
 599 used by agencies for the United States business economy. It was developed under the auspices of the Executive  
 600 Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to  
 601 replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreat-  
 602 ment regulations.

603 OJRSA shall mean the Oconee Joint Regional Sewer Authority.

604 Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sedi-  
 605 ment and other liquid contaminants can be removed from wastewater prior to being discharged to the convey-  
 606 ance system or treatment facility. These drain lines may come from variety of facilities including, but not limited  
 607 to, covered parking garages, machine shops, service stations, and manufacturing facilities.

608 Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital  
 609 related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, re-  
 610 viewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to as-  
 611 sure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regula-  
 612 tions and assures optimal long-term facility management.

613 Owner shall mean an individual or entity in possession of title for land, building or other item. The Owner can be a  
 614 claimer, controller, holder, homeowner, householder, landowner, landlord, lessor, occupier, person holding  
 615 ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.

616 Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or  
 617 concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of  
 618 any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the viola-  
 619 tion).

620 Paunch Manure shall mean the partially digested contents of the stomach during the time period immediately be-  
 621 fore and after the animal is slaughtered for meat and other by-products.

622 Permit (or Permitted) shall mean the following, as appropriate:

- 623 A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this  
 624 purpose) issued to a User or facility after January 1, 1990.

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- 625 B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and  
626 tracking connections to the public sewer. This record may be issued to users before or since January 1,  
627 1990.
- 628 C. FOG Permit is a permit to which a FSE or FOG Generator may be issued, and it is valid for a period of five  
629 (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
- 630 D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the  
631 potential to impact the POTW.
- 632 E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this defi-  
633 nition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Per-  
634 mit, as appropriate. It does not include the NPDES Permit.
- 635 F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land  
636 Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of  
637 the SC Pollution Control Act, or (SC R61-9 122 or 505).
- 638 G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.
- 639 Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company,  
640 trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This  
641 definition includes all Federal, State, and local governmental entities.
- 642 pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40  
643 CFR Part 136, or equivalent methods approved by EPA.
- 644 Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer  
645 system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices  
646 or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on  
647 individual sinks or on a common effluent line shared by a number of sinks.
- 648 Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.
- 649 Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge;  
650 munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or dis-  
651 charged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other  
652 pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD,  
653 toxicity, SS, odor) as may be defined by EPA, SCDES, or OJRSA regulations; discharged into water.
- 654 Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological  
655 integrity of water.
- 656 Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration  
657 of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing  
658 such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological  
659 processes; process changes; or by other means; except as prohibited by SC R61-9.403.6I. Appropriate pretreat-  
660 ment technology includes control equipment, such as equalization tanks or facilities, for protection against  
661 surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where  
662 wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with  
663 wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted  
664 pretreatment limit calculated in accordance with SC R61-9 403.6(f).
- 665 Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment  
666 Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Reg-  
667 ulatory Services Coordinator, depending on who is authorized to perform this function.*
- 668 Pretreatment Facility. See definition for Pretreatment System.

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- 669 Pretreatment Program shall mean a program approved by SCDES to enforce the national pretreatment program  
670 requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Standards  
671 to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs to  
672 proactively protect its infrastructure while overseeing its management responsibilities.
- 673 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other  
674 than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.
- 675 Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Stand-  
676 ards, and Local Limits.
- 677 Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before dis-  
678 charging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.
- 679 Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include  
680 sewer services (“laterals” or “service laterals”). It is not a public sewer.
- 681 Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public  
682 Service Commission.
- 683 Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of  
684 certain substances; these prohibitions appear in SECTION 4 of these Regulations.
- 685 Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by  
686 the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems  
687 that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.
- 688 Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is  
689 owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment,  
690 recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyance systems that  
691 transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other con-  
692 veiances not connected to a facility providing transportation and/or treatment for wastewater.
- 693 Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform  
694 wastewater analyses.
- 695 Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12)  
696 month period.
- 697 Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the  
698 Board of Commissioners.
- 699 Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA reg-  
700 ulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This*  
701 *position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*
- 702 Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential  
703 User.
- 704 Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings,  
705 minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance  
706 facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities.  
707 These devices may also be referred to as a “grit interceptor,” “sand trap,” or other such name.
- 708 Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.
- 709 Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision,  
710 company, or other such party (all collectively referred to as “party” in this definition) that discharges to a system  
711 that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-



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712 9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party  
713 for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not  
714 mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

715  
716 A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite  
717 Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General  
718 Permit as issued by SCDES (or other such permit issued by SCDES and/or EPA) are those that would require a  
719 construction permit under SC R61-67 if built today. There are two (2) basic situations that would normally apply:

- 720 A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)  
721 B. Pretreatment systems at industries

722  
723 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-  
724 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

725 Satellite Sewer System Permit. See definition for Permit.

726 Satellite System shall collectively mean a Satellite Sewer System and private sewer.

727 Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate  
728 governing body(ies).

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

733 Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

734 Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

735 Sewer Service (aka "Lateral" or "Service Lateral") shall mean piping or plumbing that serves individual properties  
736 and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public  
737 sewer line.

738 Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

739 Shall is mandatory and requires compliance. May is permissive.

740 Significant Industrial User shall mean:

- 741 A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); or  
742 B. An Industrial User that:  
743 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the  
744 POTW (excluding non-process wastewater); or  
745 2. Contributes a process Wastestream which makes up five percent (5%) or more of the average dry  
746 weather hydraulic or organic capacity of the POTW treatment plant; or  
747 3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting  
748 the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance  
749 with SC R61-9 403.8(f)(6)).

750 Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for  
751 adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement,  
752 OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User,  
753 and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be consid-  
754 ered a Significant Industrial User.

- 755 C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may  
756 be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

757 Significant Noncompliance shall mean one or a combination of any of the following:

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- 758 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or  
759 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
760 exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous lim-  
761 its;
- 762 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or  
763 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
764 equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantane-  
765 ous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats,  
766 oil, and grease; and one and two-tenths (1.2) for all other pollutants except pH);
- 767 C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maxi-  
768 mum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused,  
769 alone or in combination with other discharges, interference or pass- through including endangering the  
770 health of POTW personnel or the general public;
- 771 D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the  
772 environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a dis-  
773 charge;
- 774 E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone  
775 contained in an individual wastewater discharge permit or enforcement order for starting construction,  
776 completing construction, or attaining final compliance;
- 777 F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including  
778 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, pe-  
779 riodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;
- 780 G. Failure to accurately report noncompliance;
- 781 H. Any other violation(s), which may include a violation of Best Management Practices, which the Director  
782 determines will adversely affect the operation or implementation of the local Pretreatment Program.

783 Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended  
784 to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-  
785 Family Developments (if units have individual sewer plumbing that is not combined, or no more than two (2)  
786 units have shared sewer plumbing or service line, prior to connection to the public sewer system), and recrea-  
787 tional vehicles ("RV")/camper sites with an individual Water Meter and sewer connection.

788 Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the  
789 prohibited discharge standards in SECTION 4 of these Regulations; or any discharge of a nonroutine, episodic na-  
790 ture, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable  
791 potential to cause interference or pass through, or in any other way will violate OJRSA Regulations, Local Limits,  
792 or Permit conditions.

793 South Carolina Department of Environmental Services shall mean the State cabinet agency established by state law  
794 on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South  
795 Carolina's environment and natural resources. Prior to July 1, 2024, SCDES was a division of the South Carolina  
796 Department of Health and Environmental Control (SCDHEC).

797 Special Pretreatment Device shall mean equipment used to reduce, remove or alter the nature of pollutants in  
798 wastewater prior to entering the Public Sewer. Such devices include, but are not limited to: FOG Control Devices,  
799 Oil/Water Interceptors, Sand/Oil Interceptors, Hair Trap/Interceptors, Lint Interceptors, Plaster Interceptors.  
800 Pretreatment Systems, and others as necessary to protect the conveyance system, treatment facility, and/or to  
801 comply with NPDES Permit requirements.

802 Standard Industrial Classification System shall mean a classification pursuant to the 1997 edition of the Standard  
803 Industrial Classification Manual issued by the Executive Office of the President of the United States' Office of  
804 Management and Budget (OMB). The NAICS system was set in place in 1997 to take the place of the SIC System.  
805 The SIC codes are still referenced in some pretreatment regulations and are still currently in use.

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- 806 State shall mean the state of South Carolina.
- 807 Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to  
808 which wastewater is not intentionally admitted.
- 809 Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting there-  
810 from.
- 811 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water,  
812 wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or  
813 equivalent methods approved by EPA, and referenced as non-filterable residue.
- 814 Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater  
815 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this com-  
816 pound is  $\text{NH}_3\text{-N}$ .
- 817 Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as  
818 prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.
- 819 Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of  
820 a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.
- 821 Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which  
822 when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment  
823 process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the  
824 POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or com-  
825 bination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307  
826 (33 USC §1317) of the Act, or other acts.
- 827 Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water  
828 quality standards if such water were discharged to Waters of the State/United States.
- 829 Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Cate-  
830 gorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An up-  
831 set does not include noncompliance to the extent caused by operational error, improperly designed treatment  
832 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 833 User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignifi-  
834 cant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of  
835 wastewater to the POTW. *Also see Industrial User and Nonsignificant Industrial User.*
- 836 User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the  
837 wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board  
838 of Commissioners.
- 839 Wastestream shall mean the complete flow of liquid waste from its source to its final disposal. The contributors of  
840 Wastestreams are Residential and Nonresidential Users.
- 841 Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial build-  
842 ings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.
- 843 A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet  
844 and other sanitary plumbing facilities.
- 845 B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any  
846 industrial establishment and resulting from any trade or process carried on in that establishment and shall  
847 include the wastes from pretreatment facilities and cooling water.

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848 Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by  
849 the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of  
850 the effluent and accumulated residual solids.

851 Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or  
852 other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures  
853 any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in  
854 the sewer that is conveyed to the OJRSA wastewater treatment plant. *A Water Meter does not include meters*  
855 *on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation*  
856 *systems as they are not typically connected to a collection system; however, if it is determined that they are on*  
857 *a case-by-case basis, then they shall be treated as a Water Meter defined herein.*

858 Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reser-  
859 voirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or  
860 underground, natural or artificial, public or private, which are contained within, flow through, or border upon  
861 the State or any portion thereof.

862 Waters of the United States shall be defined by 40 CFR 230.3(s).

863 Wet Signature shall mean an original signature created when a person physically marks a document using pen and  
864 ink with the intent to sign the record.

865 Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product  
866 of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for  
867 products for produced at the facility *Also see Alcoholic Beverage.*

868 Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources  
869 (water, wastewater, solid waste, etc.) and can be recycled. Most “yellow grease” is deep fat fryer grease that  
870 has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not  
871 accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA  
872 water reclamation facility.

## 873 **2.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

874 °C: Celsius  
875 °F: Fahrenheit  
876 §: Section  
877 ADF: Average Daily Flow (unit of volume during a pe-  
878 riod of time)  
879 ADMI: American Dye Manufacturers Institute  
880 AO: Administrative Order  
881 ASCE: American Society of Civil Engineers  
882 ASME: American Society of Mechanical Engineers  
883 ASTM: American Society of Testing and Materials-In-  
884 ternational  
885 Atty: OJRSA Attorney (General Counsel) and/or  
886 Other Legal Counsel as Designated by OJRSA  
887 Board of Commissioners  
888 BMP or BMPs: Best Management Practice(s)  
889 BOD: Biochemical Oxygen Demand  
890 CAO: Chief Administrative Officer  
891 CCPI: Cumulative Consumer Price Index  
892 CEC: Contaminants of Emerging Concern  
893 CEO: Chief Executive Officer

894 CFR: Code of Federal Regulations  
895 CIU: Categorical Industrial User  
896 CMOM: Capacity, Management, Operation, and  
897 Maintenance Audit  
898 CPI: Consumer Price Index of All Urban Consumers  
899 (CPI-U)—U.S. city average, All items (as issued by  
900 the US Bureau of Labor Statistics)  
901 COD: Chemical Oxygen Demand  
902 CROMERR: Cross Media Electronic Reporting Rule  
903 CSA: Canadian Standards Association  
904 CWA: Clean Water Act  
905 Dir: Executive Director of the OJRSA  
906 DMR: Discharge Monitoring Report  
907 e.g.: *Exempli Gratia*, Latin for “for example”  
908 EPA: United States Environmental Protection Agency  
909 ERG: Enforcement Response Guide  
910 et seq.: *Et Sequentes*, Latin for “and the following”  
911 FCD: FOG Control Device  
912 FOG: Fats, Oils, and Grease

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913 FOG Insp: FOG Inspector (or person(s) authorized to	953 PC: Pretreatment Coordinator or person(s) author-
914 serve in this capacity for the OJRSA)	954 ized to serve in this capacity by or Inspector for
915 FOIA: South Carolina Freedom of Information Act (SC	955 the OJRSAPFAS: Per- and Polyfluoroalkyl Sub-
916 Law Title 30 Chapter 4)	956 stances
917 FSE: Food Service Establishment	957 PDF: Portable Document Format
918 gal: Gallon (unit of volume)	958 PDI: Plumbing and Drainage Institute
919 gpd: Gallons per Day (unit of volume during a period	959 pH: Potential of Hydrogen or Power of Hydrogen
920 of time)	960 (unit of acidity/basicity)
921 HFD: Hydromechanical FOG Device	961 PL: Public Law
922 I&I: Inflow and Infiltration	962 POTW: Publicly Owned Treatment Works
923 in.: Inch or Inches, as appropriate (unit of distance)	963 PU: Private Utility
924 IU: Industrial User	964 QAC or QACs: Quaternary Ammonium Compound(s)
925 kg: Kilogram (unit of mass)	965 RSC: Regulatory Services Coordinator or Inspector
926 lb (or lbs): Pound or Pounds, as appropriate (unit of	966 (or person(s) authorized to serve in this capacity
927 mass)	967 for the OJRSA)
928 MB: Megabyte	968 SC Rxx (where “xx” is either letters and/or numbers):
929 mg/L: Milligrams per Liter (unit of concentration)	969 South Carolina Regulation (“xx” references the
930 NAICS: North American Industry Classification Sys-	970 regulation)
931 tem	971 RCRA: Resource Conservation and Recovery Act
932 NCPS: National Categorical Pretreatment Standard(s)	972 SC: South Carolina
933 NH <sub>3</sub> -N: Ammonia Nitrogen	973 SCADA: Supervisory Control and Data Acquisition
934 No.: Number	974 SCDES: South Carolina Department of Environmental
935 NOAA: National Oceanic and Atmospheric Admin-	975 Services or any successor agency
936 istration	976 SCDHEC: South Carolina Department of Health and
937 NOSNC: Notice of Significant Noncompliance	977 Environmental Control, successor agency to
938 NOV: Notice of Violation	978 SCDES
939 NPDES: National Pollutant Discharge Elimination Sys-	979 SDWA: Safe Drinking Water Act
940 tem	980 SIC: Standard Industrial Classification System
941 NSF: National Sanitation Foundation	981 SIU: Significant Industrial User
942 O&M: Operation and Maintenance	982 SNC: Significant Noncompliance
943 OD: Oxygen Demand	983 SS: Suspended Solids
944 OJRSA: Oconee Joint Regional Sewer Authority	984 SU: Standard Units for pH Measurements
945 OJRSA SUR xx (where “xx” is either letters and/or	985 SUR: <i>OJRSA Sewer Use Regulation</i>
946 numbers): Oconee Joint Regional Sewer Authority	986 SWDA: Solid Waste Disposal Act
947 Regulation (“xx” references the regulation)	987 TKN: Total Kjeldahl Nitrogen
948 OMB: Office of Management and Budget, an office	988 TMS: Tax Map System
949 within the Executive Office of the President of the	989 TRC: Technical Review Criteria
950 United States	990 TSS: Total Suspended Solids
951 OSHA: Occupational Safety and Health Administra-	991 US: United States
952 tion	992 USC: United States Code
	993 WEF: Water Environment Federation

994 **2.5 DOCUMENT FORMAT**

995 This manual contains fonts and styles that mean certain things, including points of emphasis or reference other  
 996 sections or materials. Below is a list of the types used within this manual and what it represents when encountered  
 997 in the *OJRSA Sewer Use Regulation*.

998

**BOLD CAPITAL LETTERS**

Important point of emphasis

Dashed Underline

Name of a form to use for documenting a referenced task

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<i>Italic 'Cambria Math' Font</i>	Mathematic or chemistry formula
<i>Italics</i>	Title of books, manuals, and other documents or unfamiliar foreign words
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
<u>Underlined</u>	Word being defined (limited to SECTION 2.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

999 **2.6 ELECTRONIC SUBMITTAL OF DOCUMENTS**

1000 The following information does not apply to documents that require a Wet Signature as stated the appropriate  
 1001 sections of the *OJRSA Sewer Use Regulation* (SUR). Applications and documents may be submitted electronically  
 1002 in accordance with the following requirements:

- 1003 A. All electronic submittals must be in Portable Document Format (PDF).  
 1004 B. Each submittal document must be a separate PDF (there can be multiple pages within each PDF document  
 1005 so long as they are all associated with the same document, form, etc.).  
 1006 C. The file size for any single PDF submitted must not exceed fifty megabytes (50 MB) (building and site plan  
 1007 submittals can exceed this file size). It shall be the responsibility of the User submitting the document to  
 1008 ensure its delivery and receipt by the OJRSA.  
 1009 D. Ensure all layers are flattened in the authoring program prior to export and submittal. (Scanned documents  
 1010 are inherently flattened)  
 1011 E. Orient all sheets so the top of the page is always at the top of the computer screen (right side up).  
 1012 F. All sheets must be numbered, labeled, or titled.  
 1013 G. Documents requiring Wet Signatures as stated within the SUR may be submitted electronically but must be  
 1014 accompanied by the Wet Signature hard copy.

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1015 **Section 3 – Use of Sewers**1016 **3.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE**

1017 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User’s consent and  
 1018 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations  
 1019 promulgated hereunder, including enforcement and penalty provisions.

1020 **3.2 SEWER SYSTEMS**

- 1021 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-  
 1022 quirement shall not apply to systems which are owned by multiple public entities.
- 1023 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or  
 1024 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line  
 1025 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby  
 1026 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1027 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-  
 1028 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force  
 1029 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations  
 1030 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-  
 1031 tified in the *OJRSA Development Policy*;
  - 1032 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the  
 1033 Sewer System in its entirety is owned by a public entity.
  - 1034 3. Further, the application to OJRSA will include an opinion from the PU’s legal counsel that such PU  
 1035 is authorized to own and operate the Sewer System and to enter into the contracts by which it  
 1036 gained ownership and control of the system.
- 1037 C. Sewer Systems that are to remain privately owned must be permitted by SCDES and/or the OJRSA as a  
 1038 Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance with  
 1039 the SCDES Satellite Sewer System Permit or other such permit or requirement of SCDES and these Regula-  
 1040 tions.
- 1041 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1042 1. All requests for service inside the service area of a Member City, municipality, or County shall be  
 1043 under the direction and approval of a Member City, municipality or County. This provision allows  
 1044 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such  
 1045 Sewer System a part of the Member City, municipality, or County’s Sewer System.
  - 1046 2. The application for service to OJRSA shall be under the direction and approval of the Member City,  
 1047 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or  
 1048 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured  
 1049 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume  
 1050 ownership, operational, maintenance, and financial responsibility for the PU.
  - 1051 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which  
 1052 such entity obtained control of the system. A term of that contract shall require ownership of the  
 1053 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System  
 1054 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for  
 1055 an unsafe or unsanitary operating condition. The contract will include express provision giving  
 1056 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary  
 1057 thereto.

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**3.3 PERMITS REQUIRED**

- 1058
- 1059 A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via
- 1060 Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
- 1061 B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall
- 1062 not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Indus-
- 1063 trial Users must also comply with OJRSA SUR 3.3(D) and 6.1.
- 1064 C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting
- 1065 record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such
- 1066 permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
- 1067 D. Industrial Users
- 1068 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit
- 1069 Application and Questionnaire and obtain approval to connect and use the sewer facilities, regard-
- 1070 less of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite
- 1071 for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
- 1072 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by
- 1073 completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the
- 1074 Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of
- 1075 the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as pro-
- 1076 vided by the Director or his/her designee. This application shall be obtained from the OJRSA.
- 1077 E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements
- 1078 to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into
- 1079 the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source
- 1080 Wastewater Discharge Permit.

**3.4 RESPONSIBILITY OF COSTS**

1081 All costs and expense incident to the installation and connection of building sewers and/or extension of the con-

1082 veyance system shall be borne by the Owner.

1083

**3.5 USE OF PUBLIC SEWERS REQUIRED**

- 1084
- 1085 A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any
- 1086 wastewater, except where suitable treatment has been provided in accordance with subsequent provisions
- 1087 of these Regulations and with regulations of SCDES.
- 1088 B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic
- 1089 tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 1090 C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or
- 1091 other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is
- 1092 hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such
- 1093 facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unu-
- 1094 sual or specific circumstances, the Director may waive this provision. This requirement shall not apply to
- 1095 any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic
- 1096 system permitted by SCDES in compliance with S.C. Regulation 61-56. Such properties may continue to
- 1097 utilize their existing septic systems until and unless SCDES requires those properties to connect to public
- 1098 sewer pursuant to S.C. Regulation 61-56.
- 1099 D. Exceptions
- 1100 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct con-
- 1101 nection of sewer service.
- 1102 2. Where annexation or easements to cross adjacent property are required to connect to the
- 1103 wastewater system at the time of application, then sewer shall not be considered accessible. A
- 1104 deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between



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- 1105 the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed  
 1106 shall be identifiable by County Tax Map System (TMS) number.
- 1107 E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to  
 1108 relieve a User of any additional requirements that may be imposed by other authorities having legal juris-  
 1109 diction.

1110 **3.6 SEWER CONSTRUCTION AND MATERIALS**

- 1111 A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must  
 1112 meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable exten-  
 1113 sion of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider  
 1114 these situations on a case-by-case basis.
- 1115 B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new  
 1116 treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in ac-  
 1117 cordance with the OJRSA's requirements as stated within the current version of the OJRSA Development  
 1118 Policy and shall be subject to their review and approval and be in compliance with any applicable SCDES  
 1119 requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the operation and  
 1120 maintenance costs of treatment systems and pump stations upon such terms and conditions as it deems  
 1121 appropriate.

1122 **3.7 CERTAIN CONNECTIONS PROHIBITED**

- 1123 A. Connections Not Allowed to Sewer
- 1124 1. No person shall make any connection of roof downspouts, exterior foundation drains, area drains,  
 1125 dumpster pad drains, or other sources of inflow, infiltration, or other unpolluted waters to a build-  
 1126 ing sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
  - 1127 2. Floor drains are not permitted in areas where machining, automotive repair, painting, and other  
 1128 such activities take place that are directly or indirectly (such as to a Satellite Sewer System) con-  
 1129 nected to the OJRSA sanitary sewer system.
  - 1130 3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a gar-  
 1131 bage grinder or allow any discharge from such grinder from any unit or portion of its facility unless  
 1132 written permission has been granted by the Director.
  - 1133 4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR  
 1134 4.2(D).
- 1135 B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer.  
 1136 Upon discovery, such disposals shall be reported to SCDES for investigation and enforcement.

1137 **3.8 MULTIPLE CONNECTIONS THROUGH ONE-BUILDING SEWER**

1138 A separate and independent building sewer shall be provided for every building; except where one (1) building  
 1139 stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear  
 1140 building through an adjoining alley, court, yard, easement, or driveway. The building sewer from the front building  
 1141 may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by  
 1142 OJRSA.

1143 **3.9 USE OF OLD BUILDING SEWERS**

- 1144 A. Old building sewers may be used in connection with new buildings only when they are found, upon exami-  
 1145 nation and testing, to meet all requirements of these Regulations.
- 1146 B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm  
 1147 compliance with these Regulations prior to authorizing the connection to their system.

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- 1148 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall  
1149 be connected to private wastewater disposal systems subject to the requirements of the County or SCDES.

1150 **3.10 COMPLIANCE WITH OTHER REGULATIONS**

1151 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and  
1152 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-  
1153 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.  
1154 All joints of the building sewer shall be tight and waterproof.

1155 **3.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER**

- 1156 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement  
1157 floor.  
1158 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater  
1159 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the  
1160 building sewer.  
1161 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable  
1162 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-  
1163 tight and watertight.  
1164 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-  
1165 cordance with the *OJRSA Development Policy* before installation.

1166 **3.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION**

1167 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection  
1168 and connection to the public sewer no less than two (2) full business days prior to making the connection. The  
1169 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.  
1170 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect  
1171 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work  
1172 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,  
1173 the Occupational Safety and Health Act of 1970.

1174 **3.13 SPECIAL PRETREATMENT DEVICES**

- 1175 A. All Special Pretreatment Devices may be subject to construction and operational permitting by SCDES.  
1176 B. FOG Control Devices  
1177 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they  
1178 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,  
1179 sand, or other harmful ingredients as required by SECTION 9 of these Regulations. Applicable facili-  
1180 ties for these systems include those identified in that Section; except that such devices shall not be  
1181 required for Single-Family Residential or dwelling units unless associated with regulated Multi-Fam-  
1182 ily Developments or a Hotel with Kitchen as stated in OJRSA SUR 9.3(C).  
1183 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
1184 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
1185 approved security mechanisms installed to prevent unauthorized access or use.  
1186 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the  
1187 Owner at their expense and in continuously efficient operation at all times.  
1188 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
1189 posal by appropriate means of the captured material and shall maintain records of the dates and  
1190 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
1191 as appropriate.

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- 1192 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
1193 Federal, and Local regulations.
- 1194 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
1195 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1196 C. Oil and Grit Removal Systems
- 1197 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for  
1198 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for  
1199 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical  
1200 maintenance shops, industries, etc.
- 1201 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
1202 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
1203 approved security mechanisms installed to prevent unauthorized access or use.
- 1204 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-  
1205 cured by the Owner at their expense in continuously efficient operation at all times.
- 1206 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
1207 posal by appropriate means of the captured material and shall maintain records of the dates and  
1208 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
1209 as appropriate.
- 1210 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
1211 Federal, and Local regulations.
- 1212 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-  
1213 less the facility can document that four (4) months does not affect the functionality of the devices  
1214 or impact the sewer system.
- 1215 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
1216 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1217 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to  
1218 meet the requirements of SECTIONS 4.4 and 4.9, Industries or other Users are required to install specialized  
1219 equipment on a case-by-case basis as determined by the OJRSA and/or SCDES in order to:
- 1220 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-  
1221 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1222 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1223 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1224 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-  
1225 cilities.
- 1226 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply  
1227 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair  
1228 Trap/Interceptors, and Plaster Separators.

1229 **3.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE**

- 1230 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1231 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-  
1232 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1233 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and  
1234 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g., SCDES).
- 1235 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for  
1236 engineering standards or regulations met per SECTION 3.14, and be inspected and approved by County or  
1237 Member City Codes Department (or other as appropriate), OJRSA, and/or SCDES.

1238 **3.15 CONNECTION CONSTITUTES CONSENT**

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1239 Connection to the OJRSA's system shall constitute consent and agreement by the User to be bound by and to abide  
1240 with all OJRSA Regulations and requirements.

1241 **3.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER**

1242 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*  
1243 *Development Policy*.

1244 **3.17 VARIANCES**

- 1245 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or  
1246 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and  
1247 may be included in a Discharge Permit or other written document as issued by OJRSA.
- 1248 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and  
1249 State laws.
- 1250 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and  
1251 policies, including but not limited to these Regulations, fees, design, and construction matters. There may  
1252 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,  
1253 these shall only apply to the section and subsection in which it is stated.

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1254 **Section 4 – Prohibitions and Limitations on Wastewater Discharges**1255 **4.1 PROHIBITED DISCHARGES**

- 1256 A. General Prohibitions – It shall be unlawful for any person to discharge wastewater which causes a hazard  
1257 to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass-  
1258 through or interference. These general prohibitions apply to all Users of the POTW whether or not the User  
1259 is subject to National Categorical Pretreatment Standards or any other Federal, State, or local regulations  
1260 or ordinances. When the Director determines that a User is discharging such wastewater, the Director shall  
1261 advise the User of the potential impact of the discharge and develop effluent limitations for such discharge  
1262 to protect the POTW.
- 1263 B. Specific Prohibitions – A User shall not discharge the following substances to the POTW:
- 1264 1. Uncontaminated cooling water, condensate, ground water from wells, and/or surface water may  
1265 not be discharged to the conveyance system and POTW unless otherwise approved in an industrial  
1266 wastewater discharge permit.
  - 1267 2. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either  
1268 alone or by interaction with other substances to cause fire or explosion or be injurious in any other  
1269 way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flash-  
1270 point of less than one hundred forty degrees Fahrenheit (140°F) using test methods specified in 40  
1271 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kero-  
1272 sene, naphtha, fuel oil, lubricating oil, and any other substances which the OJRSA, State, OSHA, or  
1273 EPA identifies as a fire or explosive hazard or a hazard to the system.
  - 1274 3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interfer-  
1275 ence, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (0.5  
1276 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, en-  
1277 trails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass,  
1278 straw, shavings, grass clippings, rags, non-woven fabrics and wipes, hygiene products, spent grains,  
1279 spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or pro-  
1280 cessing of fuel or lubricating oil, mud or glass grinding or polishing wastes. **GRINDING OR SHRED-  
1281 DING OF SOLIDS DOES NOT RENDER SUCH SOLIDS ACCEPTABLE FOR DISCHARGE TO THE POTW.**
  - 1282 4. pH Levels Considered to be Extremely Acidic or Basic
    - 1283 (a) Wastewater having a pH less than six-point-zero standard units (6.0 SU), unless other limits  
1284 are approved by the Director, or wastewater having any other corrosive property capable  
1285 of causing damage or hazard to structures, equipment, or personnel of the POTW.
    - 1286 (b) A pH greater than ten-point-zero standard units (10.0 SU) is only accepted with special per-  
1287 mission from the Director in an industrial discharge permit.
    - 1288 (c) No wastewater with a pH greater than twelve-point-zero standard units (12.0 SU) will be  
1289 accepted by OJRSA.
  - 1290 5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other  
1291 pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic  
1292 effect in the receiving waters of the POTW.
  - 1293 6. Noxious liquids, gases, or solids which either singly, or by interaction with other wastes, are suffi-  
1294 cient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers  
1295 for their maintenance and repair.
  - 1296 7. Wastewater, liquid, or vapors having a temperature higher than one hundred fifty degrees Fahren-  
1297 heit (150°F), or results in a temperature higher than one hundred four degrees Fahrenheit (104°F)  
1298 at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW  
1299 and result in interference.

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- 1300 8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed  
1301 limits established by applicable Federal or State regulations.
- 1302 9. Wastewater which constitutes a slug discharge as defined herein.
- 1303 10. Substances which may cause the POTW's effluent or any other product of the POTW such as resi-  
1304 dues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process.  
1305 In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with  
1306 sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;  
1307 any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the  
1308 SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge  
1309 management method being used.
- 1310 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may  
1311 cause interference or pass-through.
- 1312 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1313 13. Any pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a  
1314 quantity that may cause acute or chronic worker health and safety problems.
- 1315 14. Any trucked or hauled pollutants not authorized under SECTION 10 of these Regulations.
- 1316 15. Any wastewater which imparts color which cannot be removed by the treatment process, such as,  
1317 but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts ob-  
1318 servable and/or measurable color to the treatment plant's effluent thereby violating the OJRSA's  
1319 NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to  
1320 reduce the depth of the compensation point for photosynthetic activity by more than ten percent  
1321 (10%) from the seasonably established norm for aquatic life.
- 1322 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1323 17. Any medical wastes, except as specifically authorized by the Director in writing by execution of a  
1324 Capacity Permit, Industrial User Permit, other permit, or binding agreement. No medical waste may  
1325 pose a biohazard risk to OJRSA staff, the public, or the environment. Liquid cremation processes  
1326 and the like will be considered by OJRSA on a case-by-case basis.
- 1327 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1328 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concen-  
1329 trations which may cause excessive foaming in the POTW.
- 1330 20. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow  
1331 rate and/or pollutant concentration which will cause interference with the POTW.
- 1332 C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a  
1333 manner that they could be discharged to the POTW.
- 1334 D. Inflow Prohibitions: Any wastewater drains located outside the building must be covered with a roof or  
1335 hatch and also have a berm or appropriate stormwater barrier around it to prevent the drainage of storm-  
1336 water into the sewer (e.g., mop basin, sampling point, etc.). Outdoor grated cleanouts are not allowed in  
1337 the OJRSA territory to prevent the introduction of stormwater to the sewer, which includes industrial and  
1338 other Wastestream sampling points. Dumpster pad drains are not allowed to be connected to any system  
1339 that discharges wastewater to the OJRSA wastewater treatment plant. Any outside drain must be approved  
1340 by OJRSA and will be evaluated on a case-by-case basis. Outside sampling locations are also included in this  
1341 requirement. The sampling location must have an aluminum or lightweight cover to prevent stormwater  
1342 from getting into the sewer line. A notch can be cut out of the lid to allow sampling tubing for the composite  
1343 sampler.

1344 **4.2 CONDITIONALLY PROHIBITED DISCHARGES**

1345 Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, re-  
1346 ceiving stream, or that the discharge will endanger lives, health, public property, or constitute a nuisance. The Di-  
1347 rector may revise the limitations established in this Section if, in their opinion, different limitations are necessary

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1348 to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW**  
 1349 **WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

1350 A. Grease, Waxes, and Oils:

- 1352 1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
- 1353 (a) Wastewater shall not exceed an average concentration of more than one hundred milli-  
 1354 grams per liter (100 mg/L) of such oil or grease.
- 1355 (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing  
 1356 Test Procedures for the Analysis of Pollutants.
- 1357 2. Oil or Grease of Animal or Vegetable Origin
- 1358 (a) Wastewater shall not exceed an average concentration of more than two hundred milli-  
 1359 grams per liter (200 mg/L) of such oil or grease.
- 1360 (b) Analyses for total oil and grease and for total petroleum oil and grease shall be performed  
 1361 in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of  
 1362 Pollutants. The difference between the hydrocarbon analysis and the total recoverable  
 1363 grease and oil analysis will be considered grease or oil of animal or vegetable origin.
- 1364 3. Wastewater containing substances which may solidify or become viscous at a temperature be-  
 1365 tween thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).
- 1366 4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION  
 1367 9 and SECTION 10 of this Regulation address provisions as they are applicable to hauled waste.

1368 B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater  
 1369 treatment processes employed.

1370 C. Holding tank waste.

1371 D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming  
 1372 pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including  
 1373 industrial wastewater), unless specifically authorized by the Director.

1374 **4.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS**

- 1375 A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards  
 1376 or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these  
 1377 Regulations.
- 1378 B. No person shall discharge wastewater in excess of the concentration or mass limit set forth in National  
 1379 Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as  
 1380 listed on an individual Discharge Permit. The Director shall establish permit limitations on industrial and  
 1381 Commercial Users on a case-by-case basis in accordance with SCDES and EPA regulations. Where appropri-  
 1382 ate and allowed by applicable regulations, the Director may impose concentration and/or mass limitations  
 1383 on a discharge.
- 1384 C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall  
 1385 discharge wastewater containing an excess of these pollutant limits.
- 1386 D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Dis-  
 1387 charge Permits to implement Local Limits and the requirements of SECTION 4.1 of these Regulations.

1388 **4.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS**

- 1389 A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter  
 1390 I, Subchapter N, Parts 405-471 and/or SECTION 4.3.
- 1391 B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified  
 1392 in S.C. R.61-9 403.

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- 1393 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part  
1394 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-  
1395 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the  
1396 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-  
1397 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-  
1398 corporated into the Pretreatment Program.
- 1399 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the  
1400 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or  
1401 mass limits in accordance with this Section.
  - 1402 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of  
1403 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-  
1404 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of  
1405 calculating effluent limitations applicable to individual Industrial Users.
  - 1406 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not  
1407 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC  
1408 R61-9 403.6I.
  - 1409 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,  
1410 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-  
1411 mination to convert concentration limits to mass limits is within the discretion of the Director.  
1412 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set  
1413 forth below.
    - 1414 (a) To be eligible for equivalent mass limits, the Industrial User must:
      - 1415 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-  
1416 nologies that substantially reduce water use during the term of its individual  
1417 wastewater discharge permit;
      - 1418 (ii) Currently use control and treatment technologies adequate to achieve compliance  
1419 with the applicable Categorical Pretreatment Standard, and not have used dilution  
1420 as a substitute for treatment (SECTION 4.5);
      - 1421 (iii) Provide sufficient information to establish the facility's actual average daily flow  
1422 (ADF) rate for all waste streams, based on data from a continuous effluent flow  
1423 monitoring device as well as the facility's long-term average production rate. Both  
1424 the actual ADF rate and the long-term average production rate must be representa-  
1425 tive of current operating conditions;
      - 1426 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-  
1427 cantly that equivalent mass limits are not appropriate to control the discharge; and
      - 1428 (v) Have consistently complied with all applicable Categorical Pretreatment Standards  
1429 during the period prior to the Industrial User's request for equivalent mass limits.
    - 1430 (b) An Industrial User subject to equivalent mass limits must:
      - 1431 (i) Maintain and effectively operate control and treatment technologies adequate to  
1432 achieve compliance with the equivalent mass limits;
      - 1433 (ii) Continue to record the facility's flow rates through the use of a continuous effluent  
1434 flow monitoring device;
      - 1435 (iii) Continue to record the facility's production rates and notify the Director whenever  
1436 production rates are expected to vary by more than twenty percent (20%) from its  
1437 baseline production rates determined in paragraph 4.4(C)(4)(a)(iii) of this Section.  
1438 Upon notification of a revised production rate, the Director will reassess the equiv-  
1439 alent mass limit and revise the limit as necessary to reflect changed conditions at  
1440 the facility; and



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- 1441 (iv) Continue to employ the same or comparable water conservation methods and  
 1442 technologies as those implemented pursuant to paragraph 4.4(C)(4)(a)(i) of this  
 1443 Section as long as it discharges under an equivalent mass limit.  
 1444 (c) When developing equivalent mass limits, the Director:  
 1445 (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the  
 1446 regulated process(es) of the Industrial User by the concentration-based Daily Max-  
 1447 imum and Monthly Average standards for the applicable Categorical Pretreatment  
 1448 Standard and the appropriate unit conversion factor;  
 1449 (ii) Upon notification of a revised production rate, will reassess the equivalent mass  
 1450 limit and recalculate the limit as necessary to reflect changed conditions at the fa-  
 1451 cility; and  
 1452 (iii) May retain the same equivalent mass limit in subsequent individual wastewater  
 1453 discharge permit terms if the Industrial User's actual ADF rate was reduced solely  
 1454 as a result of the implementation of water conservation methods and technologies,  
 1455 and the actual ADF rates used in the original calculation of the equivalent mass limit  
 1456 were not based on the use of dilution as a substitute for treatment pursuant to  
 1457 SECTION 4.5. The Industrial User must also be in compliance with these Regulations  
 1458 regarding the prohibition of bypass.
- 1459 5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts  
 1460 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to indi-  
 1461 vidual Industrial Users. The conversion is at the discretion of the Director.  
 1462 (a) Once included in its permit, the Industrial User must comply with the equivalent limitations  
 1463 developed in this Section in lieu of the promulgated Categorical Pretreatment Standards  
 1464 from which the equivalent limitations were derived.  
 1465 (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum  
 1466 daily discharge limitations and a second limit for calculating maximum Monthly Average, or  
 1467 four (4) day average, limitations. Where such Standards are being applied, the same pro-  
 1468 duction or flow figure shall be used in calculating both the average and the maximum equiv-  
 1469 alent limitation.  
 1470 (c) Any Industrial User operating under a permit incorporating equivalent mass or concentra-  
 1471 tion limits calculated from a production-based Standard shall notify the Director within two  
 1472 (2) business days after the User has a reasonable basis to know that the production level  
 1473 will significantly change within the next calendar month. Any User not notifying the Direc-  
 1474 tor of such anticipated change will be required to meet the mass or concentration limits in  
 1475 its permit that were based on the original estimate of the long-term average production  
 1476 rate.

**4.5 DILUTION PROHIBITION**

1477 Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a dis-  
 1478 charge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations de-  
 1479 veloped by the OJRSA, State, or Federal Regulations.  
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**4.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS**

- 1481 A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/  
 1482 slug control plan or other actions to control slug discharges. Users shall provide protection from accidental  
 1483 discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent  
 1484 accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner.  
 1485 When required, detailed plans showing facilities and operating procedures to provide this protection shall  
 1486 be submitted to the OJRSA for review and shall be approved by the OJRSA and SCDES as necessary before  
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1488 construction of the facility. Review and approval of such plans and operating procedures shall not relieve  
 1489 the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

- 1490 B. The accidental discharge/slug control plan when required shall be submitted to the Director and to SCDES  
 1491 containing at a minimum the following:

- 1492 1. Description of discharge practices, including nonroutine batch discharges.
- 1493 2. Description of stored chemicals.
- 1494 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notifica-  
 1495 tion must also be given for any discharge which would violate any of the prohibited discharges.
- 1496 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures in-  
 1497 clude but are not limited to: inspection and maintenance of storage areas, handling and transfer of  
 1498 materials, loading and unloading operations, control of plant site run-off, worker training, building  
 1499 of containment structures or equipment, measure for containing toxic organic pollutants (including  
 1500 solvents), and/or measures and equipment for emergency response.

#### 1501 **4.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE**

- 1502 A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance  
 1503 with Categorical Pretreatment Standards if the requirements of Paragraph 4.7(B) are met.
- 1504 B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of  
 1505 upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evi-  
 1506 dence, that:
- 1507 1. An upset occurred and the User can identify the cause(s) of the upset;
  - 1508 2. The facility was at the time being operated in a prudent and worker-like manner and in compliance  
 1509 with applicable operation and maintenance procedures; and
  - 1510 3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or  
 1511 Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays)  
 1512 of becoming aware of the upset [if this information is provided orally, a written submission must  
 1513 be provided within five (5) calendar days]:
    - 1514 (a) A description of the indirect discharge and cause of noncompliance;
    - 1515 (b) The period of noncompliance, including exact dates and times or, if not corrected, the an-  
 1516 ticipated time the noncompliance is expected to continue; and
    - 1517 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-  
 1518 compliance.
- 1519 C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an  
 1520 upset shall have the burden of proof.
- 1521 D. Judicial Determination
- 1522 1. Users shall have the opportunity for a judicial determination on any claim of upset only in an en-  
 1523 forcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined  
 1524 in SECTION 8 herein.
  - 1525 2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges  
 1526 to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon re-  
 1527 duction, loss, or failure of its treatment facility until the facility is restored or an alternative method  
 1528 of treatment is provided. This requirement applies in the situation where, among other things, the  
 1529 primary source of power of the treatment facility is reduced, lost, or fails.

#### 1530 **4.8 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION**

1531 Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations  
 1532 of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or  
 1533 longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter  
 1534 characteristics of the wastewater.

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**4.9 PRETREATMENT**

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- A. Users shall provide wastewater pretreatment as required to comply with these Regulations or Discharge Permit and shall achieve compliance with these Regulations and all Categorical Pretreatment Standards within the specified time limitations. A permit to construct pretreatment facilities shall be obtained from SCDES (see SC R61-67). Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review. Submittal of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director prior to the initiation of the changes.
  - B. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. The pretreatment system tanks and pipes must be labeled to clearly show the process and what is added to the wastewater.
  - C. Additional Pretreatment Measures
    1. Whenever deemed necessary, the Director may require Industrial 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 sewer Wastestreams from industrial Wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of these Regulations.
    2. A Significant Industrial User (SIU) [or Categorical Industrial User (CIU) as all CIUs are SIUs] may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow over a period determined by the Director. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A Discharge Permit may be issued solely for flow equalization in order to prevent a heavy flow discharge into the sewer.
    3. FOG Interceptors, Hydromechanical FOG Devices, FOG Traps, Oil/Water Interceptors, or Sand/Oil Interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease, oil, or sand; except that such interceptors shall not be required for Residential Users as defined in these Regulations. All interception units shall be of type and capacity as stated in the *OJRSA Development Policy* and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at their expense, as stated in SECTION 9.
    4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**4.10 BYPASS AS AN AFFIRMATIVE DEFENSE**

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- A. Any User which bypasses treatment facilities as defined in SC R61-9 403.17 shall comply with the requirements of that State regulation and applicable other Federal and State regulations.
  - B. An Industrial User may allow a bypass to occur only when it does not cause National Categorical Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.
  - C. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least ten (10) calendar days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays), from the time the Industrial User becomes aware of the bypass.
  - D. A written submission shall be provided within five (5) calendar days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the

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1583 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-  
 1584 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent  
 1585 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral  
 1586 report has been received within twenty-four (24) hours.

- 1587 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User  
 1588 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:  
 1589 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental  
 1590 damage; and  
 1591 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,  
 1592 retention of untreated wastewater, or maintenance during normal periods of equipment down-  
 1593 time. This condition is not satisfied if adequate backup equipment should have been installed in the  
 1594 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal  
 1595 periods of equipment downtime or preventative maintenance; and  
 1596 3. The Industrial User submitted notices as required in this Section.  
 1597 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-  
 1598 mines at it will meet the conditions listed in this section.

**4.11 RECOVERY OF PREVENTATIVE EXPENSES**

1599 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that  
 1600 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA  
 1601 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or  
 1602 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative  
 1603 measures shall be charged to and paid by the User and/or Owner.  
 1604

**4.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS**

1605 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to  
 1606 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-  
 1607 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving  
 1608 waters/biosolids.  
 1609

- 1610
- 1611 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-  
 1612 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on  
 1613 specified CEC; and specified information on Users' products and processes that may contribute to the cre-  
 1614 ation of discharge of CEC.
- 1615 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs  
 1616 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by  
 1617 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall  
 1618 include any existing data in the possession or control of the User and may include requirements for the  
 1619 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,  
 1620 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance  
 1621 with this Regulation.
- 1622 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User  
 1623 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 8.2) or  
 1624 otherwise pursuant to the terms of this Regulation actions by a User to address CEC.  
 1625 1. Such actions may include:  
 1626 (a) Further or routine monitoring requirements;  
 1627 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable  
 1628 or User-specific technology-based limits; and  
 1629 (c) Requirements for BMPs.

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1630 2. Any such requirements may be based on:

- 1631 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;  
 1632 (b) EPA or DHEC standards or criteria; or  
 1633 (c) Generally accepted criteria determinations by recognized national scientific entities.

#### 1634 **4.13 QUATERNARY AMMONIUM COMPOUNDS**

1635 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-  
 1636 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long  
 1637 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection  
 1638 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial  
 1639 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's  
 1640 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-  
 1641 form the wastewater treatment.

- 1642  
 1643 A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right  
 1644 to ban or require the addition of chemicals that deactivate the QAC.  
 1645 B. OJRSA must approve the chemicals used to deactivate the QAC.  
 1646 C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs  
 1647 is subject to the enforcement actions delineated in this Regulation.

#### 1648 **4.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1649 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to  
 1650 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,  
 1651 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,  
 1652 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-  
 1653 mum:  
 1654

- 1655 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION 4  
 1656 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then  
 1657 the facility will be required to install and maintain that equipment at their expense.  
 1658 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-  
 1659 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.  
 1660 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-  
 1661 struction or equipment installation.  
 1662 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of  
 1663 discharge to the sewer system.  
 1664 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids  
 1665 removal, then they must comply with applicable sections of this Regulation as well as SCDES requirements  
 1666 for a construction permit (SC R61-67).  
 1667 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to  
 1668 the enforcement actions set forth in SECTION 8.

#### 1669 **4.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

- 1670 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition  
 1671 of a Satellite Sewer System (collectively referred to in SECTION 4.15 as a "Satellite System") shall be required  
 1672 to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.  
 1673 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not  
 1674 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per

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day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite System is being measured. A high recurrence interval storm shall be classified as the following per NOAA Atlas 14 Point Precipitation Frequency Estimates:

1. Five (5) year recurrence interval or greater
2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length in minutes or days
3. Location of most applicable weather station shall be obtained by entering the latitude / longitude or street address of the flowmeter location into the Point Precipitation Frequency Estimate website: PF Map: Contiguous US (noaa.gov)

C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow criteria shall be evaluated at each connection point independently of any other connection points, which may necessitate data collection from the Satellite System's infrastructure.

D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a pump station as near to the connection point as practicable. All effort shall be made to establish a flow monitoring point that minimizes:

1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any other Satellite System flow monitoring points.

E. The Satellite System shall provide metering data and any required follow up information to OJRSA for review. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date for that analysis.

F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.

G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Measured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow  $\leq$  Allowable Daily Flow).

H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as follows:

1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influence. (See SECTION 4.15.1 for an example):

(a) For a flowmeter with at least twelve (12) months of flow data:

- (i) Actual daily flows for the last twelve (12) months will be calculated for each month and averaged to produce an average daily flow (ADF) for each month of data. Data shall be reviewed to exclude any days with missing or questionable data that could skew the calculation. For a month to have valid data to be included in the analysis, at least seventy-five (75%) of the days within the month should have complete data. A minimum of nine (9) months of valid data within the previous twelve (12) month period should be used for the analysis; if there is less than nine (9) months of valid data within the last twelve (12) months, then the evaluation period shall extend to prior to the last twelve (12) month period until there is at least nine (9) months of valid data.

- (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and the month with the lowest ADF shall be designated as the ADF to be used in the analysis.

(b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be performed with as many months of data as possible. Once there is twelve (12) months of data, the calculation shall be performed as detailed above.

(c) ADF shall be recalculated annually.

(d) For the ADF calculated in the above steps, the amount should be increased by a factor of five percent (5%) (or else by a different factor if documented by the meter manufacturer

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- 1725 and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The  
 1726 maximum meter accuracy allowance that may be used is ten percent (10%).
- 1727 2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide*  
 1728 *for Estimating Inflow and Infiltration*) (See SECTION 4.15.2 for an example):
- 1729  $2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10)$   
 1730  $+ (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$   
 1731 *Where "X" represents each additional diameter pipe in the satellite sewer system*
- 1732 (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until oth-  
 1733 erwise verified.
- 1734 3. For any particular day (See SECTION 4.15.3 for an example):  
 1735  $Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage})]$   
 1736  $+ Allowable \text{ I\&I Flow}$
- 1737 I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC  
 1738 Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering  
 1739 practice.

1740 **4.15.1 Average Daily Flow Calculation Formula and Example**

1741 Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five per-  
 1742 cent ( $\pm 5\%$ )) as shown below:

Month	Number of Days Valid Data	% of Days Valid Data	Average Daily Flow (gpd)
<b>December-2021</b>	<b>31</b>	<b>100%</b>	<b>587,597</b>
<b>November-2021</b>	<b>30</b>	<b>97%</b>	<b>556,671</b>
<b>October-2021</b>	<b>31</b>	<b>100%</b>	<b>474,201</b>
<b>September-2021</b>	<b>20</b>	<b>67%</b>	<b>443,275</b>
<b>August-2021</b>	<b>24</b>	<b>77%</b>	<b>505,127</b>
<b>July-2021</b>	<b>31</b>	<b>100%</b>	<b>536,053</b>
<b>June-2021</b>	<b>18</b>	<b>60%</b>	<b>510,282</b>
<b>May-2021</b>	<b>27</b>	<b>87%</b>	<b>515,436</b>
<b>April-2021</b>	<b>30</b>	<b>100%</b>	<b>566,980</b>
<b>March-2021</b>	<b>22</b>	<b>71%</b>	<b>556,671</b>
<b>February-2021</b>	<b>26</b>	<b>93%</b>	<b>824,698</b>
<b>January-2021</b>	<b>21</b>	<b>68%</b>	<b>721,610</b>
December-2020	15	48%	551,517
<b>November-2020</b>	<b>26</b>	<b>84%</b>	<b>530,899</b>
October-2020	31	100%	489,664
September-2020	28	93%	407,194
August-2020	29	94%	489,664
July-2020	29	94%	463,892

1743 In looking at the last twelve (12) months of data, only eight (8) of the twelve (12) months have valid data for seventy-  
 1744 five percent (75%) or more of the days. Therefore, data for the highlighted months are thrown out, and November  
 1745 2020 data is used to obtain nine (9) most recent months of valid data.

1746 Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This  
 1747 amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a  
 1748 value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.  
 1749  
 1750

1751 **4.15.2 Allowable I&I Flow Calculation Formula and Example**

1752 This same system has the following size pipes in their system:

Size (inches)	Length of Sewer (Linear Feet)
---------------	-------------------------------

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4	2,200
6	9,800
8	107,000
10	10,500
12	7,200
15	800
18	1,800

1753

1754

1755

1756

1757

$$\text{Allowable I\&I Flow}^1 = 2,000 \text{ gpd} * [(2,200*4/5,280) + (9,800*6/5,280) + (107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) + (1,800*18/5,280)]$$

$$\underline{\text{Allowable I\&I Flow}} = 439,167 \text{ gpd}$$

1758

**4.15.3 Allowable Daily Flow Formula and Example**

1759

1760

1761

1762

1763

1764

$$\begin{aligned} \text{Allowable Daily Flow} &= [\text{Average Daily Flow (ADF)} \times (1 + \text{Meter Accuracy Percentage})] + \\ &\text{Allowable I\&I Flow}] + \text{Allowable I\&I Flow} \\ &= (474,201 \text{ gpd} * 1.05) + 439,167 \text{ gpd} \\ &= 497,911 \text{ gpd} + 439,167 \text{ gpd} \end{aligned}$$

$$\underline{\text{Allowable Daily Flow}} = 937,078 \text{ gpd}$$

1765

1766

1767

1768

Therefore, all daily flows would be measured against this threshold and any individual days (not average daily flow for the month) measuring above 937,078 gpd would be out of compliance, unless the system was under the influence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA) or an abnormal authorized discharge as recognized by the OJRSA.

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<sup>1</sup> NOTE: Must convert linear footage of pipe into miles by dividing by 5,280 feet per mile.



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1769 **Section 5 – Revenue System**1770 **5.1 FEES AND CHARGES AS REGULATION**

- 1771 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1772 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1773 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1774 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1775 developed for the following purposes:
- 1776 1. Industrial monitoring, inspections, and surveillance procedures;
  - 1777 2. Reviewing accidental discharge procedures and construction;
  - 1778 3. Reviewing permit applications and plans;
  - 1779 4. Reviewing appeals;
  - 1780 5. Special industrial discharges;
  - 1781 6. Recovering capital related expenditures or retiring bonded indebtedness;
  - 1782 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
  - 1783 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
  - 1784 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
  - 1785 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
  - 1786 to NPDES Permits and/or OJRSA Board of Commissioners;
  - 1787 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
  - 1788 expended for the system and/or its expansion;
  - 1789 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
  - 1790 to the sewer;
  - 1791 10. Construction and Compliance Inspections; and
  - 1792 11. Others deemed necessary by the OJRSA Board of Commissioners.

1793 **5.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**1794 Reference current version of *OJRSA Schedule of Fees*.

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1795 **Section 6 – Discharge Permits and Reporting**1796 **6.1 INDUSTRIAL USER DISCHARGE PERMITS**

- 1797 A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an offi-  
 1798 cial application and file it with the OJRSA together with permit approval from any city having jurisdiction.  
 1799 Approval shall be evidenced by written notice from the Director. The person shall provide all data required  
 1800 by the current official application, copies of which shall be obtained from the Director (or his/her designee).  
 1801 The Director shall evaluate the data and may require additional information. After evaluation and ac-  
 1802 ceptance of the data provided, the Director may grant permission to discharge subject to the terms and  
 1803 conditions provided herein. The Director may issue a Discharge Permit with specific limitations different  
 1804 from those listed in these Regulations if it is determined that the discharge will otherwise comply with the  
 1805 remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Dis-  
 1806 charge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit applica-  
 1807 tion. SIUs which through changes in the use of the premises or water usage cause a significant change in  
 1808 wastewater volume, strength, or characteristic shall submit a new application prior to making the change  
 1809 or alteration.
- 1810 B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not  
 1811 discharged to the sewer are required to submit an application and will be placed under a zero discharge  
 1812 categorical permit.
- 1813 C. Applicable persons and Users shall complete and submit an application, accompanied by any application  
 1814 fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
- 1815 1. Name, address, and location (if different from the address) of the facility, name of the operator and  
 1816 Owner;
  - 1817 2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held  
 1818 by or for the facility;
  - 1819 3. Analytical data on wastewater constituents and characteristics including but not limited to those  
 1820 mentioned in these Regulations;
  - 1821 4. Time and duration of discharge;
  - 1822 5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
  - 1823 6. Description of activities, facilities, and plant processes on the premises unless subject to the confi-  
 1824 dentiality provisions of SECTION 6.12;
  - 1825 7. Where known, the nature and concentration of any pollutants in the wastewater which are limited  
 1826 by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement re-  
 1827 garding whether or not the person is complying or will comply with NCPS on a consistent basis, and  
 1828 if not, whether additional pretreatment or operational modifications are required to comply with  
 1829 applicable limitations or NCPS, or Local Limitations;
  - 1830 8. If additional pretreatment or operational modifications will be required to comply with limitations  
 1831 or NCPS or Local Limitations, the shortest schedule by which the person will comply;
  - 1832 9. Where required to develop pretreatment standards, a brief description of each product produced  
 1833 by type, amount, process or processes, and a rate of production;
  - 1834 10. Where required to develop pretreatment standards, type and amount of raw materials processed  
 1835 (average and maximum per day);
  - 1836 11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
  - 1837 12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to  
 1838 evaluate the permit application; and

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- 1839 13. Application Signatories and Certification – All wastewater discharge permit applications and Industrial User reports must contain the following Certification Statement and be signed by an Authorized Representative of the Industrial User. These documents and records must be submitted to OJRSA with Wet Signature.

1844 **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.**

- 1854 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee) shall draft the permit in accordance with the Regulation and State regulations. The draft industrial wastewater discharge permit will be submitted to SCDES for review and approval. The User shall have thirty (30) calendar days from the receipt of the draft permit to review and comment on the draft Permit. The Director shall issue the final Permit at the end of the comment period.
- 1861 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limitation, the Permit of Users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation, has not previously submitted an application for a permit, the User shall apply for a Permit within one-hundred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of an applicable standard, information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary.
- 1869 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of permits except the following changes may be made upon thirty (30) calendar days' notice:
- 1871 1. Modifications of the monitoring program contained in the permit;
  - 1872 2. Changes in the ownership of the discharge when no other change in the permit is indicated;
  - 1873 3. A single modification of any Compliance Schedule not in excess of four (4) months,
  - 1874 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not discharge until process or pretreatment facilities are operational; or
  - 1875 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or regulations, or other modifications determined necessary by the Regulatory Services Coordinator or Director under the Regulations.
- 1879 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal regulations. Such conditions shall include but are not limited to the following:
- 1882 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date, expiration date, and effective date;
  - 1883 2. A Statement of non-transferability;
  - 1884 3. Applicable effluent limits which may include daily maximum and monthly average limits, including Best Management Practices (BMPs), based on NCPS or Local Limitations;
  - 1885
  - 1886

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- 1887 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These re-  
 1888 requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling loca-  
 1889 tion, sampling frequency, and sample type based on Federal, State, and local law.  
 1890 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to  
 1891 be present, in accordance with SECTION 6.4;  
 1892 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notifi-  
 1893 cation requirements for slug discharges as defined by SC R61-9 Part 403.5(b);  
 1894 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, re-  
 1895 quirements and Permit conditions;  
 1896 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 6.4 of this Regulation;  
 1897 or  
 1898 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limita-  
 1899 tions or other pretreatment requirements.
- 1900 H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years.  
 1901 A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The  
 1902 User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the  
 1903 expiration of the Permit.
- 1904 I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not  
 1905 be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or  
 1906 changed operation. In such event a new application shall be submitted with full information. The review of  
 1907 this application will be expedited if the new Owner or operator certifies:  
 1908 1. That there is no immediate intent to change the facility’s operation and process;  
 1909 2. The date the new Owner or operator shall take over; and  
 1910 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying  
 1911 with the existing wastewater discharge permit.
- 1912 J. When requested by the Control Authority, a User must submit information on the nature and characteristics  
 1913 of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

**6.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE**

- 1914 A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreat-  
 1915 ment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision  
 1916 made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs  
 1917 subject to such NCPS shall be required to submit to the OJRSA a report which contains the information  
 1918 required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to  
 1919 commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation  
 1920 of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a  
 1921 report which contains the information required in SC R61-9.  
 1922
- 1923 B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by  
 1924 SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.  
 1925
- 1926 C. Users described within this Section shall submit the information set forth below:  
 1927 1. All information required in SECTION 6.1 of this Regulation.  
 1928 2. Measurement of Pollutants  
 1929 (a) The User shall provide the information required in OJRSA SUR 6.1(C).  
 1930 (b) The User shall take a minimum of one (1) representative sample to compile that data nec-  
 1931 essary to comply with the requirements of this Paragraph.  
 1932 (c) Samples should be taken immediately downstream from pretreatment facilities if such ex-  
 1933 ist or immediately downstream from the regulated process if no pretreatment exists. If  
 1934 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

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- 1935 Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the Pretreatment  
 1936 Standards. Where an alternate concentration or mass limit has been calculated in accord-  
 1937 ance with SC R61-9 403.6(f) this adjusted limit along with supporting data shall be submit-  
 1938 ted to the OJRSA.
- 1939 (d) Sampling and analysis shall be performed in accordance with SECTION 7.3.
- 1940 (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data  
 1941 so long as the data provides information sufficient to determine the need for industrial  
 1942 pretreatment measures.
- 1943 (f) The baseline report shall indicate the time, date, and place of sampling and methods of  
 1944 analysis, and shall certify that such sampling and analysis is representative of normal work  
 1945 cycles and expected pollutant discharges to the POTW.
- 1946 3. Compliance Certification – A statement, reviewed by the User’s Authorized Representative as de-  
 1947 fined in SECTION 2.3 and certified by a qualified professional, indicating whether Pretreatment  
 1948 Standards are being met on a consistent basis, and, if not, whether additional operation and  
 1949 maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Stand-  
 1950 ards and pretreatment requirements.
- 1951 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pre-  
 1952 treatment Standards, the shortest schedule by which the User will provide such additional pretreat-  
 1953 ment and/or O&M must be provided. The completion date in this schedule shall not be later than  
 1954 the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule  
 1955 pursuant to this Section must meet the requirements set out in SECTION 6.5 of these Regulations.
- 1956 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance  
 1957 with SECTION 6.11 of these Regulations and signed by an Authorized Representative as defined in  
 1958 SECTION 2.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signa-  
 1959 ture.

1960 **6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

1961 Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment  
 1962 Standards, or in the case of a New Source following commencement of the introduction of wastewater into the  
 1963 POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA  
 1964 a report containing the information described in SECTION 6.1 of this Regulation. For Users subject to equivalent mass  
 1965 or concentration limits established in accordance with the procedures in SECTION 4.3, this Regulation shall contain a  
 1966 reasonable measure of the User’s long-term production rate. For all other Users subject to Categorical Pretreatment  
 1967 Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of opera-  
 1968 tion), this report shall include the User’s actual production during the appropriate sampling period. All compliance  
 1969 reports must be signed and certified in accordance with SECTION 6.1. All sampling will be done in conformance with  
 1970 SECTION 7.3.

1971 **6.4 PERIODIC COMPLIANCE REPORTS**

- 1972 A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause prob-  
 1973 lems, including any slug discharges.
- 1974 B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submit-  
 1975 ted on the User discharge monitoring report (DMR) form. The DMR must include the following information  
 1976 to be considered complete:
- 1977 1. DMR form completed correctly and submitted to OJRSA with a Wet Signature or are in compliance  
 1978 with 40 CFR Part 3 Cross Media Electronic Reporting (e.g., CROMERR) (*NOTE: The only exception is*  
 1979 *if the EPA and SCDES have approved other methods for DMR submittal and the OJRSA has approved*  
 1980 *the acceptance of such DMRs).*

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- 1981 (a) If no monitoring was required for a previous month, then the blank DMR form must be  
1982 signed and submitted with the words “No monitoring required”.
- 1983 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the  
1984 signed DMR form must be submitted with the words “No Discharge” written across the  
1985 form.
- 1986 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12<sup>th</sup>) calendar day  
1987 of each month. The recognized date of acceptance is:
- 1988 (a) The paper form can be dropped off at OJRSA by the twelfth (12<sup>th</sup>).
- 1989 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12<sup>th</sup>) of the  
1990 month. Should the twelfth (12<sup>th</sup>) of the month fall on a weekend or holiday observed by the  
1991 US Postal Service, then the following day the US Postal Service is operating becomes the  
1992 submittal date based on the postmark. If the DMR was mailed by the twelfth (12<sup>th</sup>) but not  
1993 received by the OJRSA by the twenty-fourth (24<sup>th</sup>) day of the month, then it shall be consid-  
1994 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-  
1995 ance with these Regulations.
- 1996 3. DMR Components
- 1997 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-  
1998 ducted for the previous month.
- 1999 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no  
2000 flow for a day, then a zero (0) must be entered for that day.
- 2001 (c) Daily pH reporting log.
- 2002 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-  
2003 porting month.
- 2004 (e) An explanation for any violations (if necessary).
- 2005 (f) Additional information as set forth in the User’s permit as part of a completed DMR.
- 2006 4. DMRs that do not contain all the information designated above and DMRs that are not filled out  
2007 completely will be considered incomplete and subjects the User to the enforcement actions set  
2008 forth in SECTION 8 of this Regulation. DMRs are considered incomplete if the:
- 2009 (a) Data is not reported correctly,
- 2010 (b) DMR does not have a Wet Signature and a date (unless using an EPA approved method as  
2011 stated in 6.4(B)(1)),
- 2012 (c) Flow sheet does not have all flows reported for each day,
- 2013 (d) Reporting period is not shown on the DMR, or
- 2014 (e) User failed to submit all required data as stated on the Permit.
- 2015 (f) DMRs that are not submitted with all this information by the twelfth (12<sup>th</sup>) will be consid-  
2016 ered incomplete and subject to enforcement.
- 2017 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**  
2018 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,  
2019 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR  
2020 was not complete before the due date. The User will be notified of the incomplete DMR in the  
2021 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as  
2022 stated in 6.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the  
2023 User be waiting on laboratory data, then the remaining data must be submitted on the DMR form  
2024 by the twelfth (12<sup>th</sup>) and a revised DMR submitted as soon as the missing data is received. Users  
2025 that notify OJRSA of the missing data before the date as stated in 6.4(B)(2) and submit this missing  
2026 information as soon as received will not be subject to enforcement actions.
- 2027 6. Reports for “No Discharge” Industrial Users are subject to these conditions and may have specific  
2028 reports in their Discharge Permit as necessary.
- 2029 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-  
2030 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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2031 Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used  
2032 for all sampling analysis.

2033 D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such  
2034 NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit  
2035 to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless re-  
2036 quired more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of  
2037 pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of  
2038 all measured or estimated average and maximum daily flows during the reporting period. At the discretion  
2039 of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates,  
2040 holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports  
2041 are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet  
2042 applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate.  
2043 In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the  
2044 discharge of the User. These reports shall contain the results of sampling and analysis of the discharge,  
2045 including the flow and the nature and concentration, or production and mass where requested by the  
2046 OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.

2047 E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sam-  
2048 pling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demon-  
2049 strated through sampling and other technical factors that the pollutant is neither present nor expected to  
2050 be present in the Discharge or is present only at background levels from intake water and without any  
2051 increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization  
2052 is subject to the following conditions:

- 2053 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary  
2054 wastewater discharged from the facility provided that the sanitary wastewater is not regulated by  
2055 an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
- 2056 2. The monitoring waiver is valid only for the duration of the effective period of the individual Dis-  
2057 charge Permit, but in no case longer than five (5) years. The User must submit a new request for  
2058 the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
- 2059 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data  
2060 from at least one (1) sampling of the facility's process wastewater prior to any treatment present  
2061 at the facility that is representative of all wastewater from all processes.
- 2062 4. The request for a monitoring waiver must be signed in accordance with SECTION 2.3 and include the  
2063 Certification Statement in SECTION 6.1 (SC R61-9 403.6(b)(2)(ii)).
- 2064 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present  
2065 if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for  
2066 that pollutant was used in the analysis.
- 2067 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's  
2068 Permit. The reasons supporting the waiver and any information submitted by the User in its request  
2069 for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
- 2070 7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the In-  
2071 dustrial User must certify on each report with the Statement in OJRSA SUR 6.1(C)(13), that there  
2072 has been no increase in the pollutant in its Wastestream due to activities of the Industrial User.
- 2073 8. In the event that a waived pollutant is found to be present or is expected to be present because of  
2074 changes that occur in the User's operations, the User must immediately: Comply with the monitor-  
2075 ing requirements in SECTION 6, or other more frequent monitoring requirements imposed by the  
2076 Director and notify the Regulatory Services Coordinator.
- 2077 9. This provision does not supersede certification processes and requirements established in Categori-  
2078 cal Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Stand-  
2079 ard.

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- 2080 10. All periodic compliance reports must be signed and certified in accordance with SECTION 6.1 of this  
2081 Regulation.  
2082 11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring  
2083 and flow measurement facilities shall be properly operated, kept clean, and maintained in good  
2084 working order at all times. The failure of a User to keep its monitoring facility in good working order  
2085 shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.  
2086 12. All monitoring waivers must be approved by SCDES.

2087 **6.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2088 The following conditions shall apply to the Compliance Schedule required by SECTION 6.1 of this Regulation:

- 2089 A. The schedule shall contain progress increments in the form of dates for the commencement and completion  
2090 of major events leading to the construction and operation of additional pretreatment required for the User  
2091 to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engi-  
2092 neer, completing preliminary and final plans, executing contracts for major components, commencing and  
2093 completing construction, and beginning and conducting routine operation);  
2094 B. No increment referred to above shall exceed nine (9) months;  
2095 C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14)  
2096 calendar days following each date in the schedule and the final date of compliance including, as a minimum,  
2097 whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,  
2098 the steps being taken by the User to return to the established schedule; and  
2099 D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

2100 **6.6 REPORTS OF CHANGED CONDITIONS**

- 2101 A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations  
2102 or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days  
2103 before the change.  
2104 B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed  
2105 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit  
2106 application under SECTION 6.1 of this Regulation.  
2107 C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Dis-  
2108 charge Permit under SECTION 6.1 of this Regulation in response to changed or anticipated changed condi-  
2109 tions.

2110 **6.7 REPORTS OF POTENTIAL PROBLEMS**

- 2111 A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine,  
2112 episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential  
2113 problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of  
2114 the time or day the incident occurs. This notification shall include the location of the discharge, type of  
2115 waste, concentration and volume, if known, and corrective actions taken by the User.  
2116 B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit  
2117 a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User  
2118 to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, dam-  
2119 age, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any  
2120 other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or  
2121 other liability which may be imposed pursuant to this Regulation.  
2122 C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising em-  
2123 ployees who to call in the event of a discharge described in Paragraph 6.7(A). Employers shall ensure that



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2124 all employees, who could cause such a discharge to occur, are advised of the emergency notification pro-  
2125 cedure.

- 2126 D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director  
2127 immediately of any changes at its facility affecting the potential for a slug discharge.

**6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

2128 If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours  
2129 of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and  
2130 analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) cal-  
2131 endar days after becoming aware of the violation. Resampling by the Industrial User is not required if the Industrial  
2132 User performs sampling of the violated parameter at least once a month, or if OJRSA performs sampling at the User  
2133 between the time when the initial sampling was conducted and the time when the User or OJRSA receives the  
2134 results of this sampling.  
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**6.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE**

- 2136 A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and  
2137 State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed  
2138 of, would be a hazardous waste under 40 CFR part 261. Such notification must include:  
2139 1. Name of the hazardous waste as set forth in 40 CFR part 261;  
2140 2. The EPA hazardous waste number; and  
2141 3. The type of discharge (continuous, batch, or other).  
2142 B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the  
2143 POTW, the notification shall also contain the following information to the extent such information is known  
2144 and readily available to the IU:  
2145 1. An identification of the hazardous constituents contained in the wastes;  
2146 2. An estimation of the mass and concentration of such constituents in the wastewater discharged  
2147 during that calendar month; and  
2148 3. An estimation of the mass of constituents in the wastewater expected to be discharged during the  
2149 following twelve (12) months.  
2150 C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge  
2151 of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazard-  
2152 ous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9  
2153 403.12(g). The notification requirement does not apply to pollutants already reported under the self-mon-  
2154 itoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a cal-  
2155 endar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless  
2156 the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) aI261.33(e). Discharge of more than  
2157 fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute  
2158 hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subse-  
2159 quent months during which the IU discharges more than such quantities of any hazardous waste do not  
2160 require additional notification.  
2161 D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of haz-  
2162 ardous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the  
2163 EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge  
2164 of such substance within ninety (90) calendar days of the effective date of such regulations.  
2165 E. In the case of any notification, the IU shall certify that it has a program in place to reduce the volume and  
2166 toxicity of hazardous wastes generated to the degree it has determined to be economically practical.  
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**6.10 USER RECORDS**

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- 2169 A. Users subject to the reporting requirements of this Regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Regulation, 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 OJRSA SUR 4.4(D). Records shall include:
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- 2174 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
- 2175 2. The dates analyses were performed;
- 2176 3. Who performed the analyses;
- 2177 4. The analytical techniques or methods used; and
- 2178 5. The results of such analyses.
- 2179 B. 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 OJRSA, or where the User has been specifically notified of a longer retention period by the Director.
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2182 **6.11 CERTIFICATION STATEMENTS**

2183 Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 6.4 must certify on each report with the following statement that there has been no increase in the pollutant in its Wastestream due to activities of the User. The certification statement, including a Wet Signature, shall be provided by the Authorized Representative and must include the following:

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2188 **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 UNDER SECTION 6.4 OF THIS REGULATION.**

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2194 **6.12 CONFIDENTIALITY**

2195 **INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS, MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH FOIA LAWS OR TO OTHER GOVERNMENTAL AGENCY 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 OF THE USER. WHEN REQUESTED BY THE PERSON FURNISHING THE REPORT, THE PORTIONS OF A REPORT WHICH THE DIRECTOR HAS DETERMINED MIGHT DISCLOSE TRADE SECRETS OR SECRET PROCESSES SHALL NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC. IT SHALL, HOWEVER, BE MADE AVAILABLE UPON WRITTEN REQUEST TO GOVERNMENTAL AGENCIES FOR USES RELATED TO THESE REGULATIONS, THE NPDES PERMIT, OR OTHER USES DETERMINED APPROPRIATE BY THE DIRECTOR. THE INFORMATION SHALL BE AVAILABLE FOR USE BY THE STATE IN JUDICIAL REVIEW OR ENFORCEMENT PROCEEDINGS INVOLVING THE PERSON FURNISHING THE INFORMATION. WASTEWATER CONSTITUENTS AND CHARACTERISTICS SHALL NOT BE RECOGNIZED AS CONFIDENTIAL INFORMATION.**

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2208 **6.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY**

- 2209 A. Industrial User Discharge Permit Review
- 2210 1. After review of the Industrial Discharge Permit Application and Questionnaire form, SIC, and NAICS, the Director and/or SCDES may require that the User be issued an Industrial User Discharge Permit. The Discharge Permit itself may apply to either total industrial process discharge or to a combined sanitary/industrial Wastestream discharge; however, sanitary/industrial combined Wastestreams
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- 2214 are discouraged for monitoring purposes. The industrial process discharge may or may not be pre-  
 2215 treated.
- 2216 2. During the review process, unique conditions are established for each industrial category. The final  
 2217 Discharge Permit specifies the exact conditions which are applicable to the specific permittee  
 2218 (User). In the permit process, specific self-monitoring characterization of the wastewater is re-  
 2219 quired for certain industrial categories. Every Discharge Permit has established selected pollutants  
 2220 for self-monitoring purposes, which are established through Categorical Pretreatment Standards or  
 2221 the pollutants that are present and/or are suspected of being present in the wastewater discharge.  
 2222 If the User has been determined to be categorical, effluent parameters will be based upon the EPA's  
 2223 Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL  
 2224 BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS,  
 2225 WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pre-  
 2226 treatment Standards must be included in the Discharge Permit, even though the User may not dis-  
 2227 charge all or any of the regulated pollutants.
- 2228 3. Reporting frequency is at the discretion of the Director. Contributing factors are:  
 2229 (a) Categorical Requirements,  
 2230 (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type  
 2231 and concentrations of pollutants in the Wastestream,  
 2232 (c) Past compliance history, and  
 2233 (d) Reasonable potential to adversely affect the sewer system.
- 2234 4. Discharge Permit limits will be developed based on the historical data from an industry and the  
 2235 Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on  
 2236 need and pollutants of concern for the permitted industry.
- 2237 B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water recla-  
 2238 mation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to de-  
 2239 velop technically based limits for Significant Industrial Users under the Pretreatment Program. The head-  
 2240 works analysis is calculated through a required design loading program utilizing treatment efficiencies, pro-  
 2241 cess inhibition levels, and water quality criteria on the receiving stream. The information obtained from the  
 2242 headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a  
 2243 specific criteria on the total allowable loading for the WRF and may significantly alter total allowable load-  
 2244 ing. Total allowable loading is at the discretion of the Director.

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2245 **Section 7 – Sampling and Monitoring**2246 **7.1 RIGHT OF ENTRY AND INSPECTIONS**

- 2247 A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper cre-  
2248 dentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter  
2249 upon any property of Users to determine whether the User is complying with all the requirements of these  
2250 Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall al-  
2251 low OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying  
2252 records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and  
2253 filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their prem-  
2254 ises for said purposes. Where a User has security measures in force which would require proper identifica-  
2255 tion and clearance before entry into their premises, the User shall make necessary arrangements with their  
2256 security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to  
2257 enter, without delay, for the purposes of performing their specific responsibilities.
- 2258 B. The SIU inspection and sampling plan is as follows:
- 2259 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
  - 2260 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire,  
2261 then OJRSA can inspect and sample the facility more often than annually.
  - 2262 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and  
2263 sample the facility more often than annually.
  - 2264 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often  
2265 than annually; especially if the causative agent is known and the SIU has this pollutant in their  
2266 wastewater.
  - 2267 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more  
2268 often than annually.
  - 2269 6. If the collection system has blockages or issues and the SIU discharges to that collection system  
2270 section, then OJRSA can inspect and sample the SIU more often than annually.
  - 2271 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the  
2272 facility more often than annually.
  - 2273 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction  
2274 permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment  
2275 system.
  - 2276 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event  
2277 of an emergency where the public health or the environment can be impacted.
  - 2278 10. Should OJRSA need to gather site specific information to administer the pretreatment program,  
2279 then OJRSA can inspect and sample the SIU more often than annually.
- 2280 C. The Nonresidential User inspection and sampling plan is as follows:
- 2281 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
  - 2282 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to  
2283 the violation.
  - 2284 3. If the collection system has blockages or issues and the User discharges to that collection system  
2285 section, then OJRSA can inspect and sample the User.
  - 2286 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and  
2287 sample the User as part of their evaluation of their pretreatment program update.
  - 2288 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and  
2289 sample the User as required by this regulation.

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- 2290 6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often  
 2291 if the User has the potential to cause the upset.  
 2292 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.  
 2293 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where  
 2294 the public health or the environment can be impacted.  
 2295 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.  
 2296 D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-  
 2297 mented by the employee and the Director should be notified as soon as possible. The Director will discuss  
 2298 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with  
 2299 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.  
 2300 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set  
 2301 forth in this Regulation.  
 2302 E. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN-**  
 2303 **NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREE-**  
 2304 **MENTS.** Any records that are reviewed during the inspection and must be kept confidential must be  
 2305 stamped with the word “confidential” and OJRSA will adhere to the confidentiality provisions set forth in  
 2306 this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and  
 2307 the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

2308 **7.2 COMPLIANCE DETERMINATION**

- 2309 A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of com-  
 2310 posite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour  
 2311 period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific  
 2312 circumstances.  
 2313 B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User’s property,  
 2314 or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s  
 2315 operations.  
 2316 C. OJRSA may require the User to install monitoring equipment as necessary. The facility’s sampling and mon-  
 2317 itoring equipment shall be maintained at all times in a safe and proper operating condition by the User at  
 2318 its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to  
 2319 ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and avail-  
 2320 able to OJRSA upon request.  
 2321 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or  
 2322 sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not  
 2323 be replaced. The costs of clearing or removing such access shall be borne by the User.  
 2324 E. Unreasonable delays in allowing OJRSA personnel access to the User’s premises shall be a violation of this  
 2325 Regulation and subject to the enforcement actions set forth in this regulation.

2326 **7.3 ANALYSIS OF INDUSTRIAL WASTEWATERS**

2327 All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit  
 2328 Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR  
 2329 Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.  
 2330 If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the  
 2331 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,  
 2332 sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling  
 2333 and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.

2334 **7.4 SAMPLING FREQUENCY**

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2335 Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and  
 2336 limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct  
 2337 compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categori-  
 2338 cal Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set  
 2339 forth in the Industrial User Discharge Permit as issued by OJRSA.

2340 **7.5 SAMPLE COLLECTION**

- 2341 A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate  
 2342 sampling and analysis performed during the period covered by the report, based on data that is repre-  
 2343 sentative of conditions occurring during the reporting period.
- 2344 B. Except as indicated in this Paragraph and 7.5(C), the User must collect wastewater samples using twenty-  
 2345 four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite  
 2346 sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite sam-  
 2347 pling or grab sampling is authorized, the samples must be representative of the discharge.
- 2348 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic com-  
 2349 pounds must be obtained using grab collection techniques.
- 2350 D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required  
 2351 in SECTIONS 6.2 and 6.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples  
 2352 must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for  
 2353 facilities for which historical sampling data do not exist; for facilities for which historical sampling data are  
 2354 available, OJRSA may authorize a lower minimum. For the reports required by SECTION 6.4 the Industrial  
 2355 User is required to collect the number of grab samples necessary to assess and assure compliance by with  
 2356 applicable Pretreatment Standards and requirements.

2357 **7.6 SAMPLING STRUCTURE**

- 2358 A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA  
 2359 may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The  
 2360 purpose of this structure is so that a representative sample of the User's discharge to the sewer system  
 2361 may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA person-  
 2362 nel and shall be constructed in compliance with OJRSA specifications for these types of structures.
- 2363 B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the struc-  
 2364 ture to be located in public right-of-way in certain cases when an onsite location would be impractical.  
 2365 Approval for location in a public right-of-way must be obtained by the appropriate governing body.

2366 **7.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING**

2367 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 4.1(B)(4) except excursions  
 2368 from the range are permitted subject to the following limitations:

- 2369 A. The total time during which the pH values are outside the required range of pH values shall not exceed  
 2370 two (2) hours in any calendar month; and
- 2371 B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

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2372 **Section 8 – Enforcement**2373 **8.1 ENFORCEMENT MANAGEMENT STRATEGY**

2374 The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed  
 2375 by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforce-  
 2376 ment.

2377 **8.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES**

- 2378 A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these  
 2379 Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Per-  
 2380 mit, the Director or his/her designee may serve upon such a person an appropriate written notice stating  
 2381 the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may  
 2382 require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15)  
 2383 calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory  
 2384 correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission  
 2385 of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the  
 2386 notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice  
 2387 of Significant Noncompliance (NOSNC). Refer to SECTION 8 of this Regulation.
- 2388 B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come  
 2389 into compliance with the discharge permit.
- 2390 1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary  
 2391 compliance, or other similar documents establishing an agreement with the person responsible for  
 2392 the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall  
 2393 include specific action to be taken by the person to correct the violation within a time period spec-  
 2394 ified by the Consent Order and contain other terms and conditions. A violation of a Consent Order  
 2395 shall constitute a violation or violations under this Regulation.
  - 2396 2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any  
 2397 provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any  
 2398 other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the  
 2399 User responsible for the discharge directing that the User come into compliance within a specified  
 2400 time. If the User does not come into compliance within the time provided, sewer service may be  
 2401 discontinued unless adequate treatment facilities, devices, or other related appurtenances are in-  
 2402 stalled and properly operated. Compliance Orders also may contain other requirements to address  
 2403 the noncompliance, including additional self-monitoring and management practices designed to  
 2404 minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend  
 2405 the deadline for compliance established for a Pretreatment Standard or requirement, nor does a  
 2406 Compliance Order relieve the User of liability for any violation, including any continuing violation.  
 2407 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other  
 2408 action against the User.
  - 2409 3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement  
 2410 actions have failed to bring a User into compliance with their Discharge Permit.
    - 2411 (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this  
 2412 Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pre-  
 2413 treatment Standard or requirement, or that the User’s past violations are likely to recur,  
 2414 the Director may issue a Cease and Desist Order to the User directing it to cease and desist  
 2415 all such violations and directing the User to:
      - 2416 (i) Immediately comply with all requirements; and

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- 2417 (ii) Take such appropriate remedial or preventive action as may be needed to properly  
 2418 address a continuing or threatened violation, including halting operations and/or  
 2419 terminating the discharge.
- 2420 (b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking  
 2421 any other action against the User.
- 2422 C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User  
 2423 and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The  
 2424 Consent Order Agreement may contain such other terms and conditions, including but not limited to, pro-  
 2425 visions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pre-  
 2426 treatment, and payment of all administrative costs, expenses, attorney’s fees, and civil penalties.
- 2427 D. Notice to Show Cause at Adjudicatory Hearing
- 2428 1. The Director may order any User who causes or is responsible for an unauthorized discharge or  
 2429 other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action  
 2430 should not be taken. A notice shall be served on the User specifying the time and place for the  
 2431 hearing, the proposed enforcement action, the reasons for such action, and a request that the User  
 2432 show cause why this proposed enforcement action should not be taken.
- 2433 2. Service – The notice of the hearing to the User shall be served personally, by registered or certified  
 2434 mail (return receipt requested), or other trackable means to ensure delivery is made to the User at  
 2435 least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OF-  
 2436 FICER OF THE USER.**
- 2437 3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause  
 2438 Hearing
- 2439 (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) cal-  
 2440 endar days following mailing of any final administrative action or decision by the OJRSA to  
 2441 the User on any violation, application, permit, certificate, or other licensing matter.
- 2442 (b) A request for an Informal Conference prior to the show cause hearing may be made by a  
 2443 User but not to delay the hearing date. If the request is granted, an Informal Conference  
 2444 may be held by the Director or their designee to explore ways and means to obtain compli-  
 2445 ance by consent without the necessity of a formal Adjudicatory Hearing.
- 2446 4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath  
 2447 and transcribed by a court reporter. A copy of the transcript shall be made available to any member  
 2448 of a party to the hearing upon payment of the usual charges thereof to the court reporter employed  
 2449 to provide said transcription.
- 2450 5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudi-  
 2451 catory Hearing. The Hearing Officer shall have no connection with the preparation or presentation  
 2452 of the evidence at the hearing.
- 2453 6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set  
 2454 forth in SECTION 8 of this Regulation.
- 2455 E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions,  
 2456 prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding  
 2457 agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons  
 2458 in violation to perform any or all of the following:
- 2459 1. Comply forthwith;
- 2460 2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
- 2461 3. Take appropriate remedial or preventative action in the event of a continuing or threatened viola-  
 2462 tion;
- 2463 4. Prohibit or reduce the discharge;
- 2464 5. Provide wastewater storage or flow equalization;
- 2465 6. Make payment by the User to cover added costs of handling and treatment costs and the adminis-  
 2466 trative costs of the enforcement action;



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- 2467 7. Post performance bonds;
- 2468 8. Act to take other steps to achieve compliance;
- 2469 9. Pay fines and penalties to OJRSA;
- 2470 10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the
- 2471 OJRSA for the hearing or enforcement procedure.
- 2472 F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of
- 2473 this Regulation as described in SECTION 8.6. Prior to the imposition of civil penalties, an adjudicatory hearing
- 2474 will be offered to the User.
- 2475 G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DIS-**
- 2476 **CHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER TO STOP AN ACTUAL OR THREATENED DISCHARGE**
- 2477 **WHICH PRESENTS OR MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH**
- 2478 **OR WELFARE OF PERSONS OR THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM**
- 2479 **OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DIS-**
- 2480 **CHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR**
- 2481 **MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency sus-
- 2482 pension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calen-
- 2483 dar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit
- 2484 terminated. The User shall submit a detailed written statement describing the causes of the violations and
- 2485 the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE**
- 2486 **EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE**
- 2487 **DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE**
- 2488 **SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination
- 2489 of the violations or the risk for damage to life, health, property, and/or the environment has subsided.
- 2490 H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or appli-
- 2491 cable State and Federal regulations, is subject to having their permission to discharge revoked. The Director
- 2492 may revoke any Permit for the following reasons:
- 2493 1. Failure to factually report the wastewater constituents and characteristics of their discharge;
- 2494 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 2495 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- 2496 4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer
- 2497 system that connects with OJRSA conveyance and/or treatment facilities;
- 2498 5. Tampering with or deliberately altering monitoring equipment;
- 2499 6. Falsifying DMRs or other reports;
- 2500 7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment
- 2501 plant process, sludge disposal practices or requirements, or other modifications of a similar nature
- 2502 that impact the OJRSA's ability to accept industrial or other wastewaters;
- 2503 8. For causes necessitating an emergency suspension;
- 2504 9. Discharge of wastewater prohibited by these Regulations;
- 2505 10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms
- 2506 of the wastewater discharge permit or these Regulations;
- 2507 11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.
- 2508 I. A User whose permission to discharge has been revoked may apply for new permission to discharge and
- 2509 shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however,
- 2510 the OJRSA is under no obligation to allow the User to reconnect.

2511 **8.3 JUDICIAL REMEDIES**

2512 Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the

2513 wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

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2514 Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Admin-  
 2515 istrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal  
 2516 or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

#### 2517 **8.4 INJUNCTIVE RELIEF**

2518 The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction,  
 2519 damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or reg-  
 2520 ulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time  
 2521 or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User  
 2522 or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of  
 2523 any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, tak-  
 2524 ings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or respon-  
 2525 sible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation  
 2526 of State or Federal Pollution Control laws, rules, or regulations.

#### 2527 **8.5 CRIMINAL VIOLATIONS**

- 2528 A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper  
 2529 Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with  
 2530 criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has au-  
 2531 thority to take actions to protect life, health, property, and/or the environment using means detailed in  
 2532 Paragraph 8.2(G) and other sections of this Regulation.
- 2533 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 8.6 for such  
 2534 violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

#### 2535 **8.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS**

- 2536 A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.
- 2537 B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or per-  
 2538 mit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees  
 2539 associated with enforcement action may be taken against the User in violation of Regulations. These costs  
 2540 may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time  
 2541 of the violation.
- 2542 C. Administrative and Civil Penalties:
- 2543 1. A User will be subject to administrative and civil penalties up to two thousand dollars (\$2,000) per  
 2544 violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the  
 2545 maximum amount that may be administrated for each violation, per day the violation occurred
  - 2546 2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct of-  
 2547 fense. In case of monthly or long-term discharge limits, fines may be assessed for each day during  
 2548 the period of violation. The OJRSA shall have such remedies for the collection of such assessments  
 2549 as it has for collection of other service charges.
- 2550 D. Payment of Costs -
- 2551 1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal  
 2552 violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to  
 2553 OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or  
 2554 criminal penalties. Payments not received by the due date are subject to late fees as stated in the  
 2555 *OJRSA Schedule of Fees*.
  - 2556 2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater  
 2557 or discharges in excess of the limitations required under its permits or the Regulations of the  
 2558 OJRSA.

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2559 E. Failure to Pay – See SECTION 8.8.

### 2560 **8.7 PERFORMANCE BONDS**

2561 The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of  
2562 these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory  
2563 bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the  
2564 costs of any scheduled improvements and to achieve consistent compliance.

### 2565 **8.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT**

2566 The Director shall have the right to discontinue sewer service to the property of a User of such service in the event  
2567 of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been  
2568 given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA  
2569 or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis  
2570 of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of  
2571 ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of  
2572 disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the  
2573 notice as provided under the OJRSA Regulations.

### 2574 **8.9 TENANT RESPONSIBILITY**

- 2575 A. In matters where the property was used without a formal or informal arrangement, the Owner of the prop-  
2576 erty shall be held responsible. *The burden of proof for providing a binding version of a formal or informal*  
2577 *agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such  
2578 evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of  
2579 OJRSA costs.
- 2580 B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal  
2581 arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or  
2582 indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of  
2583 these Regulations and recovery of OJRSA costs.

### 2584 **8.10 VANDALISM**

2585 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or pre-  
2586 vent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation  
2587 of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be  
2588 subject to the sanctions established in SECTION 8 of this Regulation, which could include referral to the law enforce-  
2589 ment agency with jurisdiction for potential criminal investigation.

### 2590 **8.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

2591 The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA  
2592 and/or SCDES) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the Industrial  
2593 Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Pre-  
2594 treatment Standards and requirements. This publication will be done during the first quarter of each year for the  
2595 previous calendar year.

### 2596 **8.12 ENFORCEMENT MANAGEMENT STRATEGY**

- 2597 A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider  
2598 the following criteria when determining a proper response to the violation and the context of the User’s  
2599 prior violations:

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- 2600 1. Magnitude of the Violation
- 2601 (a) Unless a violation is Significant Noncompliance (SNC) as defined in the *OJRSA Sewer Use*
- 2602 *Regulation*, then the OJRSA Pretreatment Department will usually start with the minimum
- 2603 enforcement action; however, for severe violations that threaten the public health, envi-
- 2604 ronment, damage public and/or private property, penalties can be more stringent.
- 2605 (b) Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative
- 2606 Order. This order may include a Compliance Schedule requiring the User to comply with
- 2607 regulations by a specific date. The magnitude or severity of the violation is determined by
- 2608 whether the violation meets the definition of SNC. The significance of the violation will in-
- 2609 fluence the type of enforcement action taken by the Pretreatment Department based on
- 2610 this evaluation.
- 2611 2. Duration of the Violation
- 2612 (a) Prolonged periods of violation should subject the User to escalating enforcement actions.
- 2613 (b) Enforcement escalation does not depend on the severity of the violation.
- 2614 (c) Violations which result in SNC will be treated more severely due to the guidelines set forth
- 2615 by the State and the Federal government regulations.
- 2616 (d) Extended periods of noncompliance shall not be tolerated and enforcement actions will be
- 2617 taken to prevent this from occurring.
- 2618 (e) Chronic noncompliance will be addressed with escalating enforcement actions up to and
- 2619 including termination of sewer service to stop the noncompliance.
- 2620 (f) Prolonged violations that result in harm to the POTW will be addressed by enforcement
- 2621 actions, which include recovery of the costs to repair any damage.
- 2622 3. Effect of the Violation on the Receiving Water
- 2623 (a) Prevention of pass-through of pollutants to the water body is a major component of the
- 2624 development of acceptable limits for the User.
- 2625 (b) Each water body has established limits for pollutants to protect the organisms that live in
- 2626 the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit
- 2627 the POTW and potentially cause environmental harm.
- 2628 (c) The minimum enforcement action for a violation impacting receiving waters will include an
- 2629 Administrative Order, which is to include a penalty. The penalty will also include any pen-
- 2630 alties or fines paid by the POTW to a regulatory or response agency (e.g., SCDES, EPA,
- 2631 SCDNR, Oconee County Emergency Management, etc.) and may include damages for the
- 2632 destruction of natural resources, manmade structures, and/or the POTW. Termination of
- 2633 sewer service may be an option if noncompliance continues uncorrected.
- 2634 4. Effect of the Violation on the POTW
- 2635 (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed
- 2636 charges for correcting the impact.
- 2637 (b) Adverse impacts include, but are not limited to, the following:
- 2638 (i) Significant increases in treatment costs;
- 2639 (ii) Interference with POTW treatment processes;
- 2640 (iii) Harm to the general public or POTW personnel;
- 2641 (iv) Equipment damage;
- 2642 (v) Negative operational changes;
- 2643 (vi) Damage to the conveyance system piping through pipe corrosion or blockage;
- 2644 (vii) Explosion in conveyance system or POTW; and/or
- 2645 (viii) Sludge contamination resulting in increased disposal cost.
- 2646 (c) Any labor costs or repair costs will be passed onto the User that caused the adverse impact
- 2647 to occur in accordance with SECTION 8.6.
- 2648 (d) Minimum enforcement actions will include an Administrative Order with associated penal-
- 2649 ties including cost recovery for adverse impacts in accordance with SECTION 8.6.

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- 2650 5. Compliance History of the User
- 2651 (a) The compliance history of a User will be evaluated when assessing the severity of the vio-
- 2652 lation.
- 2653 (b) A User who has a pattern of recurring violations (which may be the same or different pa-
- 2654 rameters or regulatory requirements) can be an indication that the User does not take
- 2655 wastewater issues or environmental protection regulations seriously or their system is in-
- 2656 adequately designed for the specific wastewater conditions.
- 2657 (c) A User that has recurring violations has an increased likelihood of causing future significant
- 2658 violations.
- 2659 (d) A User who has recurring violations may be dealt with more severely to ensure that com-
- 2660 pliance is achieved.
- 2661 (e) A recurring violation history will result in more advanced enforcement actions being as-
- 2662 sessed against a User, up to and including termination of service.
- 2663 6. Good Faith of the User in Reporting, and Responding to, the Violation
- 2664 (a) A User who takes measures to correct the violation and take care of any issues as quickly
- 2665 as possible will have shown good faith efforts.
- 2666 (b) Good faith is demonstrated by cooperation and completion of corrective measures in a
- 2667 timely manner.
- 2668 (c) This effort will be considered when deciding what enforcement actions will be taken; how-
- 2669 ever, *good faith does not eliminate the need to take an enforcement action.*
- 2670 (d) Good faith is not defined as compliance with previous enforcement actions.
- 2671 (e) Recovery of costs from an upset will take place regardless of good faith actions that may
- 2672 have been taken.
- 2673 B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with
- 2674 the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
- 2675 1. All violations shall normally be identified and documented within thirty (30) calendar days of re-
- 2676 ceiving compliance information.
- 2677 2. Initial enforcement responses involving contact with the User and requesting information on cor-
- 2678 rective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
- 2679 3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar
- 2680 days of the initial enforcement response. For all continuing violations, the response will include a
- 2681 Compliance Schedule.
- 2682 4. Violations which threaten or affect health, property or environmental quality are considered emer-
- 2683 gencies and will receive immediate responses such as halting the discharge or terminating service.
- 2684 5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Admin-
- 2685 istrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.
- 2686 C. Industrial User Response to Noncompliance
- 2687 1. Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becom-
- 2688 ing aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submit-
- 2689 ted to report the violation. This form must be submitted to the Regulatory Services Coordinator or
- 2690 Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of
- 2691 the day on which it occurs (including weekends and holidays).
- 2692 2. The notification shall be followed by a written report, when required by the Regulatory Services or
- 2693 Pretreatment Coordinator, within five (5) business days. The report of noncompliance shall include:
- 2694 (a) A description of the characteristics of the noncompliance;
- 2695 (b) Sampling results;
- 2696 (c) A statement of the cause of noncompliance; and
- 2697 (d) An account of the time and duration of the violation including dates and times; or if not
- 2698 corrected, the anticipated time the noncompliance is expected to continue, and activities
- 2699 being taken to reduce, eliminate, and prevent recurrence of the violation.

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- 2700 3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit  
 2701 the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.
- 2702 4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which  
 2703 may be incurred as a result of damage to the POTW, persons or property, or environmental harm;  
 2704 nor shall such notification relieve the User of any fines, civil penalties, or other liability which may  
 2705 be imposed by this Regulation or other applicable laws.
- 2706 D. Assignment of Responsibilities
- 2707 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by  
 2708 the Director to implement the Pretreatment Program and to enforce compliance with all Permits  
 2709 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated  
 2710 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this  
 2711 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-  
 2712 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee  
 2713 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that  
 2714 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either  
 2715 through purposeful investigation or in the normal course of duties performed.
- 2716 2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, which-  
 2717 ever OJRSA employee or consultant is in position to do so may be used to collect evidence of the  
 2718 violation. The Coordinator may employ the services of outside laboratories or consultants in the  
 2719 collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon  
 2720 to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence,  
 2721 compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's  
 2722 attorney(s) in preparing and executing enforcement actions.
- 2723 E. Enforcement Response Guide
- 2724 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based  
 2725 on the whether the noncompliance involves:
- 2726 (a) Sampling, Monitoring, and Reporting (SECTION 8.12.1);  
 2727 (b) Compliance Schedules (Construction Phases or Planning) (8.12.2);  
 2728 (c) Effluent Limits (8.12.3);  
 2729 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-  
 2730 vestigations (8.12.4);  
 2731 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 8.12.5;  
 2732 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (8.12.6);  
 2733 and/or  
 2734 (g) Other Regulatory Violations (8.12.8).
- 2735 2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate  
 2736 enforcement responses to various types of noncompliance and appropriate OJRSA personnel to  
 2737 implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND**  
 2738 **DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**
- 2739 3. The Director may delegate his/her role and authority in any enforcement action as deemed appro-  
 2740 priate. (SECTION 8.1)
- 2741 4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES  
 2742 Permit, and other locally established regulations.
- 2743 5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.
- 2744 6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Con-  
 2745 ference or Notice of Violation when the violation does not meet the criteria of Significant Noncom-  
 2746 pliance (SNC) or when the User is cooperative in quickly resolving the problems.
- 2747 7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems  
 2748 will incur more severe enforcement actions, up to and including termination of sewer service.

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8. Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance Schedule for which the User is to follow.
9. The enforcement actions chosen for a particular violation or group of violations will be appropriate and representative of the magnitude and nature of the violation. *Enforcement actions for ongoing violations shall be progressive and more severe as the violations continue.* When violations are initially found, an enforcement action will be taken at that time. At the end of each calendar quarter, each user will be evaluated for SNC. If a user is found to be in SNC for the violation(s), then additional enforcement actions will be taken as delineated in this ERG. The enforcement actions taken will be adequate to promote a timely solution to the violations.
10. Enforcement actions taken against each User shall be considered individually and are not necessarily based on penalties, actions, and/or fines issued to other Users who were in violation.

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**8.12.1 Sampling, Monitoring, and Reporting Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	NOV with response required within ten (10) business days.	RSC, PC
	Industrial User does not respond to NOV and/or AO.	AO; civil action and penalties (SECTION 8.6); Adjudicatory Hearing including penalty (SECTION 8.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action; seek termination of water and/or sewer.	RSC, PC, Dir
	No response received.	Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	Dir
	Report is improperly signed or certified, or is otherwise incomplete, first offense.	NOV.	RSC, PC
	Report is improperly signed or certified, or is otherwise incomplete, after notice by POTW.	AO; Adjudicatory Hearing; civil action and penalties (SECTION 8.6).	RSC, PC
	Isolated not significant violation; Report less than forty-five (45) calendar days late.	NOV.	RSC, PC
	Significant - Report forty-five (45) calendar days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC
	Reports are always late or no report at all.	AO and/or penalty; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir

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	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory Hearing; seek termination of water and/or sewer.	RSC, PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	RSC, PC
	Unintentional use of incorrect sample collection techniques.	NOV.	RSC, PC
	Unintentional use of incorrect sample type.	NOV.	RSC, PC
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	NOV - Response required within ten (10) business days; AO.	RSC, PC
	No response received.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV; request corrected form.	RSC, PC
	Recurring deficiencies.	AO and/or penalty (SECTION 8.6).	RSC, PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	RSC, PC
	Continued violations- Remains uncorrected forty-five (45) calendar days or more - SNC.	NOSNC; AO; Adjudicatory Hearing; penalty.	RSC, PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	RSC, PC
	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Improper sampling, no evidence of intent.	NOV; AO.	RSC, PC



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	Improper sampling - Evidence of negligence or intent.	AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation; seek termination of water and/or sewer.	Dir

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**8.12.2 Compliance Schedules ERG (Construction Phases or Planning)**

<b>Violation</b>	<b>Circumstances</b>	<b>Range of Response</b>	<b>Personnel</b>
Missed interim date	Will not cause late final date or other interim dates (less than ninety (90) calendar days).	NOV.	RSC, PC
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, good cause for delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, no good cause or delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC PC, Dir
	Missed milestone by more than ninety (90) calendar days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action.	RSC, PC, Dir
	Missed milestone by more than forty-five (45) calendar days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action; request criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; Adjudicatory Hearing.	RSC, PC, Dir
	Ninety (90) calendar days or more outstanding - Failure or refusal to comply - Without good or valid cause - SNC.	AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
Failure to install monitoring equipment	Delay of less than forty-five (45) calendar days.	NOV; AO.	RSC, PC
	Delay of forty-five (45) calendar days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Cost recovery and	RSC, PC, Dir

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		civil penalties for each additional day (SECTION 8.6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of water and/or sewer.	Dir

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**8.12.3 Effluent Limit Violations ERG**

<b>Violation</b>	<b>Circumstances</b>	<b>Range of Response</b>	<b>Personnel</b>
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	RSC, PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	RSC, PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing.	RSC, PC, Dir
	Violations that are recurring and/or SNC (meet chronic definition); no damage to POTW and/or environment.	If violation has already been corrected - NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 8.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; seek termination of water and/or sewer.	RSC, PC, Dir
	Isolated; no harm to POTW and/or environment.	NOV.	RSC, PC

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Discharge of untreated wastewater - spill, bypass, or improper operation of pretreatment facility	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Discharge without a permit or approval	One time without known environmental or POTW damage; User unaware of requirement.	NOV; include application for permit and timeframe for submission of the completed application.	RSC, PC
	Continuing violation without known environmental or POTW damage; User fails to apply for permit after notice - SNC.	AO; Adjudicatory Hearing including penalty; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
	One time that results in environmental and/or POTW damage; User unaware of requirement - SNC.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of water and/or sewer.	RSC, Dir
	First (1 <sup>st</sup> ) offense - User aware of requirement.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Nonpermitted discharge (failure to renew permit)	Industrial User has not submitted questionnaire within ten (10) calendar days of due date.	NOV - Response required within ten (10) business days.	RSC, PC

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**8.12.4 Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations ERG**

Violation	Circumstances	Range of Response	Personnel
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	NOV and/or AO.	RSC, PC

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	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Violation of Discharge Permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	RSC, PC
	Evidence of negligence or intent - SNC.	Adjudicatory Hearing; criminal investigation; sewer ban.	RSC, PC, Dir
Entry denial or consent withdrawn; copies of records denied; permission to photograph, videotape or electronically record image denied	Entry denied or consent withdrawn; Copies of records denied; electronic recordings denied.	Return to User (obtain a warrant if necessary); NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir

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**8.12.5 Excessive Inflow and Infiltration from Satellite Sewer Systems and Other Users ERG**

Violation	Circumstances	Range of Response	Personnel
Excessive inflow and infiltration from systems and connections not owned by OJRSA (for each location identified by OJRSA through means and methods detailed in SECTION 4.15)	Initial violation.	NOV.	Eng, Dir, Atty
	Second (2 <sup>nd</sup> ) violation.	AO; Adjudicatory Hearing.	Eng, Dir, Atty
	Third (3 <sup>rd</sup> ) violation.	AO; Adjudicatory Hearing; civil action; requirement for CMOM for entire Satellite Sewer System or privately-owned User's sewer system.	Eng, Dir, Atty
	Fourth (4 <sup>th</sup> ) and subsequent violations.	AO; Adjudicatory Hearing; civil penalties (SECTION 8.6).	Eng, Dir, Atty

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**8.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit)**

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**ERG**

Violation	Circumstances	Range of Response	Personnel
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Failure to install FOG Control Device (FCD)	First (1 <sup>st</sup> ) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 <sup>nd</sup> ) violation.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 <sup>rd</sup> ) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Fourth (4 <sup>th</sup> ) violation.	Seek termination of water and/or sewer.	RSC, PC, Dir
	No response to notifications.	Seek termination of water and/or sewer.	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; cost recovery (SECTION 8.6).	RSC, PC, Dir, Atty
FCD not maintained as required	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir

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	Failure to address FCD maintenance issues within timeframes set forth by OJRSA.	Seek termination of water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Structure failure of FCD	First (1 <sup>st</sup> ) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 <sup>nd</sup> ) violation.	NOV; penalty up to one-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 <sup>rd</sup> ) violation.	SNC; AO to repair structural failures or install new FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Fourth (4 <sup>th</sup> ) violation.	Seek termination of water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Failure to address FCD structure failure within timeframes set forth by OJRSA.	Seek termination of water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to maintain records	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal	RSC, PC, FOG Insp, Dir

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		discharge (SECTION 8.6); seek termination of water and/or sewer.	
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Failure to properly maintain records after previous enforcement actions.	Seek termination of water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to allow access	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Seek termination of water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Use of prohibited FOG Control Additives	First (1 <sup>st</sup> ) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of water and/or sewer.	RSC, PC, Dir
	Second (2 <sup>nd</sup> ) violation.	Seek termination of water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
FOG waste hauler / plumber fails to properly clean and maintain FCD	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost	RSC, PC, FOG Insp, Dir

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		recovery for expenses incurred due to illegal discharge (SECTION 8.6).	
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber fails to submit records to OJRSA in timely manner	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber discharges wastewater, FOG, or other prohibited materials back into the FCD	First (1 <sup>st</sup> ) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of User's water and/or sewer.	RSC, PC, Dir
FOG waste hauler / plumber decants wastewater back into the FCD or sewer system	First (1 <sup>st</sup> ) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of User's water and/or sewer.	RSC, PC, Dir

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**8.12.7 Hauled Waste Acceptance Violations ERG**

<b>Violation</b>	<b>Circumstances</b>	<b>Range of Response</b>	<b>Personnel</b>
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Abuse of conditions established in Sections 10.1 and 10.2	First (1 <sup>st</sup> ) violation.	Noncompliance notification letter sent to Hauled Waste Transporter company Owner <sup>1</sup> detailing violation; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC
	Second (2 <sup>nd</sup> ) violation.	Suspension of violator’s Waste Hauler License for two (2) months or after all outstanding fees have been received by OJRSA, whichever is later; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC, Dir
	Third (3 <sup>rd</sup> ) violation.	Permanent suspension of violator’s Waste Hauler License and notification to SCDES of Hauled Waste Transporter’s status. The company and person, regardless of whether he works for the same company or another Hauled Waste Transporter, will no longer be able to dispose of product at OJRSA facilities.	RSC, PC, Dir

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**8.12.8 Other Regulatory Violations ERG**

<b>Violation</b>	<b>Circumstances</b>	<b>Range of Response</b>	<b>Personnel</b>
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to properly operate and maintain pre-treatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within ten (10) business days; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; seek termination of water and/or sewer.	RSC, PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	RSC, PC

<sup>1</sup> As stated on Waste Hauler License.

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	Inspection finds files incomplete or missing (evidence of intent).	Civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); penalty.	RSC, PC, Dir
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	RSC, PC
	Minor, evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Failure to mitigate non-compliance or curtail production	No damage to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within ten (10) business days.	RSC, PC
	Recurring violation.	AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir

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2772 **Section 9 – Fats, Oils, and Grease (FOG) Control Program**

2773 The OJRSA is mandated by Federal and State regulations to prevent the discharge of untreated sewer to the envi-  
 2774 ronment. OJRSA is subject to enforcement actions from SCDES and/or EPA when untreated wastewater reaches the  
 2775 environment. Fats, oils, and grease (FOG) can block the sewer lines and cause the untreated sanitary wastewater  
 2776 to overflow into the environment. In order to address this requirement, the OJRSA has established the following  
 2777 FOG Control Program, which is also supported by the OJRSA Development Policy and other policies as applicable.

2778 **9.1 PURPOSE**

- 2779 A. The FOG Control Program has been developed in accordance with SECTION 3 and SECTION 4 of this Regulation  
 2780 with its purpose being to provide for the regulation of the collection, control, and transportation of non-  
 2781 hazardous FOG of animal or vegetable origin generated by Users. All Users, including FOG Generators such  
 2782 as Food Service Establishments, must comply with established grease limits as contained in SECTION 4.2.  
 2783 B. Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on all the  
 2784 following criteria:  
 2785 1. Properly sized and approved FOG Control Devices;  
 2786 2. Approval and implementation of Best Management Plans;  
 2787 3. Placement of FOG control signs above FOG Generator sinks;  
 2788 4. Regularly scheduled maintenance of FOG Control Device(s);  
 2789 5. Documentation of maintenance and proper disposal;  
 2790 6. Employee education and training; and  
 2791 7. Demonstrated adherence to established quantitative concentration or mass limit(s) as measured  
 2792 at the nearest accessible point prior to FOG Generator's connection to the public sewer.

2793 **9.2 DUTIES**

- 2794 A. The Director has the authority to enforce compliance with Permits and Regulations. Acting under the Direc-  
 2795 tor is the Regulatory Services Coordinator or his/her assigned representative(s) (e.g., FOG Program Coordi-  
 2796 nator), who shall be responsible for implementing this Regulation.  
 2797 B. The Regulatory Services Coordinator or their assigned representatives shall be responsible for all adminis-  
 2798 trative actions such as inspections, plan review, analyses, and records maintenance.  
 2799 C. Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the des-  
 2800 ignated and assigned OJRSA representatives.  
 2801 D. Duties regarding the enforcement of these requirements are outlined in SECTION 8 of this Regulation.

2802 **9.3 APPLICABILITY**

- 2803 A. The FOG Control Program is applicable to all Nonresidential Users who generate or transport FOG. The  
 2804 Regulation also applies to Hauled Waste Transporters of the FOG generated from these and other facilities.  
 2805 Classifications for the types of FOG Generators can be found in SECTION 9.7.  
 2806 B. All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation  
 2807 or any FOG Permit issued by OJRSA.  
 2808 C. Devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated  
 2809 Multi-Family Developments as follows:  
 2810 1. Multi-Family Developments shall be required to install a FOG Control Device in compliance with  
 2811 SECTION 9.7 when five (5) or more units occupy a single building and where the individual living units  
 2812 share a common wastewater drain line that serves more than two (2) units within the building.

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- 2813           2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June  
 2814           30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do sub-  
 2815           stantial modifications which include replacement of fifty percent (50%) or more of the drain lines  
 2816           or plumbing within the building. Modifications must include the installation of a FOG Control Device  
 2817           as set forth in this Regulation.
- 2818           D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with  
 2819           SECTION 9.7 when five (5) or more units occupy a single building and share common wastewater drain lines  
 2820           that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens  
 2821           that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as con-  
 2822           structed unless the facility has to do substantial modifications which include replacement of fifty percent  
 2823           (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation  
 2824           of a FOG Control Device as set forth in this Regulation.
- 2825           E. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative  
 2826           impact on its conveyance or treatment system from FOG must be plumbed together through a common  
 2827           drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.
- 2828           F. Food Service Establishments and FOG Generators
- 2829           1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-  
 2830           constructed, or change ownership shall meet the requirements included herein prior to opening,  
 2831           expanding, or reopening the FSEs.
- 2832           2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Reg-  
 2833           ulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues,  
 2834           manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior  
 2835           to installation.
- 2836           3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3)  
 2837           compartment sink must have a FOG Control Device installed.
- 2838           4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly in-  
 2839           stalled, maintained, and operating in accordance with this Regulation by no later than June 30,  
 2840           2024.
- 2841           G. Multi-Unit Commercial Facilities
- 2842           1. New Multi-Unit Commercial Facilities
- 2843           (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line con-  
 2844           nections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste  
 2845           line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or  
 2846           potential kitchen area, grease waste line will be connected to floor drains in the specified  
 2847           kitchen area, and will connect, or be able to connect, to other food service establishment  
 2848           kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two  
 2849           (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
- 2850           (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF.  
 2851           Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen  
 2852           and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-  
 2853           out locations to accommodate a FOG Control Device of adequate size as approved in the  
 2854           *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity  
 2855           FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for  
 2856           multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Intercep-  
 2857           tors must be approved by the OJRSA prior to construction. A copy of the maintenance  
 2858           agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by  
 2859           the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider  
 2860           suitable physical property space and sewer gradient that will be conducive to the installa-  
 2861           tion of an exterior, in-ground gravity FCD when determining the building location.

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2862 (c) An Owner may elect to construct a MUCF without separate sewer plumbing; however, the  
2863 Owner must provide a signed and notarized document that includes the following state-  
2864 ment prior to approval of plans or issuance of a building permit:

2866 I, \_\_\_\_\_ [Owner name here], **UNDERSTAND THAT IF A FOOD SERVICE ESTABLISH-  
2867 MENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRO-  
2868 DUCER OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE  
2869 THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY  
2870 WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR TO THE USER  
2871 OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE  
2872 DEVELOPMENT, WHICH INCLUDES:**

2873 [County TMS Number here]

2874 [County TMS Number here]

2875 **IF THE UNITS AND/OR PARCELS ARE SUBDIVIDED OR IF THE PROPERTY IS SOLD OR OTH-  
2876 ERWISE TRANSFERRED, I ALSO UNDERSTAND THAT IT IS THE RESPONSIBILITY OF THE SITE  
2877 OWNER(S) TO COMPLY WITH THESE REGULATIONS, AT NO EXPENSE TO THE OJRSA, PRIOR  
2878 TO THE ESTABLISHMENT OF WATER AND SEWER SERVICE.**

2879  
2880 2. Existing Multi-Unit Commercial Facilities

2881 (a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall  
2882 be grandfathered and may not have to comply with provisions of this Section unless:

2883 (i) Negative impacts are placed on the public sewer system due to FOG generated  
2884 from within the facility (e.g., blockages in the conveyance system). The OJRSA re-  
2885 serves the right to require MUCF to install appropriate plumbing and FOG Control  
2886 Devices if they are causing negative impact to the public sewer system.

2887 (ii) If an existing MUCF is replacing or updating internal piping for wastewater han-  
2888 dling, then they shall comply with requirements of a New MUFC.

2889 **9.4 RIGHT OF ENTRY, INSPECTIONS, AND RECORDKEEPING**

2890 A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator’s  
2891 facility and the Hauled Waste Transporter’s vehicle (SECTION 10.4) and facilities are incorporated fully within  
2892 these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as  
2893 required.

2894 B. FOG Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices  
2895 or obtain representative samples and perform other duties as necessary to ensure compliance.

2896 C. The FOG Generator shall maintain FOG Control Device inspection records for review by OJRSA for a mini-  
2897 mum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records. If  
2898 authorized by OJRSA, electronic records may be submitted in accordance with SECTION 2.6.

2899 D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access  
2900 to inspect records, obtain representative samples, and perform other duties as necessary to ensure com-  
2901 pliance.

2902 E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler /  
2903 plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must  
2904 use the FOG Control Device Inspection Form as provided by the OJRSA.

2905 F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must  
2906 notify the OJRSA within one (1) business day of conducting the inspection.

2907 G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-  
2908 mented by the employee and the Director should be notified as soon as possible. The Director will discuss  
2909 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with

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appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling. Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Response Guide set forth in this Regulation

- H. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREEMENTS.** Any records that are reviewed during the inspection and must be kept confidential must be stamped with the word “confidential” and OJRSA will adhere to the confidentiality requirements set forth in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

**9.5 PERMITTING**

OJRSA may issue a FOG Permit or other control document to FOG Generators and Hauled Waste Transporters as a condition of use, or continued use, of OJRSA facilities and services. A FOG Permit may be issued to a single User or a group of Users with similar processes, practices, and wastewater characteristics. Although not necessary in all cases, FOG Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring requirements and reporting requirements as well as any other conditions or requirements that OJRSA determines necessary to ensure compliance of the User and protection of the collection and treatment facilities.

**9.6 FOG GENERATOR ADMINISTRATIVE REQUIREMENTS**

- A. Best Management Practices
1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive discharges of FOG to the public sewer and to ensure proper performance of FOG Control Devices (FCD).
  2. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans, and food containers into the trash before washing; having signage posted at sinks (e.g., “Hand Washing Only,” “Scrape Plates before washing,” “No Fats, Oils, or Grease,” etc.); having proper sink, floor sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Container; and establishing procedures for observing and approving all maintenance activities that require access to the FCD.
  3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.
- B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with established limits and standards. Requirements and details for FCD are found in the *OJRSA Development Policy*. In some circumstances, FOG Traps or Hydromechanical FOG Devices (HFD) may be allowed if:
1. It is determined by OJRSA that a FOG Trap or HFD provides adequate control due to site specific conditions; and/or
  2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor impractical and/or unserviceable.
- C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator’s expense. It is the FOG Generator’s responsibility to ensure that proper maintenance of the device includes removal of all contents including floating materials, wastewater, and solids at a maintenance frequency which will allow proper operation of the FCD. The FOG Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of the disposal.
- D. FOG Generators required to install new or replacement devices shall request and complete a Food Service Establishment Questionnaire as provided by OJRSA. The survey, along with the FCD specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the FOG

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Generator, the OJRSA will provide a written determination of the required FCD prior to installation. Additionally, the survey will be considered a request to discharge to the OJRSA system. Approval must be granted by OJRSA prior to connecting the device to the public sewer.

- E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and installation of any FCD.
- F. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business days and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed by an OJRSA Authorized Representative. Prior to commencement of construction or installation, the FOG Generator shall secure applicable local building, plumbing, and other permits.
- G. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD and piping to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify the local building inspector if the installation does not meet the requirements of this Regulation.
- H. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without written approval from an OJRSA Authorized Representative. The design and installation instructions for the OJRSA are set forth in the *OJRSA Development Policy*.
- I. Automatic FOG Traps – After June 30, 2023, any change of ownership of an existing FSE or FSE reopening for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device a unit approved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages in the conveyance system, etc.), then the device shall be replaced with a FOG Trap, Hydromechanical FOG Device, or FOG Interceptor that complies with these Regulations.
- J. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.
- K. For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA, such document shall be signed by:
1. The Owner, or
  2. General Manager; or
  3. Manager, or
  4. A specified individual authorized in writing by one of the above with the authority to bind the FOG Generator and to make representations to OJRSA on the FOG Generator's behalf.

**9.7 FOG GENERATOR CLASSIFICATIONS**

OJRSA has established the following classifications for FOG Control Devices:

- A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-by-case basis.
- B. Facilities that provide dining space and vending machines with no food preparation other than microwave ovens and the like will be evaluated on a case-by-case basis.
- C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) FOG Trap or Hydromechanical FOG Device that meets minimum efficiency and installation requirements necessary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
  1. Facilities without a ventilation hood system or filter as required by SC Department of Agriculture R61-25 (Retail Food Establishments);

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- 3002 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-  
 3003 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-  
 3004 ing ware with very limited culinary washing;
- 3005 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;  
 3006 4. Coffee Shops (small);  
 3007 5. Ice Cream Shops;  
 3008 6. Frozen Yogurt Shops;  
 3009 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;  
 3010 8. Doughnut Shops with baking only (no mixing of ingredients or frying);  
 3011 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;  
 3012 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-  
 3013 ing, and number of meals served);  
 3014 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary  
 3015 cleaning, number of meals served, and frequency meals are served);  
 3016 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-  
 3017 4)).
- 3018 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required  
 3019 by SC Department of Agriculture R61-25 (Retail Food Establishments), then they will be considered at least  
 3020 a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hydrome-  
 3021 chanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all effi-  
 3022 ciency and installation requirements necessary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION**  
 3023 **SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
- 3024 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);  
 3025 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-  
 3026 ing, and number of meals served);  
 3027 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary  
 3028 cleaning, number of meals served, and frequency meals are served);  
 3029 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-  
 3030 sons);  
 3031 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)  
 3032 persons);  
 3033 6. Doughnut Shops with on-premises frying;  
 3034 7. Coffee Shops (large);  
 3035 8. Caterers;  
 3036 9. Convenience Stores serving food (with or without fuel pumps);  
 3037 10. Supermarket/Grocery Stores;  
 3038 11. Hotels with Kitchens as stated in OJRSA SUR 9.3(D); and  
 3039 12. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain conditions and  
 3040 as justified by calculation requirements and approved by OJRSA).
- 3041 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A  
 3042 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet  
 3043 all efficiency and installation requirements necessary for this class. **REQUIRES SC LICENSED REGISTERED**  
 3044 **ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE**  
 3045 **CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
- 3046 1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-  
 3047 five (65) persons);  
 3048 2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to  
 3049 sixty-five (65) persons); and  
 3050 3. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain conditions and  
 3051 as justified by calculation requirements and approved by OJRSA)



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- 3052 F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC**  
 3053 **LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING.**  
 3054 **OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
- 3055 1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run opera-  
 3056 tions.
  - 3057 2. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2).
- 3058 G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LI-**  
 3059 **CENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION**  
 3060 **SHEET AS APPROPRIATE TO APPLICATION.**
- 3061 1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable por-  
 3062 tions of the Sewer Use Regulation.
  - 3063 2. Others as appropriate.

**9.8 FOG CONTROL DEVICE DESIGN AND INSTALLATION REQUIREMENTS**

- 3064 **9.8 FOG CONTROL DEVICE DESIGN AND INSTALLATION REQUIREMENTS**  
 3065 A. General Requirements
- 3066 1. No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
  - 3067 2. Garbage grinders are strictly prohibited where FCD are required.
  - 3068 3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.
- 3069 B. General FCD Requirements
- 3070 1. All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regula-  
 3071 tions and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the  
 3072 specifications detailed in the *OJRSA Development Policy*.
  - 3073 2. OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance  
 3074 and condition and may require repairs to, modifications, or replacement of FCDs as such.
  - 3075 3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA  
 3076 may provide a sizing calculation sheet for the FCD.
- 3077 C. FOG Trap Requirements
- 3078 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION  
 3079 9.7.
  - 3080 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
  - 3081 3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required  
 3082 flow and grease capacity.
  - 3083 4. *Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are*  
 3084 *prohibited in accordance with OJRSA SUR 9.6(I).*
  - 3085 5. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:  
 3086 (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;  
 3087 (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit  
 3088 (140°F);  
 3089 (c) Acidic or caustic cleaners (e.g., lye or root killer);  
 3090 (d) Fryer oil or grill trap FOG waste; and  
 3091 (e) FOG Control Additives (as defined in SECTION 2.3).
- 3092 D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall  
 3093 be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG de-  
 3094 vices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Intercep-  
 3095 tors.”
- 3096 E. FOG Interceptor Requirements
- 3097 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION  
 3098 9.7.
  - 3099 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.

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- 3100 3. The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.<sup>1</sup>
- 3101 4. All FOG Interceptors shall be adequately secured against unauthorized access.
- 3102 5. All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
- 3103 6. Discharge of, or addition of, the following materials are strictly prohibited from disposal to an in-
- 3104 ground FOG Interceptor:
- 3105 (a) Acidic or caustic cleaners (e.g., lye or root killer); and
- 3106 (b) FOG control additives (as defined in SECTION 2.3).

3107 **9.9 MAINTENANCE REQUIREMENTS**

- 3108 A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements
- 3109 as stated within this Section based on changes in operation, business hours, equipment, menu options,
- 3110 seating capacity, etc.
- 3111 B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased
- 3112 cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the
- 3113 contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the
- 3114 costs associated with repairing the system in accordance with SECTION 4.11 RECOVERY OF PREVENTATIVE EX-
- 3115 PENSES and SECTION 8— Enforcement.
- 3116 C. FOG Traps
- 3117 1. **FOG TRAPS SHALL BE MAINTAINED ON A FREQUENCY FOR THE PROPER FUNCTION OF A FOG**
- 3118 **TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE BASIS;**
- 3119 **USING THE “25% RULE”<sup>2</sup> OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN**
- 3120 **THE EFFLUENT AFTER PASSING THROUGH THE DEVICE<sup>3</sup>; HOWEVER, CLEANING SHALL NOT EXCEED**
- 3121 **TWENTY-ONE (21) CALENDAR DAYS.**
- 3122 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.
- 3123 These records shall be maintained in accordance with SECTION 9.4.
- 3124 D. Hydromechanical FOG Devices
- 3125 1. **HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER’S**
- 3126 **RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A**
- 3127 **HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE**
- 3128 **DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS;**
- 3129 **HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED**
- 3130 **BY MANUFACTURER’S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRIT-**
- 3131 **TEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.**
- 3132 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These
- 3133 records shall be maintained in accordance with SECTION 9.4.
- 3134 E. FOG Interceptors
- 3135 1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS**
- 3136 **UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO**
- 3137 **CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REG-**
- 3138 **ULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EF-**
- 3139 **FLUENT AFTER PASSING THROUGH THE DEVICE<sup>4</sup>.** A reduced cleaning frequency may be granted on
- 3140 a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as

<sup>1</sup> As stated in the International Plumbing Code.

<sup>2</sup> To calculate the 25% Rule value, you use the following formula: [(avg. inlet grease layer + avg. inlet solids layer) ÷ total water depth] x 100. For example, if the average inlet grease layer is 8.67 inches, the average inlet solids layer is 4.33 inches, and the total water depth is 45 in, the 25% Rule value would be 28.89%, which is above the 25% threshold and the cleaning frequency should be adjusted appropriately.

<sup>3</sup> “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

<sup>4</sup> “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

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3141 stated with the functions of Section 9.10(E), that performed the cleaning and inspection to docu-  
 3142 ment proof that a reduced cleaning frequency will meet the requirements of this Regulation. Mod-  
 3143 ified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals  
 3144 exceed six (6) months.

- 3145 2. The following FOG Interceptor maintenance activities must be performed:
- 3146 (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top  
 3147 grease layer when the total accumulation of surface FOG (including floating solids) and set-  
 3148 tled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for  
 3149 more information) of the FOG Interceptor's inlet liquid depth if before the quarterly pump  
 3150 out requirement. Top skimming, decanting, or back-flushing of the device, its contents, sep-  
 3151 tage waste, solids, water, or other materials back into the FOG Interceptor for the purpose  
 3152 of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating  
 3153 water from FOG shall not discharge separated water into the FOG Interceptor or into the  
 3154 wastewater conveyance system.
- 3155 (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls  
 3156 and baffles.
- 3157 (c) Failure to meet these requirements shall result in enforcement actions as set forth in SEC-  
 3158 TION 8 of this Regulation.
- 3159 3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or  
 3160 contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other  
 3161 debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that  
 3162 ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the pri-  
 3163 vate sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste  
 3164 Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted  
 3165 into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility  
 3166 to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required  
 3167 on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION  
 3168 8.6 and/or *OJRSA Schedule of Fees*.

**9.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS**

3169 Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

- 3170 A. Comply with requirements in SECTION 9.9.
- 3171 B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- 3172 C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste  
 3173 Transporter.
- 3174 D. Be responsible for determining the nature of the waste and completing a manifest before transport. A com-  
 3175 pleted FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the  
 3176 FOG Generator. The record must include the name, address, and phone number of the FOG Generator  
 3177 company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other  
 3178 material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date  
 3179 of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should  
 3180 be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- 3181 E. Perform the following activities:
- 3182 1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load  
 3183 of FOG waste to the disposal site.
- 3184 2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.  
 3185 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must  
 3186 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues  
 3187

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3188 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-  
3189 cation.

- 3190 3. Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain  
3191 certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler  
3192 or plumber hires a new employee in the period between training offerings by the OJRSA, then they  
3193 must make arrangements with OJRSA to obtain the training before performing an inspection. When  
3194 the next regular scheduled class is held, then the new employee will be subject to this training as  
3195 well in order to meet the training requirement set by OJRSA.  
3196 4.

**9.11 FEES**

3197 Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste  
3198 Transporters as stated in the *OJRSA Schedule of Fees*.  
3199

**9.12 COMPLIANCE ENFORCEMENT**

- 3200  
3201 A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance  
3202 with any of the requirements set forth in this Regulation may result in the initiation of enforcement action.  
3203 Violations of these provisions are subject to the enforcement provisions contained in SECTION 8 of the Reg-  
3204 ulation, which may include administrative and civil penalties. In addition, fines assessed for violations in-  
3205 volving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance ex-  
3206 penses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage  
3207 removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation,  
3208 costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer,  
3209 may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 8.12(E).  
3210 B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this  
3211 Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated com-  
3212 pliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause  
3213 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG  
3214 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to  
3215 increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance  
3216 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the  
3217 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-  
3218 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA  
3219 at least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for  
3220 failure to comply, additional time required for compliance, and steps taken to avoid further delays.  
3221 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-  
3222 porter to demonstrate compliance  
3223 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary  
3224 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-  
3225 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the  
3226 sewer line, and other enforcement actions set forth in SECTION 8 of this Regulation.  
3227 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement  
3228 action.

**9.13 REQUESTS FOR VARIANCE**

- 3229  
3230 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained  
3231 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)

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calendar days of the FOG Generator or Hauled Waste Transporter being notified of a requirement or Compliance Schedule. The request for variance must specifically state the reason for the request and how the User will ensure demonstrated compliance with established limits.

- B. Conditional maintenance variances may be granted at the discretion of the Executive Director or his/her designee and will typically require additional control measures be placed on the User to ensure compliance which may include but are not limited to: additional maintenance requirements, more stringent Best Management Practices, monitoring requirements (or additional requirements), permit(s) and/or cost recovery. In no case shall a variance be issued in lieu of compliance with established numerical limits or when damage to the conveyance system, public sewer, or treatment facility is evident. Requests for variances regarding a reduction in cleaning frequency are to be made through the following procedure:
1. The FOG Generator must request in writing a reduction of its FCD cleaning frequency using the FOG Variance Request Form.
  2. All work associated with the variance request is to be performed at the FOG Generator's expense and must be paid prior to conducting the inspection, sampling, and/or analysis in accordance with the OJRSA Schedule of Fees.
  3. OJRSA will perform an evaluation of the facility and the capability of the FCD to determine if a reduction in cleaning is merited. The evaluation will include but not necessarily be limited to the following:
    - (a) A site visit to evaluate the facility's potential contributions to FOG in the collection system.
    - (b) Inspection, sampling, and/or analysis of the discharge from the FOG Generator's facility will be conducted by OJRSA to determine the effectiveness of the FCD and the contribution of the FOG Generator to FOG in the sewer system.
    - (c) During the sampling and/or inspection, OJRSA will use methods to ensure that the FCD is not tampered with. OJRSA reserves the right to install tamperproof equipment on the device to ensure the integrity of the sampling/inspection, such as lock, tape, etc.
- C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be considered and approved for installation at a FOG Generator. The alternative FCD must control FOG discharges from the User and be maintained as outlined in this Regulation. Items that may be considered in this determination will be footprint of existing buildings, location of property boundaries, and a lack of room for an outside FOG Interceptor. Alternative FCDs shall not be considered for new building construction.
- D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical restrictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.
- E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

## Section 10 – Hauled Waste Acceptance

### 10.1 AUTHORITY AND GENERAL CONDITIONS

- A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Additionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area when it is determined that:
1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equipment malfunction, nature or quantity of waste, or other factors there is no viable alternative for disposal of the hauled waste in the service area where it originates.
  2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed of at OJRSA facilities; or

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- 3277 3. There has been an emergency declaration by the President of the United States (or by a federal  
 3278 agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has  
 3279 determined that the hauled waste from outside of the OJRSA service area will not impact the treat-  
 3280 ment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If  
 3281 it is determined the OJRSA can accept such waste, then the Executive Director shall establish a  
 3282 maximum amount of waste that can be accepted from such areas each day. The acceptance of such  
 3283 waste under these circumstances, as well as the daily limits for such waste, may be altered,  
 3284 amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- 3285 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic  
 3286 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-  
 3287 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-  
 3288 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to  
 3289 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from  
 3290 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the  
 3291 wastewater treatment plant.
- 3292 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall  
 3293 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3294 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance  
 3295 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3296 E. Abuse of the above requirements stated in SECTION 10.1 shall result in actions as detailed in SECTION 8.12.7.
- 3297 F. All Haulers will be permitted annually by OJRSA.
- 3298 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record  
 3299 must include the name, address, and phone number of the FOG Generator company; the name(s) of the  
 3300 individual(s) performing the work, the volume of the wastewater and other material removed from the  
 3301 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the  
 3302 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspec-  
 3303 tion.

3304 **10.2 SPECIFIC CONDITIONS OF ACCEPTANCE**

- 3305 A. Acceptance of Hauled Waste
- 3306 1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled  
 3307 Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
- 3308 2. Hauled waste is only accepted on business days during the hours of operation as posted at the  
 3309 OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the  
 3310 acceptance of hauled waste during normal acceptance periods due to issues with the treatment  
 3311 plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA  
 3312 shall not accept waste outside of these hours except under the following conditions:
- 3313 (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System  
 3314 directly or indirectly connected to the OJRSA's wholesale or retail system; and
- 3315 (b) The emergency must originate on public or common property owned, operated, and main-  
 3316 tained by the Satellite Sewer System. Events that occur on private property are not consid-  
 3317 ered an emergency per this Regulation. The OJRSA reserves the right to confirm all infor-  
 3318 mation regarding the emergency with the registered agent(s) of the Satellite Sewer System.
- 3319 (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA*  
 3320 *Schedule of Fees* shall apply.
- 3321 (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste  
 3322 afterhours, including waste from onsite wastewater systems and septic tanks.
- 3323 3. Abuse of the above requirements stated in SECTION 10.2 shall result in actions as detailed in SECTION  
 3324 8.12.7.

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- 3325 B. Septic Tank Waste
- 3326 1. Acceptance From Within OJRSA Service Area
- 3327 (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service
- 3328 area.
- 3329 (b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior ap-
- 3330 proval. Approval must be requested and granted in writing prior to discharge at OJRSA fa-
- 3331 cilities.
- 3332 (c) Sanitary wastewater from Nonresidential Users located outside the service area will not be
- 3333 accepted under any circumstances.
- 3334 (d) Loads mixed with Residential septic tank waste from inside and outside of the service area
- 3335 shall not be accepted without prior approval; however, mixed loads that may contain Non-
- 3336 residential septic tank wastewater from outside of the service area shall not be accepted
- 3337 under any circumstances.
- 3338 2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal
- 3339 at the treatment facility.
- 3340 3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to
- 3341 discharge at OJRSA facilities.
- 3342 4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Sched-*
- 3343 *ule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA
- 3344 service area.
- 3345 C. Portable Toilet Waste
- 3346 1. Acceptance From Within OJRSA Service Area
- 3347 (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
- 3348 (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged
- 3349 at OJRSA facilities without prior approval.
- 3350 (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not
- 3351 be accepted without prior approval.
- 3352 2. Portable toilet waste to be accepted must consist of sanitary waste only.
- 3353 3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, includ-
- 3354 ing septic tank waste, prior to discharge at OJRSA facilities.
- 3355 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-
- 3356 posal at the treatment facility.
- 3357 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*
- 3358 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the
- 3359 OJRSA service area.
- 3360 D. Beneficial Hauled Waste
- 3361 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled
- 3362 waste may be accepted at locations and under conditions set forth in an approval letter.
- 3363 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in
- 3364 writing to the attention of the OJRSA Regulatory Services Coordinator.
- 3365 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case
- 3366 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions
- 3367 and limitations may apply.
- 3368 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as
- 3369 a condition of acceptance of each designated beneficial hauled waste.
- 3370 E. Prohibited Wastes
- 3371 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
- 3372 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-
- 3373 tion to any facility connected to OJRSA facilities, including those that originate on private property
- 3374 (e.g., private sewers).

## OJRSA Sewer Use Regulation

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- 3375 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-  
3376 sidered hazardous under the RCRA regulations.

**10.3 HAULED WASTE TRANSPORTER REQUIREMENTS**

- 3377  
3378 A. The contents of a Hauled Waste Transporter operated by a SCDES-licensed hauler of holding tank waste  
3379 shall be discharged to the POTW only at a location approved by the Director. Such wastewater must have  
3380 prior written approval of the Director before being discharged. The discharge of this waste shall be subject  
3381 to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy of this  
3382 letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed hauler  
3383 shall provide the information requested as shown in the Regulation.  
3384 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,  
3385 as stated in appropriate sections of this Regulation.  
3386 C. Only wastes originating within the OJRSA's service area may be accepted.  
3387 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to  
3388 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier  
3389 than January 1 and an ending date no later than December 31.  
3390 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-  
3391 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-  
3392 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic  
3393 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-  
3394 cludes the following signed certification statement, which must include a Wet Signature from the Author-  
3395 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not  
3396 the Waste Hauler):  
3397

3398 **I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE PERFORMED APPROPRIATE**  
3399 **INVESTIGATION TO ENSURE THAT THE WASTEWATER TO BE DISCHARGED IS FROM NO OTHER SOURCE**  
3400 **THAN A SEPTIC TANK ORIGINATED IN OCONEE COUNTY OR WITHIN THE OJRSA SERVICE AREA, AND TO**  
3401 **THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL, TOXIC MATERIAL, OR INDUSTRIAL**  
3402 **MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY AD-**  
3403 **VERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.**

**10.4 INSPECTION AND MONITORING**

3404 In accordance with SECTION 7.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination  
3405 sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this  
3406 Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording  
3407 equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate doc-  
3408 umentation or satisfy compliance requirements.  
3409

**10.5 FEES AND CHARGES**

3410 Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA*  
3411 *Schedule of Fees*. If approved for acceptance as stated in SECTIONS 10.1 and 10.2, then fees and charges for other  
3412 forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-  
3413 case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to dis-  
3414 charge hauled waste at OJRSA facilities without proper payment of fees and charges.  
3415

**10.6 ENFORCEMENT**



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3417 Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures  
3418 that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in SECTION 8. En-  
3419 forcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

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3420 **Section 11 – Severability**

3421 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent  
3422 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-  
3423 tinue in full force and effect.

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3424 **Section 12 – Conflict**

3425 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby  
3426 repealed to the extent of such inconsistency or conflict.

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1  
2

Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	<a href="#">South Carolina Department of Health and Environmental Control (SCDHEC)</a> Approved Sewer Use Ordinance	SCDHEC
7/18/1995	Oconee County Ordinance 1995-07	Oconee County Council
10/3/2011	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
4/1/2017	Sewer Use Regulation revision	OJRSA Board of Commissioners
3/1/2018	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
8/23/2019	Non-substantial modification to correct discrepancy Enforcement Management Strategy	SCDHEC and OJRSA Board of Commissioners
10/01/2023	Comprehensive revision and inclusion of attachments into the main body of the Regulation, update to comply with SCDHEC Consent Order and CMOM requirements, and to further develop the FOG Management Program for OJRSA. Adopted by <i>OJRSA Resolution 2024-02</i> on 09/11/2023.	SCDHEC and OJRSA Board of Commissioners
XX/XX/XXXX	Minor revision of Regulation, mainly for FOG, Special Pretreatment Devices, and recordkeeping requirements	SCDES and OJRSA Board of Commissioners

3

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120		

## OJRSA Sewer Use Regulation

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121 **Section 1 – Sewer Use Regulation Adoption and Approval**

122 These Regulations shall be in full force and effect from and after passage, approval, and publication, as provided  
123 by law.

124  
125 As reviewed by the Approval Authority (South Carolina Department of Health and Environmental Control) and ap-  
126 proved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on August  
127 7, 2023, a thirty (30) day public notice given on August 11, 2023 in *The Journal* (Seneca, South Carolina), on the  
128 OJRSA website ([www.orjsa.org](http://www.orjsa.org)), and on social media accounts updated by OJRSA.

129  
130 The Approval Authority was made aware of the public notice and comment period on August 4, 2023.

131  
132 A public comment period was granted from August 11, 2023, until the OJRSA Board of Commissioners Meeting on  
133 the evening of September 11, 2023. The agency also accepted written comments as stated in the legal notices ad-  
134 vertised in *The Journal* (Seneca, South Carolina) on August 11, 2023 and September 2, 2023; at [www.ojrsa.org/](http://www.ojrsa.org/info)  
135 [info](http://www.ojrsa.org/info); and on OJRSA social media accounts.

136  
137 APPROVED and ADOPTED by OJRSA Resolution 2024-02 by the Oconee Joint Regional Sewer Authority Board of  
138 Commissioners on September 11, 2023 during the Board of Commissioners Meeting.

139  
140 **EFFECTIVE DATE: 12:01 AM LOCAL TIME ON OCTOBER 1, 2023.**

141



## OJRSA Sewer Use Regulation

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142 **Section 2 – Administrative Information**143 **2.1 PURPOSE AND POLICY**

144 Recent developments in both Federal and State law have created increasing and more stringent requirements upon  
145 public wastewater treatment facilities and demand compliance to avoid incurring severe sanctions and penalties.  
146 The purpose of these Regulations and amendments thereto are to ensure compliance with the Federal Water Pol-  
147 lution Control Act Amendments of 1972 (Public Law 92-500) and subsequent amendments, including the Water  
148 Quality Act of 1987 (PL 100-4) together with the South Carolina Pollution Control Act and other State and Federal  
149 statutes and regulations.

150  
151 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)  
152 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal  
153 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations  
154 are:

- 155 A. To prevent discharges to the POTW which will interfere with the operation of the POTW;  
156 B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately  
157 treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;  
158 C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the  
159 sludge;  
160 D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;  
161 E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement  
162 of the POTW;  
163 F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their em-  
164 ployment and to protect the general public; and  
165 G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which  
166 the POTW is subject.

167  
168 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-  
169 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement  
170 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.  
171 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users  
172 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly  
173 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these  
174 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items  
175 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the  
176 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

177  
178 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 3.17.

179 **2.2 APPLICATION OF REGULATIONS**

180 These Regulations shall apply to persons within the County of Oconee and to persons outside the County who, by  
181 contract with the OJRSA or other means, are Users of OJRSA wastewater facilities. The Director shall implement and  
182 enforce the provisions of these Regulations, and the governing body of the OJRSA shall adopt such regulations as it  
183 deems necessary to implement the provisions and requirements of these Regulations.

184 **2.3 DEFINITIONS**

## OJRSA Sewer Use Regulation

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185 Unless the context indicates otherwise, the terms and phrases used in these Regulations shall have the following  
186 meanings:

187  
188 Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33  
189 USC §1251 et seq.)

190 Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations  
191 regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have  
192 occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing  
193 Officer will be appointed by the Director and shall have no connection with the preparation or presentation of  
194 the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be  
195 guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for  
196 the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of  
197 evidence.

198 Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take  
199 corrective action or refrain from an activity. It describes the violations and actions to be taken and can be en-  
200 forced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and  
201 Desist Order.

202 Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of  
203 presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. Also see  
204 Fermented Beverages.

205 Approval Authority shall mean the State of South Carolina, by and through the Department of Health and Environ-  
206 mental Control, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and asso-  
207 ciated regulations.

208 Authorized Representative or Duly Authorized Representative of the User shall mean:

- 209 A. If the User is a corporation:
- 210 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal  
211 business function, or any other person who performs similar policy or decision-making functions  
212 for the corporation; or
  - 213 2. The manager of one or more manufacturing, production, or operating facilities, provided the man-  
214 ager is authorized to make management decisions that govern the operation of the regulated facil-  
215 ity including having the explicit or implicit duty of making major capital investment recommenda-  
216 tions, and initiate and direct other comprehensive measures to assure long-term environmental  
217 compliance with environmental laws and regulations; can ensure that the necessary systems are  
218 established or actions taken to gather complete and accurate information for individual wastewater  
219 discharge permit requirements; and where authority to sign documents has been assigned or del-  
220 egated to the manager in accordance with corporate procedures.
- 221 B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- 222 C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or des-  
223 igned to oversee the operation and performance of the activities of the government facility, or their de-  
224 signee.
- 225 D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized  
226 Representative if the authorization is in writing, the authorization specifies the individual or position re-  
227 sponsible for the overall operation of the facility from which the discharge originates or having overall re-  
228 sponsibility for environmental matters for the company, and the written authorization is submitted to the  
229 OJRSA. If the designation is no longer accurate because a different individual or position has responsibility  
230 for the overall operation of the facility or overall responsibility for environmental matters for the company,  
231 a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior  
232 to or together with any reports to be signed an Authorized Representative.

## OJRSA Sewer Use Regulation

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- 233 E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or  
234 Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.
- 235 Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from  
236 wastewater.
- 237 Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater  
238 through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that  
239 does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A  
240 slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at  
241 the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.
- 242 Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to  
243 the water reclamation facility and its treatment process.
- 244 Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures,  
245 and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also  
246 include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or  
247 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and  
248 methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by  
249 OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of*  
250 *certain established Categorical Pretreatment Standards and effluent limits.]*
- 251 Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in  
252 the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty  
253 degrees Centigrade (20°C).
- 254 Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.
- 255 Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale.  
256 Breweries also produce non-alcoholic products (e.g., “non-alcoholic beer”). Breweries shall also include craft  
257 brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced  
258 at the facility. *Also see Alcoholic Beverage.*
- 259 Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion  
260 of fat, oil, grease, solids, and water.
- 261 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater  
262 and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five  
263 (5) feet outside the building wall.
- 264 Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.  
265 Building drains are considered a portion of the building sewer.
- 266 Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee*  
267 *Handbook* or when otherwise established by the OJRSA Board of Commissioners.
- 268 Bypass shall mean the intentional diversion of ~~wastestream~~ Wastestreams from any portion of a User’s treatment  
269 facility.
- 270 Calendar Day shall mean all days, including weekends and holidays.
- 271 Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive)  
272 each year.
- 273 Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.
- 274 Capacity Permit. See definition for Permit.

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- 275 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.
- 276 Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Con-  
277 trol Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease  
278 retained in the control device.
- 279 Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste  
280 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.
- 281 Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and  
282 a tasting room products for produced at the facility. *Also see Alcoholic Beverage.*
- 283 CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that  
284 assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has  
285 adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to elimi-  
286 nate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of over-  
287 flows on Waters of the State/United States, the environment, and public health.
- 288 Collection System. See definition for Conveyance System.
- 289 Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or  
290 equivalent methods approved by EPA.
- 291 Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. *OJRSA cur-  
292 rently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer  
293 system.*
- 294 Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for  
295 commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.
- 296 Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater,  
297 are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional)  
298 Users may be subject to Local Limits as determined by the Director.
- 299 Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative  
300 Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address  
301 a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may  
302 include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA,  
303 with failure to meet such deadlines subject to potential additional enforcement action as stated within the Reg-  
304 ulation, including civil penalties.
- 305 Cumulative Consumer Price Index, as applicable to SECTION 8.6, shall mean the aggregate administrative, civil, or  
306 criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index  
307 as reported for the month of December each calendar year beginning with December 2023. *This amount shall  
308 be rounded up or down to the next whole dollar.*
- 309 Contact Cooling Water. See definition for Cooling Water.
- 310 Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and  
311 challenges to the environmental community as a result of:
- 312 A. The recent development of new chemicals or other products;  
313 B. New or recently identified byproducts or waste products;  
314 C. Newly discovered or suspected adverse health or environmental impacts;  
315 D. Physical or chemical properties that are not fully evaluated or understood;  
316 E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other  
317 environmental program levels of control; and  
318 F. Other factors.

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- 319 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-  
320 maceuticals and their constituents, and steroids and hormones.
- 321 Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this  
322 Regulation.
- 323 Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and  
324 appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treat-  
325 ment facility. The conveyance system is considered to be a component of the POTW.
- 326 Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling,  
327 evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product,  
328 intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water  
329 can be generated from any cooling equipment blowdown or produced as a result of any cooling process through  
330 either a single pass (once through) or recirculating system. There are two types of cooling water:
- 331 A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact  
332 with any raw material, waste intermediate or final product, and which does not contain levels of contami-  
333 nants detectably higher than that of intake water and does not have added chemicals for water treatment  
334 at the facility.
- 335 B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact  
336 means the water has chemical(s) added at the facility or comes into contact with the product produced at  
337 the facility. This includes water contaminated through any means, including chemicals added for water  
338 treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, pro-  
339 cess materials, intermediate materials, final products, waste product, and/or wastewater.
- 340 County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any*  
341 *county.*
- 342 Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-  
343 four (24) hour period.
- 344 Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where  
345 Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the  
346 course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge  
347 is the arithmetic average measurement of the pollutant concentration derived from all measurements taken  
348 that day.
- 349 Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment  
350 or solids that have settled in the tank or vessel.
- 351 Director. See definition for Executive Director.
- 352 Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic  
353 wastewater source.
- 354 Discharge Permit. See definition for Permit.
- 355 Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and ~~SCDHECSCDES~~ approved  
356 location.
- 357 Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail  
358 store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*
- 359 Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, com-  
360 mercial establishments, institutions and the like, but excluding industrial process wastes.
- 361 Duration of the Violation shall mean the length that the violation existed.

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- 362 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-  
363 tion.
- 364 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set  
365 forth in SECTION 8 of this Regulation.
- 366 Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appro-  
367 priate, the Administrator or other duly authorized official of the EPA.
- 368 Environmental Harm shall mean a pollutant effluent which:  
369 A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;  
370 B. Causes a violation of the POTW's NPDES permit (including water quality standards); or  
371 C. Causes a pass-through.
- 372 Equivalent Permitting Record. See definition for Permit.
- 373 Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA*  
374 *Sewer Use Regulation* or Industrial User permit.
- 375 Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the  
376 person serving as the chief administrative officer (CAO) of the agency.
- 377 Existing Source shall mean any source of discharge that is not a New Source.
- 378 Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for  
379 commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products  
380 produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence  
381 or amount of alcohol volume. *Also see Alcoholic Beverage.*
- 382 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- 383 FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal  
384 and/or vegetable or plant sources.
- 385 FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liq-  
386 uify the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices  
387 must be cleaned manually to remove any FOG accumulation.
- 388 FOG Control Devices shall mean FOG Interceptors, FOG Traps, Hydromechanical FOG Device, or other OJRSA ap-  
389 proved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment  
390 works.
- 391 FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support  
392 elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system  
393 and treatment works. This program is detailed in SECTION 9 of these Regulations.
- 394 FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and  
395 grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated  
396 living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to  
397 the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering and other such oper-*  
398 *ations are considered a commercial purpose subject to FSE regulations*).
- 399 FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats,  
400 oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Inter-  
401 ceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not con-  
402 sider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be con-  
403 strued as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller  
404 devices will be considered by OJRSA on a case-by-case basis for Multi-Family Developments.

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- 405 FOG Permit. See definition for Permit.
- 406 FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the  
407 responsibility of administering the provisions of the FOG Control Program to ensure User compliance with ap-  
408 plicable laws, rules, regulations, and policies.
- 409 FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.
- 410 FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the ~~wastestream-~~  
411 Wastestream. These are identified as an “under the sink” reservoir or a “floor trap” which is a small container  
412 or tank with baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be  
413 connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease  
414 interceptor” but should not be confused with a FOG Interceptor as defined by the OJRSA.
- 415 FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial oper-  
416 ations through the use of a FOG Interceptor, Hydromechanical FOG Device, or FOG Trap.
- 417 FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to  
418 include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within  
419 the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumb-  
420 ers must perform an inspection on a FCD when the device is being cleaned.
- 421 FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and ap-  
422 pliances to the FOG Control Device.
- 423 Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where  
424 several food preparation establishments having different Owners may share seating space or plumbing facilities.
- 425 Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or  
426 making food available for consumption. Single-Family Residential locations and Multi-Family Developments with  
427 four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator  
428 and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes  
429 (*catering operations are considered a commercial purpose subject to FSE regulations*). FSEs will include but are  
430 not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens,  
431 assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities,  
432 and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establish-  
433 ment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-  
434 related wastes. Also see definition of FOG Generator.
- 435 Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A  
436 force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.
- 437 Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events  
438 must be unforeseeable and unavoidable, and not the result of the User’s actions, hence they are considered “an  
439 act of God,” such as an earthquake, flood, or riot.
- 440 Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and  
441 dispensing of food, and from the Commercial handling, storage, and sale of produce.
- 442 Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for  
443 discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”
- 444 Grab Sample shall mean a sample that is taken from a ~~wastestream~~ Wastestream without regard to the flow in the  
445 ~~wastestream~~ Wastestream and over a period of time not to exceed fifteen (15) minutes.
- 446 Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous  
447 rights, privileges, uses, or practices.

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- 448 Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such  
449 as toilets and urinals. *This does not include process wastewater from industrial facilities.*
- 450 Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that  
451 may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal  
452 grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common  
453 effluent line shared by a number of wash stations.
- 454 Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from ves-  
455 sels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, Hydrome-  
456 chanical FOG Devices, and vacuum pump tank trucks.
- 457 Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of  
458 transporting solid and/or liquid waste products for treatment or disposal.
- 459 Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concen-  
460 tration, or characteristics, may:  
461 A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;  
462 B. Pose a substantial hazard to human health or the environment if improperly handled; or  
463 C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of  
464 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal  
465 law.
- 466 Hazardous Waste. See definition for Hazardous Material Item BC.
- 467 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in  
468 accordance with SCDHECSCDES and EPA regulations.
- 469 Hearing Officer shall be defined by OJRSA SUR 8.2(D)(5).
- 470 Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trail-  
471 ers, septic tanks, and vacuum pump tank trucks.
- 472 Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for  
473 lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing  
474 dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility  
475 shall be considered a Food Service Establishment.
- 476 Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity be-  
477 tween wastewater and FOG to affect separation of FOG of FOG from wastewater, and may incorporate a flow  
478 control device, air entrainment, and other means or principles to improve the efficacy of separation as demon-  
479 strated by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by  
480 an independent entity using specific equipment or devices that have been tested and meet or exceed standards  
481 established by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which  
482 may include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical  
483 Engineers (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combina-  
484 tion of these and other entities to include the aforementioned requirements. Some jurisdictions refer to these  
485 as “hydromechanical grease interceptors”.
- 486 Indirect Discharge. See definition for Discharge.
- 487 Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under  
488 regulations issued pursuant to Section 402 of Act. An Industrial User may or may not be a CIU and/or SIU.
- 489 Industrial User Permit. See definition for Permit.
- 490 Industrial Wastewater. See definition for Wastewater.



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- 491 Infiltration shall mean water other than wastewater flow that enters a sewer system from the ground through pipes,  
492 pipe joints, connections, or manholes.
- 493 Inflow shall mean water other than wastewater flow entering the sewer system from such sources as, but not lim-  
494 ited to: roof leaders; cellar, yard, and area drains; foundation drains; unpolluted water (including cooling water  
495 or condensation discharges); drains from springs and swampy areas; manhole covers; cross connections from  
496 storm sewers and/or Combined Sewers; catch basins; stormwaters; surface runoff; street wash waters, or drain-  
497 age.
- 498 Inflow and Infiltration shall collectively mean inflow and/or infiltration as defined in this Regulation.
- 499 Informal Conference shall mean a meeting between a User and the Director, or Director's designee, to discuss one  
500 (1) or more alleged violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA, to exchange  
501 information regarding such alleged violations and any corrective actions taken or proposed to be taken, and to  
502 discuss methods to obtain compliance with the Regulation by consent of all parties. An Informal Conference may  
503 result in the entry of a Consent Agreement outlining agreed upon relief, including an enforceable Compliance  
504 Schedule, but will not result in the entry of a unilateral final decision by the OJRSA on an alleged violation prior  
505 to the User's opportunity for an Adjudicatory Hearing.
- 506 Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time,  
507 determined from the analysis of any discrete or composited sample collected, independent of the industrial flow  
508 rate and the duration of the sampling event.
- 509 Institution (or Institutional) shall mean an organization that provides services to the public or a specific sector of  
510 the public. Examples includes schools, places of worship, colleges, government buildings, hospitals, prisons, etc.
- 511 Institutional User. See definition for Commercial User.
- 512 Interference means a Discharge which, alone or in conjunction with a discharge(s) from other sources, both:  
513 A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or dis-  
514 posal; and  
515 B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase  
516 in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in  
517 compliance with the following statutory provisions and regulations or permits issued thereunder (or more  
518 stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act  
519 (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act  
520 (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant  
521 to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection,  
522 Research and Sanctuaries Act, and the South Carolina Pollution Control Act.
- 523 Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompli-  
524 ance.
- 525 Isolated (or Infrequent) [regarding violations] shall mean violations that do not meet the definition of recurring  
526 violations.
- 527 Lateral (or Service Lateral). See definition for Sewer Service.
- 528 Lint Interceptor shall mean a device used to remove lint and other debris from wastewater prior to its discharge to  
529 the sewer system. Facilities that may be required to install a Lint Interceptor include, but not limited to, laun-  
530 dromats, hotels/motels, dormitories, and apartment complexes with common laundry facilities shared by users.
- 531 Local Limits shall mean specific discharge limits developed and enforced by the OJRSA upon industrial or Commer-  
532 cial facilities to implement the general and specific discharge prohibitions listed in SC R61-9 403.5.
- 533 May is permissive. Shall is mandatory and requires compliance.
- 534 Measured Daily Flow shall mean the actual flow, in gallons, measured at the flowmeter for each day.

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- 535 Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological  
536 wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially con-  
537 taminated laboratory wastes, and dialysis wastes.
- 538 Member City (or Member Cities) shall mean the cities of Seneca, Walhalla, and Westminster and others as defined  
539 by legally binding Intergovernmental Agreement(s).
- 540 Mobile Food Unit shall mean a self-propelled or vehicle- or trailer-mounted unit intended to be used as a Food  
541 Service Establishment. Mobile Food Units must have an approved location to discharge used fats, oils, and grease  
542 waste.
- 543 Monthly Average shall mean the sum of all “daily discharges” measured during a calendar month divided by the  
544 number of “daily discharges” measured during that month.
- 545 Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, cal-  
546 culated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily  
547 discharges” measured during that month.
- 548 Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside  
549 in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condomini-  
550 ums, duplexes/multiplexes, etc. A structure or complex of buildings is also considered to be a Multi-Family De-  
551 velopment if it has a shared privately-owned sewer service (the portion located on private property) sewer  
552 plumbing serving two (2) or more individual living units (e.g., apartments, townhomes, etc.) that is combined  
553 prior to connection to the public sewer system. ~~Multi-Family Developments with five (5) or more separate living~~  
554 ~~units shall have FOG Control Devices as stated in OJRSA SUR 9.3(C).~~
- 555 National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits prom-  
556 ulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of  
557 Industrial Users. NCPs are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 558 National Pollutant Discharge Elimination System Permit. See definition for Permit.
- 559 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, stormwater retention/detention pond,  
560 or other surface water or groundwater.
- 561 New Source shall mean:
- 562 A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the  
563 construction of which commenced after the publication of proposed Pretreatment Standards under Section  
564 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in ac-  
565 cordance with that section, provided that:
- 566 1. The building, structure, facility, or installation is constructed at a site at which no other source is  
567 located; or
- 568 2. The building, structure, facility, or installation totally replaces the process or production equipment  
569 that causes the discharge of pollutants at an Existing Source; or
- 570 3. The production or wastewater generating processes of the building, structure, facility, or installa-  
571 tion are substantially independent of an Existing Source at the same site. In determining whether  
572 these are substantially independent, factors, such as the extent to which the new facility is inte-  
573 grated with the existing plant and the extent to which the new facility is engaged in the same gen-  
574 eral type of activity as the Existing Source, should be considered.
- 575 B. Construction on a site at which an Existing Source is located results in a modification rather than a New  
576 Source, if the construction does not create a new building, structure, facility, or installation meeting the  
577 criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production  
578 equipment.
- 579 C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator  
580 has:

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- 581 1. Begun, or caused to begin, as part of a continuous onsite construction program:  
 582 (a) any placement, assembly, or installation of facilities or equipment; or  
 583 (b) significant site preparation work including clearing, excavation, or removal of existing build-  
 584 ings, structures, or facilities which is necessary for the placement, assembly, or installation  
 585 of New Source facilities or equipment; or  
 586 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are  
 587 intended to be used in its operation within a reasonable time. Options to purchase or contracts  
 588 which can be terminated or modified without substantial loss, and contracts for feasibility, engi-  
 589 neering, and design studies do not constitute a contractual obligation under this paragraph.

590 Noncontact Cooling Water. See definition for Cooling Water.

591 Non-Process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.

592 Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not  
 593 limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educa-  
 594 tional facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also in-  
 595 clude apartments, condominiums, and other multi-unit housing complexes with a common sewer service lateral  
 596 or system serving multiple units prior to connecting with a public sewer. Also see Single-Family Residential, Multi-  
 597 Family Development, ~~Hotel with Kitchen, Single-Family Residential, User, and others.~~*

598 Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling re-  
 599 quirements but is permitted and may have other requirements to meet.

600 North American Industry Classification System or NAICS shall mean the standard reference classification system  
 601 used by agencies for the United States business economy. It was developed under the auspices of the Executive  
 602 Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to  
 603 replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreat-  
 604 ment regulations.

605 OJRSA shall mean the Oconee Joint Regional Sewer Authority.

606 Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sedi-  
 607 ment and other liquid contaminants can be removed from wastewater prior to being discharged to the convey-  
 608 ance system or treatment facility. These drain lines may come from variety of facilities including, but not limited  
 609 to, covered parking garages, machine shops, service stations, and manufacturing facilities.

610 Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital  
 611 related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, re-  
 612 viewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to as-  
 613 sure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regula-  
 614 tions and assures optimal long-term facility management.

615 Owner shall mean an individual or entity in possession of title for land, building or other item. The Owner can be a  
 616 claimer, controller, holder, homeowner, householder, landowner, landlord, lessor, occupier, person holding  
 617 ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.

618 Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or  
 619 concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of  
 620 any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the viola-  
 621 tion).

622 Paunch Manure shall mean the partially digested contents of the stomach during the time period immediately be-  
 623 fore and after the animal is slaughtered for meat and other by-products.

624 Permit (or Permitted) shall mean the following, as appropriate:

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- 625 A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this  
626 purpose) issued to a User or facility after January 1, 1990.
- 627 B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and  
628 tracking connections to the public sewer. This record may be issued to users before or since January 1,  
629 1990.
- 630 C. FOG Permit is a permit to which a FSE or FOG Generator may be issued, and it is valid for a period of five  
631 (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
- 632 D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the  
633 potential to impact the POTW.
- 634 E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this defi-  
635 nition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Per-  
636 mit, as appropriate. It does not include the NPDES Permit.
- 637 F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land  
638 Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of  
639 the SC Pollution Control Act, or (SC R61-9 122 or 505).
- 640 G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.
- 641 Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company,  
642 trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This  
643 definition includes all Federal, State, and local governmental entities.
- 644 pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40  
645 CFR Part 136, or equivalent methods approved by EPA.
- 646 Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer  
647 system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices  
648 or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on  
649 individual sinks or on a common effluent line shared by a number of sinks.
- 650 Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.
- 651 Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge;  
652 munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or dis-  
653 charged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other  
654 pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD,  
655 toxicity, SS, odor) as may be defined by EPA, SCDHEGSCDES, or OJRSA regulations; discharged into water.
- 656 Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological  
657 integrity of water.
- 658 Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration  
659 of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing  
660 such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological  
661 processes; process changes; or by other means; except as prohibited by SC R61-9.403.6I. Appropriate pretreat-  
662 ment technology includes control equipment, such as equalization tanks or facilities, for protection against  
663 surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where  
664 wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with  
665 wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted  
666 pretreatment limit calculated in accordance with SC R61-9 403.6(f).
- 667 Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment  
668 Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Reg-  
669 ulatory Services Coordinator, depending on who is authorized to perform this function.*
- 670 Pretreatment Facility. See definition for Pretreatment System.

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- 671 Pretreatment Program shall mean a program approved by SCDHECSCDES to enforce the national pretreatment pro-  
672 gram requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Stand-  
673 ards to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs  
674 to proactively protect its infrastructure while overseeing its management responsibilities.
- 675 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other  
676 than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.
- 677 Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Stand-  
678 ards, and Local Limits.
- 679 Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before dis-  
680 charging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.
- 681 Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include  
682 sewer services (“laterals” or “service laterals”). It is not a public sewer.
- 683 Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public  
684 Service Commission.
- 685 Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of  
686 certain substances; these prohibitions appear in SECTION 4 of these Regulations.
- 687 Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by  
688 the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems  
689 that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.
- 690 Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is  
691 owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment,  
692 recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyance systems that  
693 transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other con-  
694 veyances not connected to a facility providing transportation and/or treatment for wastewater.
- 695 Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform  
696 wastewater analyses.
- 697 Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12)  
698 month period.
- 699 Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the  
700 Board of Commissioners.
- 701 Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA reg-  
702 ulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This*  
703 *position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*
- 704 Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential  
705 User.
- 706 Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings,  
707 minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance  
708 facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities.  
709 These devices may also be referred to as a “grit interceptor,” “sand trap,” or other such name.
- 710 Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.
- 711 Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision,  
712 company, or other such party (all collectively referred to as “party” in this definition) that discharges to a system  
713 that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-

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714 9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party  
 715 for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not  
 716 mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

717  
 718 A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite  
 719 Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General  
 720 Permit as issued by ~~SCDHEGSCDES~~ (or other such permit issued by ~~SCDHEGSCDES~~ and/or EPA) are those that  
 721 would require a construction permit under SC R61-67 if built today. There are two (2) basic situations that would  
 722 normally apply:

- 723 A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)  
 724 B. Pretreatment systems at industries

725  
 726 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-  
 727 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

728 Satellite Sewer System Permit. See definition for Permit.

729 Satellite System shall collectively mean a Satellite Sewer System and private sewer.

730 Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate  
 731 governing body(ies).

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

736 Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

737 Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

738 Sewer Service (aka "Lateral" or "Service Lateral") shall mean piping or plumbing that serves individual properties  
 739 and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public  
 740 sewer line.

741 Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

742 Shall is mandatory and requires compliance. May is permissive.

743 Significant Industrial User shall mean:

- 744 A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); or  
 745 B. An Industrial User that:  
 746 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the  
 747 POTW (excluding non-process wastewater); or  
 748 2. Contributes a process ~~wastestream~~ Wastestream which makes up five percent (5%) or more of the  
 749 average dry weather hydraulic or organic capacity of the POTW treatment plant; or  
 750 3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting  
 751 the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance  
 752 with SC R61-9 403.8(f)(6)).

753 Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for  
 754 adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement,  
 755 OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User,  
 756 and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be consid-  
 757 ered a Significant Industrial User.

- 758 C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may  
 759 be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

760 Significant Noncompliance shall mean one or a combination of any of the following:

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- 761 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or  
762 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
763 exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous lim-  
764 its;
- 765 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or  
766 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
767 equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantane-  
768 ous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats,  
769 oil, and grease; and one and two-tenths (1.2) for all other pollutants except pH);
- 770 C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maxi-  
771 mum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused,  
772 alone or in combination with other discharges, interference or pass- through including endangering the  
773 health of POTW personnel or the general public;
- 774 D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the  
775 environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a dis-  
776 charge;
- 777 E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone  
778 contained in an individual wastewater discharge permit or enforcement order for starting construction,  
779 completing construction, or attaining final compliance;
- 780 F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including  
781 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, pe-  
782 riodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;
- 783 G. Failure to accurately report noncompliance;
- 784 H. Any other violation(s), which may include a violation of Best Management Practices, which the Director  
785 determines will adversely affect the operation or implementation of the local Pretreatment Program.

786 Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended  
787 to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-  
788 Family Developments (if units have individual sewer plumbing that is not combined, or no more than two (2)  
789 units have shared sewer plumbing or service line, prior to connection to the public sewer system), and recrea-  
790 tional vehicles ("RV")/camper sites with an individual Water Meter and sewer connection.

791 Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the  
792 prohibited discharge standards in SECTION 4 of these Regulations; or any discharge of a nonroutine, episodic na-  
793 ture, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable  
794 potential to cause interference or pass through, or in any other way will violate OJRSA Regulations, Local Limits,  
795 or Permit conditions.

796 South Carolina Department of Environmental Services shall mean the State cabinet agency established by state law  
797 on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South  
798 Carolina's environment and natural resources. Prior to July 1, 2024, SCDES was a division of the South Carolina  
799 Department of Health and Environmental Control (SCDHEC).

800 Special Pretreatment Device shall mean equipment used to reduce, remove or alter the nature of pollutants in  
801 wastewater prior to entering the Public Sewer. Such devices include, but are not limited to: FOG Control Devices,  
802 Oil/Water Interceptors, Sand/Oil Interceptors, Hair Trap/Interceptors, Lint Interceptors, Plaster Interceptors.  
803 Pretreatment Systems, and others as necessary to protect the conveyance system, treatment facility, and/or to  
804 comply with NPDES Permit requirements.

805 Standard Industrial Classification System shall mean a classification pursuant to the 1997 edition of the Standard  
806 Industrial Classification Manual issued by the Executive Office of the President of the United States' Office of  
807 Management and Budget (OMB). The NAICS system was set in place in 1997 to take the place of the SIC System.  
808 The SIC codes are still referenced in some pretreatment regulations and are still currently in use.

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- 809 State shall mean the state of South Carolina.
- 810 Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to  
811 which wastewater is not intentionally admitted.
- 812 Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting there-  
813 from.
- 814 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water,  
815 wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or  
816 equivalent methods approved by EPA, and referenced as non-filterable residue.
- 817 Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater  
818 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this com-  
819 pound is  $\text{NH}_3\text{-N}$ .
- 820 Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as  
821 prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.
- 822 Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of  
823 a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.
- 824 Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which  
825 when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment  
826 process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the  
827 POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or com-  
828 bination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307  
829 (33 USC §1317) of the Act, or other acts.
- 830 Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water  
831 quality standards if such water were discharged to Waters of the State/United States.
- 832 Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Cate-  
833 gorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An up-  
834 set does not include noncompliance to the extent caused by operational error, improperly designed treatment  
835 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 836 User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignifi-  
837 cant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of  
838 wastewater to the POTW. *Also see Industrial User and Nonsignificant Industrial User.*
- 839 User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the  
840 wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board  
841 of Commissioners.
- 842 Wastestream shall mean the complete flow of liquid waste from its source to its final disposal. The contributors of  
843 Wastestreams are Residential and Nonresidential Users.
- 844 Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial build-  
845 ings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.
- 846 A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet  
847 and other sanitary plumbing facilities.
- 848 B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any  
849 industrial establishment and resulting from any trade or process carried on in that establishment and shall  
850 include the wastes from pretreatment facilities and cooling water.



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851 Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by  
852 the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of  
853 the effluent and accumulated residual solids.

854 Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or  
855 other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures  
856 any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in  
857 the sewer that is conveyed to the OJRSA wastewater treatment plant. *A Water Meter does not include meters*  
858 *on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation*  
859 *systems as they are not typically connected to a collection system; however, if it is determined that they are on*  
860 *a case-by-case basis, then they shall be treated as a Water Meter defined herein.*

861 Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reser-  
862 voirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or  
863 underground, natural or artificial, public or private, which are contained within, flow through, or border upon  
864 the State or any portion thereof.

865 Waters of the United States shall be defined by 40 CFR 230.3(s).

866 Wet Signature shall mean an original signature created when a person physically marks a document using pen and  
867 ink with the intent to sign the record.

868 Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product  
869 of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for  
870 products for produced at the facility *Also see Alcoholic Beverage.*

871 Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources  
872 (water, wastewater, solid waste, etc.) and can be recycled. Most “yellow grease” is deep fat fryer grease that  
873 has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not  
874 accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA  
875 water reclamation facility.

## 876 **2.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

877 °C: Celsius

878 °F: Fahrenheit

879 §: Section

880 ADF: Average Daily Flow (unit of volume during a pe-  
881 riod of time)

882 ADMI: American Dye Manufacturers Institute

883 AO: Administrative Order

884 ASCE: American Society of Civil Engineers

885 ASME: American Society of Mechanical Engineers

886 ASTM: American Society of Testing and Materials-In-  
887 ternational

888 Atty: OJRSA Attorney (General Counsel) and/or  
889 Other Legal Counsel as Designated by OJRSA  
890 Board of Commissioners

891 BMP or BMPs: Best Management Practice(s)

892 BOD: Biochemical Oxygen Demand

893 CAO: Chief Administrative Officer

894 CCPI: Cumulative Consumer Price Index

895 CEC: Contaminants of Emerging Concern

896 CEO: Chief Executive Officer

897 CFR: Code of Federal Regulations

898 CIU: Categorical Industrial User

899 CMOM: Capacity, Management, Operation, and  
900 Maintenance Audit

901 CPI: Consumer Price Index of All Urban Consumers  
902 (CPI-U)—U.S. city average, All items (as issued by  
903 the US Bureau of Labor Statistics)

904 COD: Chemical Oxygen Demand

905 CROMERR: Cross Media Electronic Reporting Rule

906 CSA: Canadian Standards Association

907 CWA: Clean Water Act

908 Dir: Executive Director of the OJRSA

909 DMR: Discharge Monitoring Report

910 e.g.: *Exempli Gratia*, Latin for “for example”

911 EPA: United States Environmental Protection Agency

912 ERG: Enforcement Response Guide

913 et seq.: *Et Sequentes*, Latin for “and the following”

914 FCD: FOG Control Device

915 FOG: Fats, Oils, and Grease

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- 916 FOG Insp: FOG Inspector (or person(s) authorized to
- 917 serve in this capacity for the OJRSA)
- 918 FOIA: South Carolina Freedom of Information Act (SC
- 919 Law Title 30 Chapter 4)
- 920 FSE: Food Service Establishment
- 921 gal: Gallon (unit of volume)
- 922 gpd: Gallons per Day (unit of volume during a period
- 923 of time)
- 924 HFD: Hydromechanical FOG Device
- 925 I&I: Inflow and Infiltration
- 926 in.: Inch or Inches, as appropriate (unit of distance)
- 927 IU: Industrial User
- 928 kg: Kilogram (unit of mass)
- 929 lb (or lbs): Pound or Pounds, as appropriate (unit of
- 930 mass)
- 931 MB: Megabyte
- 932 mg/L: Milligrams per Liter (unit of concentration)
- 933 NAICS: North American Industry Classification Sys-
- 934 tem
- 935 NCPS: National Categorical Pretreatment Standard(s)
- 936 NH<sub>3</sub>-N: Ammonia Nitrogen
- 937 No.: Number
- 938 NOAA: National Oceanic and Atmospheric Admin-
- 939 istration
- 940 NOSNC: Notice of Significant Noncompliance
- 941 NOV: Notice of Violation
- 942 NPDES: National Pollutant Discharge Elimination Sys-
- 943 tem
- 944 NSF: National Sanitation Foundation
- 945 O&M: Operation and Maintenance
- 946 OD: Oxygen Demand
- 947 OJRSA: Oconee Joint Regional Sewer Authority
- 948 OJRSA SUR xx (where “xx” is either letters and/or
- 949 numbers): Oconee Joint Regional Sewer Authority
- 950 Regulation (“xx” references the regulation)
- 951 OMB: Office of Management and Budget, an office
- 952 within the Executive Office of the President of the
- 953 United States
- 954 OSHA: Occupational Safety and Health Administra-
- 955 tion
- 956 PC: Pretreatment Coordinator or person(s) author-
- 957 ized to serve in this capacity by or Inspector for
- 958 the OJRSAPFAS: Per- and Polyfluoroalkyl Sub-
- 959 stances
- 960 PDF: Portable Document Format
- 961 PDI: Plumbing and Drainage Institute
- 962 pH: Potential of Hydrogen or Power of Hydrogen
- 963 (unit of acidity/basicity)
- 964 PL: Public Law
- 965 POTW: Publicly Owned Treatment Works
- 966 PU: Private Utility
- 967 QAC or QACs: Quaternary Ammonium Compound(s)
- 968 RSC: Regulatory Services Coordinator or Inspector
- 969 (or person(s) authorized to serve in this capacity
- 970 for the OJRSA)
- 971 SC Rxx (where “xx” is either letters and/or numbers):
- 972 South Carolina Regulation (“xx” references the
- 973 regulation)
- 974 RCRA: Resource Conservation and Recovery Act
- 975 SC: South Carolina
- 976 SCADA: Supervisory Control and Data Acquisition
- 977 SCDES: South Carolina Department of Environmental
- 978 Services or any successor agency
- 979 SCDHEC: South Carolina Department of Health and
- 980 Environmental Control, successor agency to
- 981 SCDES or any successor agency
- 982 SDWA: Safe Drinking Water Act
- 983 SIC: Standard Industrial Classification System
- 984 SIU: Significant Industrial User
- 985 SNC: Significant Noncompliance
- 986 SS: Suspended Solids
- 987 SU: Standard Units for pH Measurements
- 988 SUR: *OJRSA Sewer Use Regulation*
- 989 SWDA: Solid Waste Disposal Act
- 990 TKN: Total Kjeldahl Nitrogen
- 991 TMS: Tax Map System
- 992 TRC: Technical Review Criteria
- 993 TSS: Total Suspended Solids
- 994 US: United States
- 995 USC: United States Code
- 996 WEF: Water Environment Federation

997 **2.5 DOCUMENT FORMAT**

998 This manual contains fonts and styles that mean certain things, including points of emphasis or reference other  
 999 sections or materials. Below is a list of the types used within this manual and what it represents when encountered  
 1000 in the *OJRSA Sewer Use Regulation*.

1001

**BOLD CAPITAL LETTERS**

Important point of emphasis

Dashed Underline

Name of a form to use for documenting a referenced task

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<i>Italic 'Cambria Math' Font</i>	Mathematic or chemistry formula
<i>Italics</i>	Title of books, manuals, and other documents or unfamiliar foreign words
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
<u>Underlined</u>	Word being defined (limited to SECTION 2.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

**2.6 ELECTRONIC SUBMITTAL OF DOCUMENTS**

The following information does not apply to documents that require a Wet Signature as stated the appropriate sections of the OJRSA Sewer Use Regulation (SUR). Applications and documents may be submitted electronically in accordance with the following requirements:

- A. All electronic submittals must be in Portable Document Format (PDF).
- B. Each submittal document must be a separate PDF (there can be multiple pages within each PDF document so long as they are all associated with the same document, form, etc.).
- C. The file size for any single PDF submitted must not exceed fifty megabytes (50 MB) (building and site plan submittals can exceed this file size). It shall be the responsibility of the User submitting the document to ensure its delivery and receipt by the OJRSA.
- D. Ensure all layers are flattened in the authoring program prior to export and submittal. (Scanned documents are inherently flattened)
- E. Orient all sheets so the top of the page is always at the top of the computer screen (right side up).
- F. All sheets must be numbered, labeled, or titled.
- A-G. Documents requiring ~~original signatures~~ Wet Signatures as stated within the SUR may be submitted electronically but must be accompanied by the Wet Signature hard copy.

## OJRSA Sewer Use Regulation

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1018 **Section 3 – Use of Sewers**1019 **3.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE**

1020 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User's consent and  
 1021 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations  
 1022 promulgated hereunder, including enforcement and penalty provisions.

1023 **3.2 SEWER SYSTEMS**

- 1024 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-  
 1025 quirement shall not apply to systems which are owned by multiple public entities.
- 1026 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or  
 1027 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line  
 1028 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby  
 1029 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1030 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-  
 1031 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force  
 1032 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations  
 1033 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-  
 1034 tified in the *OJRSA Development Policy*;
  - 1035 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the  
 1036 Sewer System in its entirety is owned by a public entity.
  - 1037 3. Further, the application to OJRSA will include an opinion from the PU's legal counsel that such PU  
 1038 is authorized to own and operate the Sewer System and to enter into the contracts by which it  
 1039 gained ownership and control of the system.
- 1040 C. Sewer Systems that are to remain privately owned must be permitted by [SCDHEGSCDES](#) and/or the OJRSA  
 1041 as a Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance  
 1042 with the [SCDHEGSCDES](#) Satellite Sewer System Permit or other such permit or requirement of [SCDHEGSCDES](#)  
 1043 and these Regulations.
- 1044 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1045 1. All requests for service inside the service area of a Member City, municipality, or County shall be  
 1046 under the direction and approval of a Member City, municipality or County. This provision allows  
 1047 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such  
 1048 Sewer System a part of the Member City, municipality, or County's Sewer System.
  - 1049 2. The application for service to OJRSA shall be under the direction and approval of the Member City,  
 1050 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or  
 1051 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured  
 1052 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume  
 1053 ownership, operational, maintenance, and financial responsibility for the PU.
  - 1054 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which  
 1055 such entity obtained control of the system. A term of that contract shall require ownership of the  
 1056 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System  
 1057 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for  
 1058 an unsafe or unsanitary operating condition. The contract will include express provision giving  
 1059 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary  
 1060 thereto.

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**3.3 PERMITS REQUIRED**

- 1061
- 1062 A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via
- 1063 Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
- 1064 B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall
- 1065 not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Indus-
- 1066 trial Users must also comply with OJRSA SUR 3.3(D) and 6.1.
- 1067 C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting
- 1068 record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such
- 1069 permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
- 1070 D. Industrial Users
- 1071 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit
- 1072 Application and Questionnaire and obtain approval to connect and use the sewer facilities, regard-
- 1073 less of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite
- 1074 for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
- 1075 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by
- 1076 completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the
- 1077 Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of
- 1078 the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as pro-
- 1079 vided by the Director or his/her designee. This application shall be obtained from the OJRSA.
- 1080 E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements
- 1081 to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into
- 1082 the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source
- 1083 Wastewater Discharge Permit.

**3.4 RESPONSIBILITY OF COSTS**

1084 All costs and expense incident to the installation and connection of building sewers and/or extension of the con-

1085 veyance system shall be borne by the Owner.

1086

**3.5 USE OF PUBLIC SEWERS REQUIRED**

- 1087
- 1088 A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any
- 1089 wastewater, except where suitable treatment has been provided in accordance with subsequent provisions
- 1090 of these Regulations and with regulations of SCDHECSCDES.
- 1091 B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic
- 1092 tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 1093 C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or
- 1094 other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is
- 1095 hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such
- 1096 facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unu-
- 1097 sual or specific circumstances, the Director may waive this provision. This requirement shall not apply to
- 1098 any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic
- 1099 system permitted by SCDHECSCDES in compliance with S.C. Regulation 61-56. Such properties may continue
- 1100 to utilize their existing septic systems until and unless SCDHECSCDES requires those properties to connect
- 1101 to public sewer pursuant to S.C. Regulation 61-56.
- 1102 D. Exceptions
- 1103 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct con-
- 1104 nection of sewer service.
- 1105 2. Where annexation or easements to cross adjacent property are required to connect to the
- 1106 wastewater system at the time of application, then sewer shall not be considered accessible. A
- 1107 deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between

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- 1108 the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed  
 1109 shall be identifiable by County Tax Map System (TMS) number.
- 1110 E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to  
 1111 relieve a User of any additional requirements that may be imposed by other authorities having legal juris-  
 1112 diction.

1113 **3.6 SEWER CONSTRUCTION AND MATERIALS**

- 1114 A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must  
 1115 meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable exten-  
 1116 sion of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider  
 1117 these situations on a case-by-case basis.
- 1118 B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new  
 1119 treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in ac-  
 1120 cordance with the OJRSA's requirements as stated within the current version of the OJRSA Development  
 1121 Policy and shall be subject to their review and approval and be in compliance with any applicable  
 1122 ~~SCDHEGSCDES~~ requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the op-  
 1123 eration and maintenance costs of treatment systems and pump stations upon such terms and conditions  
 1124 as it deems appropriate.

1125 **3.7 CERTAIN CONNECTIONS PROHIBITED**

- 1126 A. Connections Not Allowed to Sewer
- 1127 1. No person shall make any connection of roof downspouts, exterior foundation drains, area drains,  
 1128 dumpster pad drains, or other sources of inflow, infiltration, or other unpolluted waters to a build-  
 1129 ing sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
  - 1130 2. Floor drains are not permitted in areas where machining, automotive repair, painting, and other  
 1131 such activities take place that are directly or indirectly (such as to a Satellite Sewer System) con-  
 1132 nected to the OJRSA sanitary sewer system.
  - 1133 3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a gar-  
 1134 bage grinder or allow any discharge from such grinder from any unit or portion of its facility unless  
 1135 written permission has been granted by the Director.
  - 1136 4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR  
 1137 4.2(D).
- 1138 B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer.  
 1139 Upon discovery, such disposals shall be reported to ~~SCDHEGSCDES~~ for investigation and enforcement.

1140 **3.8 MULTIPLE CONNECTIONS THROUGH ONE-BUILDING SEWER**

1141 A separate and independent building sewer shall be provided for every building; except where one (1) building  
 1142 stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear  
 1143 building through an adjoining alley, court, yard, easement, or driveway. The building sewer from the front building  
 1144 may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by  
 1145 OJRSA.

1146 **3.9 USE OF OLD BUILDING SEWERS**

- 1147 A. Old building sewers may be used in connection with new buildings only when they are found, upon exami-  
 1148 nation and testing, to meet all requirements of these Regulations.
- 1149 B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm  
 1150 compliance with these Regulations prior to authorizing the connection to their system.

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- 1151 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall  
 1152 be connected to private wastewater disposal systems subject to the requirements of the County or  
 1153 SCDHECSCDES.

**3.10 COMPLIANCE WITH OTHER REGULATIONS**

1154 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and  
 1155 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-  
 1156 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.  
 1157 All joints of the building sewer shall be tight and waterproof.  
 1158

**3.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER**

- 1159 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement  
 1160 floor.  
 1161 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater  
 1162 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the  
 1163 building sewer.  
 1164 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable  
 1165 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-  
 1166 tight and watertight.  
 1167 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-  
 1168 cordance with the *OJRSA Development Policy* before installation.  
 1169

**3.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION**

1170 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection  
 1171 and connection to the public sewer no less than two (2) full business days prior to making the connection. The  
 1172 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.  
 1173 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect  
 1174 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work  
 1175 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,  
 1176 the Occupational Safety and Health Act of 1970.  
 1177

**3.13 SPECIAL PRETREATMENT DEVICES**

- 1178 A. All Special Pretreatment Devices may be subject to construction and operational permitting by  
 1179 SCDHECSCDES.  
 1180 B. FOG Control Devices  
 1181 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they  
 1182 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,  
 1183 sand, or other harmful ingredients as required by SECTION 9 of these Regulations. Applicable facili-  
 1184 ties for these systems include those identified in that Section; except that such devices shall not be  
 1185 required for Single-Family Residential or dwelling units unless associated with regulated Multi-Fam-  
 1186 ily Developments or a Hotel with Kitchen as stated in OJRSA SUR 9.3(C).  
 1187 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
 1188 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
 1189 approved security mechanisms installed to prevent unauthorized access or use.  
 1190 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the  
 1191 Owner at their expense and in continuously efficient operation at all times.  
 1192 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
 1193 posal by appropriate means of the captured material and shall maintain records of the dates and  
 1194

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- 1195 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
 1196 as appropriate.
- 1197 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
 1198 Federal, and Local regulations.
- 1199 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
 1200 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1201 C. Oil and Grit Removal Systems
- 1202 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for  
 1203 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for  
 1204 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical  
 1205 maintenance shops, industries, etc.
- 1206 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
 1207 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
 1208 approved security mechanisms installed to prevent unauthorized access or use.
- 1209 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-  
 1210 cured by the Owner at their expense in continuously efficient operation at all times.
- 1211 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
 1212 posal by appropriate means of the captured material and shall maintain records of the dates and  
 1213 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
 1214 as appropriate.
- 1215 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
 1216 Federal, and Local regulations.
- 1217 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-  
 1218 less the facility can document that four (4) months does not affect the functionality of the devices  
 1219 or impact the sewer system.
- 1220 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
 1221 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1222 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to  
 1223 meet the requirements of SECTIONS 4.4 and 4.9, Industries or other Users are required to install specialized  
 1224 equipment on a case-by-case basis as determined by the OJRSA and/or SCDHEGSCDES in order to:
- 1225 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-  
 1226 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1227 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1228 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1229 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-  
 1230 cilities.
- 1231 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply  
 1232 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair  
 1233 Trap/Interceptors, and Plaster Separators.

**3.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE**

- 1234
- 1235 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1236 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-  
 1237 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1238 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and  
 1239 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g.,  
 1240 SCDHEGSCDES).



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- 1241 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for  
 1242 engineering standards or regulations met per SECTION 3.14, and be inspected and approved by County or  
 1243 Member City Codes Department (or other as appropriate), OJRSA, and/or ~~SCDHECSCDES~~.

**3.15 CONNECTION CONSTITUTES CONSENT**

1244 Connection to the OJRSA's system shall constitute consent and agreement by the User to be bound by and to abide  
 1245 with all OJRSA Regulations and requirements.  
 1246

**3.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER**

1247 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*  
 1248 *Development Policy*.  
 1249

**3.17 VARIANCES**

- 1250 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or  
 1251 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and  
 1252 may be included in a Discharge Permit or other written document as issued by OJRSA.  
 1253 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and  
 1254 State laws.  
 1255 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and  
 1256 policies, including but not limited to these Regulations, fees, design, and construction matters. There may  
 1257 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,  
 1258 these shall only apply to the section and subsection in which it is stated.  
 1259

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1260

**Section 4 – Prohibitions and Limitations on Wastewater Discharges**

1261

**4.1 PROHIBITED DISCHARGES**

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- A. General Prohibitions – It shall be unlawful for any person to discharge wastewater which causes a hazard to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass-through or interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State, or local regulations or ordinances. When the Director determines that a User is discharging such wastewater, the Director shall advise the User of the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW.
- B. Specific Prohibitions – A User shall not discharge the following substances to the POTW:
1. Uncontaminated cooling water, condensate, ground water from wells, and/or surface water may not be discharged to the conveyance system and POTW unless otherwise approved in an industrial wastewater discharge permit.
  2. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flash-point of less than one hundred forty degrees Fahrenheit (140°F) using test methods specified in 40 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, lubricating oil, and any other substances which the OJRSA, State, OSHA, or EPA identifies as a fire or explosive hazard or a hazard to the system.
  3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (0.5 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, non-woven fabrics and wipes, hygiene products, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. **GRINDING OR SHREDDING OF SOLIDS DOES NOT RENDER SUCH SOLIDS ACCEPTABLE FOR DISCHARGE TO THE POTW.**
  4. pH Levels Considered to be Extremely Acidic or Basic
    - (a) Wastewater having a pH less than six-point-zero standard units (6.0 SU), unless other limits are approved by the Director, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
    - (b) A pH greater than ten-point-zero standard units (10.0 SU) is only accepted with special permission from the Director in an industrial discharge permit.
    - (c) No wastewater with a pH greater than twelve-point-zero standard units (12.0 SU) will be accepted by OJRSA.
  5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW.
  6. Noxious liquids, gases, or solids which either singly, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
  7. Wastewater, liquid, or vapors having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), or results in a temperature higher than one hundred four degrees Fahrenheit (104°F) at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW and result in interference.

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- 1306 8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.
- 1307
- 1308 9. Wastewater which constitutes a slug discharge as defined herein.
- 1309 10. Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
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- 1316 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
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- 1318 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1319 13. Any pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
- 1320
- 1321 14. Any trucked or hauled pollutants not authorized under SECTION 10 of these Regulations.
- 1322 15. Any 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 observable and/or measurable color to the treatment plant's effluent thereby violating the OJRSA's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
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- 1328 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1329 17. Any medical wastes, except as specifically authorized by the Director in writing by execution of a Capacity Permit, Industrial User Permit, other permit, or binding agreement. No medical waste may pose a biohazard risk to OJRSA staff, the public, or the environment. Liquid cremation processes and the like will be considered by OJRSA on a case-by-case basis.
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- 1333 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1334 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
- 1335
- 1336 20. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- 1337
- 1338 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.
- 1339
- 1340 D. Inflow Prohibitions: Any wastewater drains located outside the building must be covered with a roof or hatch and also have a berm or appropriate stormwater barrier around it to prevent the drainage of stormwater into the sewer (e.g., mop basin, sampling point, etc.). Outdoor grated cleanouts are not allowed in the OJRSA territory to prevent the introduction of stormwater to the sewer, which includes industrial and other ~~wastestream~~ Wastestream sampling points. Dumpster pad drains are not allowed to be connected to any system that discharges wastewater to the OJRSA wastewater treatment plant. Any outside drain must be approved by OJRSA and will be evaluated on a case-by-case basis. Outside sampling locations are also included in this requirement. The sampling location must have an aluminum or lightweight cover to prevent stormwater from getting into the sewer line. A notch can be cut out of the lid to allow sampling tubing for the composite sampler.
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1350 **4.2 CONDITIONALLY PROHIBITED DISCHARGES**

1351 Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, health, public property, or constitute a nuisance. The Director may revise the limitations established in this Section if, in their opinion, different limitations are necessary

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to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

A. Grease, Waxes, and Oils:

1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
  - (a) Wastewater shall not exceed an average concentration of more than one hundred milligrams per liter (100 mg/L) of such oil or grease.
  - (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Oil or Grease of Animal or Vegetable Origin
  - (a) Wastewater shall not exceed an average concentration of more than two hundred milligrams per liter (200 mg/L) of such oil or grease.
  - (b) Analyses for total oil and grease and for total petroleum oil and grease shall be performed in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants. The difference between the hydrocarbon analysis and the total recoverable grease and oil analysis will be considered grease or oil of animal or vegetable origin.
3. Wastewater containing substances which may solidify or become viscous at a temperature between thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).
4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION 9 and SECTION 10 of this Regulation address provisions as they are applicable to hauled waste.

B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.

C. Holding tank waste.

D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including industrial wastewater), unless specifically authorized by the Director.

#### **4.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS**

- A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these Regulations.
- B. No person shall discharge wastewater in excess of the concentration or mass limit set forth in National Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as listed on an individual Discharge Permit. The Director shall establish permit limitations on industrial and Commercial Users on a case-by-case basis in accordance with ~~SCDHECSCDES~~ and EPA regulations. Where appropriate and allowed by applicable regulations, the Director may impose concentration and/or mass limitations on a discharge.
- C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall discharge wastewater containing an excess of these pollutant limits.
- D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Discharge Permits to implement Local Limits and the requirements of SECTION 4.1 of these Regulations.

#### **4.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS**

- A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and/or SECTION 4.3.
- B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified in S.C. R.61-9 403.

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- 1399 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part  
1400 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-  
1401 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the  
1402 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-  
1403 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-  
1404 corporated into the Pretreatment Program.
- 1405 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the  
1406 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or  
1407 mass limits in accordance with this Section.
  - 1408 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of  
1409 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-  
1410 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of  
1411 calculating effluent limitations applicable to individual Industrial Users.
  - 1412 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not  
1413 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC  
1414 R61-9 403.6I.
  - 1415 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,  
1416 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-  
1417 mination to convert concentration limits to mass limits is within the discretion of the Director.  
1418 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set  
1419 forth below.
    - 1420 (a) To be eligible for equivalent mass limits, the Industrial User must:
      - 1421 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-  
1422 nologies that substantially reduce water use during the term of its individual  
1423 wastewater discharge permit;
      - 1424 (ii) Currently use control and treatment technologies adequate to achieve compliance  
1425 with the applicable Categorical Pretreatment Standard, and not have used dilution  
1426 as a substitute for treatment (SECTION 4.5);
      - 1427 (iii) Provide sufficient information to establish the facility's actual average daily flow  
1428 (ADF) rate for all waste streams, based on data from a continuous effluent flow  
1429 monitoring device as well as the facility's long-term average production rate. Both  
1430 the actual ADF rate and the long-term average production rate must be representa-  
1431 tive of current operating conditions;
      - 1432 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-  
1433 cantly that equivalent mass limits are not appropriate to control the discharge; and
      - 1434 (v) Have consistently complied with all applicable Categorical Pretreatment Standards  
1435 during the period prior to the Industrial User's request for equivalent mass limits.
    - 1436 (b) An Industrial User subject to equivalent mass limits must:
      - 1437 (i) Maintain and effectively operate control and treatment technologies adequate to  
1438 achieve compliance with the equivalent mass limits;
      - 1439 (ii) Continue to record the facility's flow rates through the use of a continuous effluent  
1440 flow monitoring device;
      - 1441 (iii) Continue to record the facility's production rates and notify the Director whenever  
1442 production rates are expected to vary by more than twenty percent (20%) from its  
1443 baseline production rates determined in paragraph 4.4(C)(4)(a)(iii) of this Section.  
1444 Upon notification of a revised production rate, the Director will reassess the equiv-  
1445 alent mass limit and revise the limit as necessary to reflect changed conditions at  
1446 the facility; and

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- 1447 (iv) Continue to employ the same or comparable water conservation methods and  
 1448 technologies as those implemented pursuant to paragraph 4.4(C)(4)(a)(i) of this  
 1449 Section as long as it discharges under an equivalent mass limit.
- 1450 (c) When developing equivalent mass limits, the Director:
- 1451 (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the  
 1452 regulated process(es) of the Industrial User by the concentration-based Daily Max-  
 1453 imum and Monthly Average standards for the applicable Categorical Pretreatment  
 1454 Standard and the appropriate unit conversion factor;
- 1455 (ii) Upon notification of a revised production rate, will reassess the equivalent mass  
 1456 limit and recalculate the limit as necessary to reflect changed conditions at the fa-  
 1457 cility; and
- 1458 (iii) May retain the same equivalent mass limit in subsequent individual wastewater  
 1459 discharge permit terms if the Industrial User's actual ADF rate was reduced solely  
 1460 as a result of the implementation of water conservation methods and technologies,  
 1461 and the actual ADF rates used in the original calculation of the equivalent mass limit  
 1462 were not based on the use of dilution as a substitute for treatment pursuant to  
 1463 SECTION 4.5. The Industrial User must also be in compliance with these Regulations  
 1464 regarding the prohibition of bypass.
- 1465 5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts  
 1466 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to indi-  
 1467 vidual Industrial Users. The conversion is at the discretion of the Director.
- 1468 (a) Once included in its permit, the Industrial User must comply with the equivalent limitations  
 1469 developed in this Section in lieu of the promulgated Categorical Pretreatment Standards  
 1470 from which the equivalent limitations were derived.
- 1471 (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum  
 1472 daily discharge limitations and a second limit for calculating maximum Monthly Average, or  
 1473 four (4) day average, limitations. Where such Standards are being applied, the same pro-  
 1474 duction or flow figure shall be used in calculating both the average and the maximum equiv-  
 1475 alent limitation.
- 1476 (c) Any Industrial User operating under a permit incorporating equivalent mass or concentra-  
 1477 tion limits calculated from a production-based Standard shall notify the Director within two  
 1478 (2) business days after the User has a reasonable basis to know that the production level  
 1479 will significantly change within the next calendar month. Any User not notifying the Direc-  
 1480 tor of such anticipated change will be required to meet the mass or concentration limits in  
 1481 its permit that were based on the original estimate of the long-term average production  
 1482 rate.

**4.5 DILUTION PROHIBITION**

1483 Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a dis-  
 1484 charge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations de-  
 1485 veloped by the OJRSA, State, or Federal Regulations.  
 1486

**4.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS**

- 1487 A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/  
 1488 slug control plan or other actions to control slug discharges. Users shall provide protection from accidental  
 1489 discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent  
 1490 accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner.  
 1491 When required, detailed plans showing facilities and operating procedures to provide this protection shall  
 1492 be submitted to the OJRSA for review and shall be approved by the OJRSA and ~~SCDHEC~~ ~~SCDES~~ as necessary  
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1494 before construction of the facility. Review and approval of such plans and operating procedures shall not  
 1495 relieve the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

- 1496 B. The accidental discharge/slug control plan when required shall be submitted to the Director and to  
 1497 SCDHECSCDES containing at a minimum the following:

- 1498 1. Description of discharge practices, including nonroutine batch discharges.
- 1499 2. Description of stored chemicals.
- 1500 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notifica-  
 1501 tion must also be given for any discharge which would violate any of the prohibited discharges.
- 1502 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures in-  
 1503 clude but are not limited to: inspection and maintenance of storage areas, handling and transfer of  
 1504 materials, loading and unloading operations, control of plant site run-off, worker training, building  
 1505 of containment structures or equipment, measure for containing toxic organic pollutants (including  
 1506 solvents), and/or measures and equipment for emergency response.

#### 1507 **4.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE**

- 1508 A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance  
 1509 with Categorical Pretreatment Standards if the requirements of Paragraph 4.7(B) are met.
- 1510 B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of  
 1511 upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evi-  
 1512 dence, that:
- 1513 1. An upset occurred and the User can identify the cause(s) of the upset;
  - 1514 2. The facility was at the time being operated in a prudent and worker-like manner and in compliance  
 1515 with applicable operation and maintenance procedures; and
  - 1516 3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or  
 1517 Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays)  
 1518 of becoming aware of the upset [if this information is provided orally, a written submission must  
 1519 be provided within five (5) calendar days]:
    - 1520 (a) A description of the indirect discharge and cause of noncompliance;
    - 1521 (b) The period of noncompliance, including exact dates and times or, if not corrected, the an-  
 1522 ticipated time the noncompliance is expected to continue; and
    - 1523 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-  
 1524 compliance.
- 1525 C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an  
 1526 upset shall have the burden of proof.
- 1527 D. Judicial Determination
- 1528 1. Users shall have the opportunity for a judicial determination on any claim of upset only in an en-  
 1529 forcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined  
 1530 in SECTION 8 herein.
  - 1531 2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges  
 1532 to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon re-  
 1533 duction, loss, or failure of its treatment facility until the facility is restored or an alternative method  
 1534 of treatment is provided. This requirement applies in the situation where, among other things, the  
 1535 primary source of power of the treatment facility is reduced, lost, or fails.

#### 1536 **4.8 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION**

1537 Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations  
 1538 of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or  
 1539 longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter  
 1540 characteristics of the wastewater.

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**4.9 PRETREATMENT**

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- A. Users shall provide wastewater pretreatment as required to comply with these Regulations or Discharge Permit and shall achieve compliance with these Regulations and all Categorical Pretreatment Standards within the specified time limitations. A permit to construct pretreatment facilities shall be obtained from SCDHECSCDES (see SC R61-67). Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review. Submittal of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director prior to the initiation of the changes.
  - B. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. The pretreatment system tanks and pipes must be labeled to clearly show the process and what is added to the wastewater.
  - C. Additional Pretreatment Measures
    1. Whenever deemed necessary, the Director may require Industrial 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 sewer ~~wastestream~~ Wastestreams from industrial ~~wastestream~~ Wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of these Regulations.
    2. A Significant Industrial User (SIU) [or Categorical Industrial User (CIU) as all CIUs are SIUs] may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow over a period determined by the Director. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A Discharge Permit may be issued solely for flow equalization in order to prevent a heavy flow discharge into the sewer.
    3. FOG Interceptors, Hydromechanical FOG Devices, FOG Traps, Oil/Water Interceptors, or Sand/Oil Interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease, oil, or sand; except that such interceptors shall not be required for Residential Users as defined in these Regulations. All interception units shall be of type and capacity as stated in the *OJRSA Development Policy* and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at their expense, as stated in SECTION 9.
    4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**4.10 BYPASS AS AN AFFIRMATIVE DEFENSE**

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- A. Any User which bypasses treatment facilities as defined in SC R61-9 403.17 shall comply with the requirements of that State regulation and applicable other Federal and State regulations.
  - B. An Industrial User may allow a bypass to occur only when it does not cause National Categorical Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.
  - C. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least ten (10) calendar days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays), from the time the Industrial User becomes aware of the bypass.



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- 1589 D. A written submission shall be provided within five (5) calendar days of the time the Industrial User becomes  
 1590 aware of the bypass. The written submission shall contain a description of the bypass and its cause; the  
 1591 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-  
 1592 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent  
 1593 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral  
 1594 report has been received within twenty-four (24) hours.
- 1595 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User  
 1596 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:  
 1597 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental  
 1598 damage; and  
 1599 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,  
 1600 retention of untreated wastewater, or maintenance during normal periods of equipment down-  
 1601 time. This condition is not satisfied if adequate backup equipment should have been installed in the  
 1602 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal  
 1603 periods of equipment downtime or preventative maintenance; and  
 1604 3. The Industrial User submitted notices as required in this Section.
- 1605 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-  
 1606 mines at it will meet the conditions listed in this section.

**4.11 RECOVERY OF PREVENTATIVE EXPENSES**

1607 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that  
 1608 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA  
 1609 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or  
 1610 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative  
 1611 measures shall be charged to and paid by the User and/or Owner.  
 1612

**4.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS**

1613 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to  
 1614 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-  
 1615 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving  
 1616 waters/biosolids.  
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- 1619 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-  
 1620 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on  
 1621 specified CEC; and specified information on Users' products and processes that may contribute to the cre-  
 1622 ation of discharge of CEC.
- 1623 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs  
 1624 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by  
 1625 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall  
 1626 include any existing data in the possession or control of the User and may include requirements for the  
 1627 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,  
 1628 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance  
 1629 with this Regulation.
- 1630 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User  
 1631 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 8.2) or  
 1632 otherwise pursuant to the terms of this Regulation actions by a User to address CEC.  
 1633 1. Such actions may include:  
 1634 (a) Further or routine monitoring requirements;

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- 1635 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable  
 1636 or User-specific technology-based limits; and  
 1637 (c) Requirements for BMPs.  
 1638 2. Any such requirements may be based on:  
 1639 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;  
 1640 (b) EPA or DHEC standards or criteria; or  
 1641 (c) Generally accepted criteria determinations by recognized national scientific entities.

#### 1642 **4.13 QUATERNARY AMMONIUM COMPOUNDS**

1643 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-  
 1644 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long  
 1645 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection  
 1646 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial  
 1647 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's  
 1648 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-  
 1649 form the wastewater treatment.

- 1651 A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right  
 1652 to ban or require the addition of chemicals that deactivate the QAC.  
 1653 B. OJRSA must approve the chemicals used to deactivate the QAC.  
 1654 C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs  
 1655 is subject to the enforcement actions delineated in this Regulation.

#### 1656 **4.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1657 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to  
 1658 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,  
 1659 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,  
 1660 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-  
 1661 mum:

- 1662 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION 4  
 1663 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then  
 1664 the facility will be required to install and maintain that equipment at their expense.  
 1665 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-  
 1666 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.  
 1667 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-  
 1668 struction or equipment installation.  
 1669 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of  
 1670 discharge to the sewer system.  
 1671 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids  
 1672 removal, then they must comply with applicable sections of this Regulation as well as ~~SCDHECSCDES~~  
 1673 requirements for a construction permit (SC R61-67).  
 1674 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to  
 1675 the enforcement actions set forth in SECTION 8.  
 1676

#### 1677 **4.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

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- 1678 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition  
 1679 of a Satellite Sewer System (collectively referred to in SECTION 4.15 as a "Satellite System") shall be required  
 1680 to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
- 1681 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not  
 1682 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per  
 1683 day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite  
 1684 System is being measured. A high recurrence interval storm shall be classified as the following per NOAA  
 1685 Atlas 14 Point Precipitation Frequency Estimates:  
 1686 1. Five (5) year recurrence interval or greater  
 1687 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length  
 1688 in minutes or days  
 1689 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude  
 1690 or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-  
 1691 site: PF Map: Contiguous US (noaa.gov)
- 1692 C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow  
 1693 criteria shall be evaluated at each connection point independently of any other connection points, which  
 1694 may necessitate data collection from the Satellite System's infrastructure.
- 1695 D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a  
 1696 pump station as near to the connection point as practicable. All effort shall be made to establish a flow  
 1697 monitoring point that minimizes:  
 1698 1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.  
 1699 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any  
 1700 other Satellite System flow monitoring points.
- 1701 E. The Satellite System shall provide metering data and any required follow up information to OJRSA for re-  
 1702 view. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date  
 1703 for that analysis.
- 1704 F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the  
 1705 Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge  
 1706 (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.
- 1707 G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Meas-  
 1708 ured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow  $\leq$  Allowable Daily Flow).
- 1709 H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as  
 1710 follows:  
 1711 1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influ-  
 1712 ence. (See SECTION 4.15.1 for an example):  
 1713 (a) For a flowmeter with at least twelve (12) months of flow data:  
 1714 (i) Actual daily flows for the last twelve (12) months will be calculated for each month  
 1715 and averaged to produce an average daily flow (ADF) for each month of data. Data  
 1716 shall be reviewed to exclude any days with missing or questionable data that could  
 1717 skew the calculation. For a month to have valid data to be included in the analysis,  
 1718 at least seventy-five (75%) of the days within the month should have complete  
 1719 data. A minimum of nine (9) months of valid data within the previous twelve (12)  
 1720 month period should be used for the analysis; if there is less than nine (9) months  
 1721 of valid data within the last twelve (12) months, then the evaluation period shall  
 1722 extend to prior to the last twelve (12) month period until there is at least nine (9)  
 1723 months of valid data.  
 1724 (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and  
 1725 the month with the lowest ADF shall be designated as the ADF to be used in the  
 1726 analysis.

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- (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be performed with as many months of data as possible. Once there is twelve (12) months of data, the calculation shall be performed as detailed above.
  - (c) ADF shall be recalculated annually.
  - (d) For the ADF calculated in the above steps, the amount should be increased by a factor of five percent (5%) (or else by a different factor if documented by the meter manufacturer and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The maximum meter accuracy allowance that may be used is ten percent (10%).
2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide for Estimating Inflow and Infiltration*) (See SECTION 4.15.2 for an example):
- $$2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10) + (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$$
- Where "X" represents each additional diameter pipe in the satellite sewer system
- (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until otherwise verified.
3. For any particular day (See SECTION 4.15.3 for an example):
- $$Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage}) + Allowable \text{ I\&I Flow}]$$
- i. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering practice.

**4.15.1 Average Daily Flow Calculation Formula and Example**

Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five percent (±5%)) as shown below:

Month	Number of Days Valid Data	% of Days Valid Data	Average Daily Flow (gpd)
December-2021	31	100%	587,597
November-2021	30	97%	556,671
October-2021	31	100%	474,201
September-2021	20	67%	443,275
August-2021	24	77%	505,127
July-2021	31	100%	536,053
June-2021	18	60%	510,282
May-2021	27	87%	515,436
April-2021	30	100%	566,980
March-2021	22	71%	556,671
February-2021	26	93%	824,698
January-2021	21	68%	721,610
December-2020	15	48%	551,517
November-2020	26	84%	530,899
October-2020	31	100%	489,664
September-2020	28	93%	407,194
August-2020	29	94%	489,664
July-2020	29	94%	463,892

In looking at the last twelve (12) months of data, only eight (8) of the twelve (12) months have valid data for seventy-five percent (75%) or more of the days. Therefore, data for the highlighted months are thrown out, and November 2020 data is used to obtain nine (9) most recent months of valid data.

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1756 Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This  
 1757 amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a  
 1758 value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.

1759 **4.15.2 Allowable I&I Flow Calculation Formula and Example**

1760 This same system has the following size pipes in their system:

Size (inches)	Length of Sewer (Linear Feet)
4	2,200
6	9,800
8	107,000
10	10,500
12	7,200
15	800
18	1,800

1761  
 1762  $Allowable\ I\&I\ Flow^1 = 2,000\ gpd * [(2,200*4/5,280) + (9,800*6/5,280) +$   
 1763  $(107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) +$   
 1764  $(1,800*18/5,280)]$   
 1765  $Allowable\ I\&I\ Flow = 439,167\ gpd$

1766 **4.15.3 Allowable Daily Flow Formula and Example**

1767  $Allowable\ Daily\ Flow = [Average\ Daily\ Flow\ (ADF) * (1 + Meter\ Accuracy\ Percentage)] +$   
 1768  $Allowable\ I\&I\ Flow] + Allowable\ I\&I\ Flow$   
 1769  $= (474,201\ gpd * 1.05) + 439,167\ gpd$   
 1770  $= 497,911\ gpd + 439,167\ gpd$   
 1771  $Allowable\ Daily\ Flow = 937,078\ gpd$   
 1772

1773 Therefore, all daily flows would be measured against this threshold and any individual days (not average daily flow  
 1774 for the month) measuring above 937,078 gpd would be out of compliance, unless the system was under the influ-  
 1775 ence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA)  
 1776 or an abnormal authorized discharge as recognized by the OJRSA.

<sup>1</sup> NOTE: Must convert linear footage of pipe into miles by dividing by 5,280 feet per mile.

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1777 **Section 5 – Revenue System**1778 **5.1 FEES AND CHARGES AS REGULATION**

- 1779 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1780 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1781 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1782 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1783 developed for the following purposes:
- 1784 1. Industrial monitoring, inspections, and surveillance procedures;
  - 1785 2. Reviewing accidental discharge procedures and construction;
  - 1786 3. Reviewing permit applications and plans;
  - 1787 4. Reviewing appeals;
  - 1788 5. Special industrial discharges;
  - 1789 6. Recovering capital related expenditures or retiring bonded indebtedness;
  - 1790 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
  - 1791 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
  - 1792 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
  - 1793 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
  - 1794 to NPDES Permits and/or OJRSA Board of Commissioners;
  - 1795 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
  - 1796 expended for the system and/or its expansion;
  - 1797 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
  - 1798 to the sewer;
  - 1799 10. Construction and Compliance Inspections; and
  - 1800 11. Others deemed necessary by the OJRSA Board of Commissioners.

1801 **5.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**1802 Reference current version of *OJRSA Schedule of Fees*.

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1803 **Section 6 – Discharge Permits and Reporting**1804 **6.1 INDUSTRIAL USER DISCHARGE PERMITS**

- 1805 A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an offi-  
 1806 cial application and file it with the OJRSA together with permit approval from any city having jurisdiction.  
 1807 Approval shall be evidenced by written notice from the Director. The person shall provide all data required  
 1808 by the current official application, copies of which shall be obtained from the Director (or his/her designee).  
 1809 The Director shall evaluate the data and may require additional information. After evaluation and ac-  
 1810 ceptance of the data provided, the Director may grant permission to discharge subject to the terms and  
 1811 conditions provided herein. The Director may issue a Discharge Permit with specific limitations different  
 1812 from those listed in these Regulations if it is determined that the discharge will otherwise comply with the  
 1813 remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Dis-  
 1814 charge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit applica-  
 1815 tion. SIUs which through changes in the use of the premises or water usage cause a significant change in  
 1816 wastewater volume, strength, or characteristic shall submit a new application prior to making the change  
 1817 or alteration.
- 1818 B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not  
 1819 discharged to the sewer are required to submit an application and will be placed under a zero discharge  
 1820 categorical permit.
- 1821 C. Applicable persons and Users shall complete and submit an application, accompanied by any application  
 1822 fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
- 1823 1. Name, address, and location (if different from the address) of the facility, name of the operator and  
 1824 Owner;
  - 1825 2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held  
 1826 by or for the facility;
  - 1827 3. Analytical data on wastewater constituents and characteristics including but not limited to those  
 1828 mentioned in these Regulations;
  - 1829 4. Time and duration of discharge;
  - 1830 5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
  - 1831 6. Description of activities, facilities, and plant processes on the premises unless subject to the confi-  
 1832 dentiality provisions of SECTION 6.12;
  - 1833 7. Where known, the nature and concentration of any pollutants in the wastewater which are limited  
 1834 by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement re-  
 1835 garding whether or not the person is complying or will comply with NCPS on a consistent basis, and  
 1836 if not, whether additional pretreatment or operational modifications are required to comply with  
 1837 applicable limitations or NCPS, or Local Limitations;
  - 1838 8. If additional pretreatment or operational modifications will be required to comply with limitations  
 1839 or NCPS or Local Limitations, the shortest schedule by which the person will comply;
  - 1840 9. Where required to develop pretreatment standards, a brief description of each product produced  
 1841 by type, amount, process or processes, and a rate of production;
  - 1842 10. Where required to develop pretreatment standards, type and amount of raw materials processed  
 1843 (average and maximum per day);
  - 1844 11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
  - 1845 12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to  
 1846 evaluate the permit application; and

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- 1847 13. Application Signatories and Certification – All wastewater discharge permit applications and Industrial User reports must contain the following Certification Statement and be signed by an Authorized Representative of the Industrial User. These documents and records must be submitted to OJRSA with Wet Signature.

1852 **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.**

- 1862 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee) shall draft the permit in accordance with the Regulation and State regulations. The draft industrial wastewater discharge permit will be submitted to [SCDHECSCDES](#) for review and approval. The User shall have thirty (30) calendar days from the receipt of the draft permit to review and comment on the draft Permit. The Director shall issue the final Permit at the end of the comment period.
- 1869 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limitation, the Permit of Users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation, has not previously submitted an application for a permit, the User shall apply for a Permit within one-hundred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of an applicable standard, information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary.
- 1877 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of permits except the following changes may be made upon thirty (30) calendar days' notice:
- 1879 1. Modifications of the monitoring program contained in the permit;
  - 1880 2. Changes in the ownership of the discharge when no other change in the permit is indicated;
  - 1881 3. A single modification of any Compliance Schedule not in excess of four (4) months,
  - 1882 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not discharge until process or pretreatment facilities are operational; or
  - 1883 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or regulations, or other modifications determined necessary by the Regulatory Services Coordinator or Director under the Regulations.
- 1887 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal regulations. Such conditions shall include but are not limited to the following:
- 1889 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date, expiration date, and effective date;
  - 1891 2. A Statement of non-transferability;
  - 1892 3. Applicable effluent limits which may include daily maximum and monthly average limits, including Best Management Practices (BMPs), based on NCPS or Local Limitations;
  - 1893
  - 1894



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- 1895 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These re-  
 1896 quirements shall include an identification of pollutants (or BMPs) to be monitored, sampling loca-  
 1897 tion, sampling frequency, and sample type based on Federal, State, and local law.  
 1898 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to  
 1899 be present, in accordance with SECTION 6.4;  
 1900 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notifi-  
 1901 cation requirements for slug discharges as defined by SC R61-9 Part 403.5(b);  
 1902 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, re-  
 1903 quirements and Permit conditions;  
 1904 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 6.4 of this Regulation;  
 1905 or  
 1906 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limita-  
 1907 tions or other pretreatment requirements.
- 1908 H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years.  
 1909 A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The  
 1910 User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the  
 1911 expiration of the Permit.
- 1912 I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not  
 1913 be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or  
 1914 changed operation. In such event a new application shall be submitted with full information. The review of  
 1915 this application will be expedited if the new Owner or operator certifies:  
 1916 1. That there is no immediate intent to change the facility’s operation and process;  
 1917 2. The date the new Owner or operator shall take over; and  
 1918 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying  
 1919 with the existing wastewater discharge permit.
- 1920 J. When requested by the Control Authority, a User must submit information on the nature and characteristics  
 1921 of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

**6.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE**

- 1922 A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreat-  
 1923 ment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision  
 1924 made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs  
 1925 subject to such NCPS shall be required to submit to the OJRSA a report which contains the information  
 1926 required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to  
 1927 commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation  
 1928 of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a  
 1929 report which contains the information required in SC R61-9.
- 1930 B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by  
 1931 SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.
- 1932 C. Users described within this Section shall submit the information set forth below:  
 1933 1. All information required in SECTION 6.1 of this Regulation.  
 1934 2. Measurement of Pollutants  
 1935 (a) The User shall provide the information required in OJRSA SUR 6.1(C).  
 1936 (b) The User shall take a minimum of one (1) representative sample to compile that data nec-  
 1937 essary to comply with the requirements of this Paragraph.  
 1938 (c) Samples should be taken immediately downstream from pretreatment facilities if such ex-  
 1939 ist or immediately downstream from the regulated process if no pretreatment exists. If  
 1940 other wastewaters are mixed with the regulated wastewater prior to pretreatment the  
 1941 User should measure the flows and concentrations necessary to allow use of the combined  
 1942

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- 1943 ~~wastestream~~ Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the
- 1944 Pretreatment Standards. Where an alternate concentration or mass limit has been calcu-
- 1945 lated in accordance with SC R61-9 403.6(f) this adjusted limit along with supporting data
- 1946 shall be submitted to the OJRSA.
- 1947 (d) Sampling and analysis shall be performed in accordance with SECTION 7.3.
- 1948 (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data
- 1949 so long as the data provides information sufficient to determine the need for industrial
- 1950 pretreatment measures.
- 1951 (f) The baseline report shall indicate the time, date, and place of sampling and methods of
- 1952 analysis, and shall certify that such sampling and analysis is representative of normal work
- 1953 cycles and expected pollutant discharges to the POTW.
- 1954 3. Compliance Certification – A statement, reviewed by the User’s Authorized Representative as de-
- 1955 fined in SECTION 2.3 and certified by a qualified professional, indicating whether Pretreatment
- 1956 Standards are being met on a consistent basis, and, if not, whether additional operation and
- 1957 maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Stand-
- 1958 ards and pretreatment requirements.
- 1959 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pre-
- 1960 treatment Standards, the shortest schedule by which the User will provide such additional pretreat-
- 1961 ment and/or O&M must be provided. The completion date in this schedule shall not be later than
- 1962 the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule
- 1963 pursuant to this Section must meet the requirements set out in SECTION 6.5 of these Regulations.
- 1964 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance
- 1965 with SECTION 6.11 of these Regulations and signed by an Authorized Representative as defined in
- 1966 SECTION 2.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signa-
- 1967 ture.

**6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

1968 Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment

1969 Standards, or in the case of a New Source following commencement of the introduction of wastewater into the

1970 POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA

1971 a report containing the information described in SECTION 6.1 of this Regulation. For Users subject to equivalent mass

1972 or concentration limits established in accordance with the procedures in SECTION 4.3, this Regulation shall contain a

1973 reasonable measure of the User’s long-term production rate. For all other Users subject to Categorical Pretreatment

1974 Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of opera-

1975 tion), this report shall include the User’s actual production during the appropriate sampling period. All compliance

1976 reports must be signed and certified in accordance with SECTION 6.1. All sampling will be done in conformance with

1977 SECTION 7.3.

1978

**6.4 PERIODIC COMPLIANCE REPORTS**

- 1979 A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause prob-
- 1980 lems, including any slug discharges.
- 1981 B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submit-
- 1982 ted on the User discharge monitoring report (DMR) form. The DMR must include the following information
- 1983 to be considered complete:
- 1984 1. DMR form completed correctly and submitted to OJRSA with a ~~wet signature~~ Wet Signature or are
- 1985 in compliance with 40 CFR Part 3 Cross Media Electronic Reporting (e.g., CROMERR) (NOTE: The
- 1986 only exception is if the EPA and ~~SCDHEGSCDES~~ have approved other methods for DMR submittal and
- 1987 the OJRSA has approved the acceptance of such DMRs).
- 1988

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- 1989 (a) If no monitoring was required for a previous month, then the blank DMR form must be  
1990 signed and submitted with the words “No monitoring required”.
- 1991 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the  
1992 signed DMR form must be submitted with the words “No Discharge” written across the  
1993 form.
- 1994 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12<sup>th</sup>) calendar day  
1995 of each month. The recognized date of acceptance is:
- 1996 (a) The paper form can be dropped off at OJRSA by the twelfth (12<sup>th</sup>).
- 1997 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12<sup>th</sup>) of the  
1998 month. Should the twelfth (12<sup>th</sup>) of the month fall on a weekend or holiday observed by the  
1999 US Postal Service, then the following day the US Postal Service is operating becomes the  
2000 submittal date based on the postmark. If the DMR was mailed by the twelfth (12<sup>th</sup>) but not  
2001 received by the OJRSA by the twenty-fourth (24<sup>th</sup>) day of the month, then it shall be consid-  
2002 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-  
2003 ance with these Regulations.
- 2004 3. DMR Components
- 2005 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-  
2006 ducted for the previous month.
- 2007 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no  
2008 flow for a day, then a zero (0) must be entered for that day.
- 2009 (c) Daily pH reporting log.
- 2010 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-  
2011 porting month.
- 2012 (e) An explanation for any violations (if necessary).
- 2013 (f) Additional information as set forth in the User’s permit as part of a completed DMR.
- 2014 4. DMRs that do not contain all the information designated above and DMRs that are not filled out  
2015 completely will be considered incomplete and subjects the User to the enforcement actions set  
2016 forth in SECTION 8 of this Regulation. DMRs are considered incomplete if the:
- 2017 (a) Data is not reported correctly,
- 2018 (b) DMR does not have a Wet Signature ~~wet signature~~ and a date (unless using an EPA approved  
2019 method as stated in 6.4(B)(1)),
- 2020 (c) Flow sheet does not have all flows reported for each day,
- 2021 (d) Reporting period is not shown on the DMR, or
- 2022 (e) User failed to submit all required data as stated on the Permit.
- 2023 (f) DMRs that are not submitted with all this information by the twelfth (12<sup>th</sup>) will be consid-  
2024 ered incomplete and subject to enforcement.
- 2025 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**  
2026 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,  
2027 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR  
2028 was not complete before the due date. The User will be notified of the incomplete DMR in the  
2029 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as  
2030 stated in 6.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the  
2031 User be waiting on laboratory data, then the remaining data must be submitted on the DMR form  
2032 by the twelfth (12<sup>th</sup>) and a revised DMR submitted as soon as the missing data is received. Users  
2033 that notify OJRSA of the missing data before the date as stated in 6.4(B)(2) and submit this missing  
2034 information as soon as received will not be subject to enforcement actions.
- 2035 6. Reports for “No Discharge” Industrial Users are subject to these conditions and may have specific  
2036 reports in their Discharge Permit as necessary.
- 2037 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-  
2038 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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2039 Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used  
 2040 for all sampling analysis.

2041 D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such  
 2042 NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit  
 2043 to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless re-  
 2044 quired more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of  
 2045 pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of  
 2046 all measured or estimated average and maximum daily flows during the reporting period. At the discretion  
 2047 of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates,  
 2048 holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports  
 2049 are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet  
 2050 applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate.  
 2051 In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the  
 2052 discharge of the User. These reports shall contain the results of sampling and analysis of the discharge,  
 2053 including the flow and the nature and concentration, or production and mass where requested by the  
 2054 OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.

2055 E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sam-  
 2056 pling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demon-  
 2057 strated through sampling and other technical factors that the pollutant is neither present nor expected to  
 2058 be present in the Discharge or is present only at background levels from intake water and without any  
 2059 increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization  
 2060 is subject to the following conditions:

- 2061 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary  
 2062 wastewater discharged from the facility provided that the sanitary wastewater is not regulated by  
 2063 an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
- 2064 2. The monitoring waiver is valid only for the duration of the effective period of the individual Dis-  
 2065 charge Permit, but in no case longer than five (5) years. The User must submit a new request for  
 2066 the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
- 2067 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data  
 2068 from at least one (1) sampling of the facility's process wastewater prior to any treatment present  
 2069 at the facility that is representative of all wastewater from all processes.
- 2070 4. The request for a monitoring waiver must be signed in accordance with SECTION 2.3 and include the  
 2071 Certification Statement in SECTION 6.1 (SC R61-9 403.6(b)(2)(ii)).
- 2072 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present  
 2073 if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for  
 2074 that pollutant was used in the analysis.
- 2075 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's  
 2076 Permit. The reasons supporting the waiver and any information submitted by the User in its request  
 2077 for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
- 2078 7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the In-  
 2079 dustrial User must certify on each report with the Statement in OJRSA SUR 6.1(C)(13), that there  
 2080 has been no increase in the pollutant in its ~~wastestream~~ Wastestream due to activities of the Indus-  
 2081 trial User.
- 2082 8. In the event that a waived pollutant is found to be present or is expected to be present because of  
 2083 changes that occur in the User's operations, the User must immediately: Comply with the monitor-  
 2084 ing requirements in SECTION 6, or other more frequent monitoring requirements imposed by the  
 2085 Director and notify the Regulatory Services Coordinator.
- 2086 9. This provision does not supersede certification processes and requirements established in Categori-  
 2087 cal Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Stand-  
 2088 ard.

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- 2089 10. All periodic compliance reports must be signed and certified in accordance with SECTION 6.1 of this  
2090 Regulation.  
2091 11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring  
2092 and flow measurement facilities shall be properly operated, kept clean, and maintained in good  
2093 working order at all times. The failure of a User to keep its monitoring facility in good working order  
2094 shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.  
2095 12. All monitoring waivers must be approved by SCDHEGSCDES.

### 2096 **6.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2097 The following conditions shall apply to the Compliance Schedule required by SECTION 6.1 of this Regulation:

- 2098 A. The schedule shall contain progress increments in the form of dates for the commencement and completion  
2099 of major events leading to the construction and operation of additional pretreatment required for the User  
2100 to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engi-  
2101 neer, completing preliminary and final plans, executing contracts for major components, commencing and  
2102 completing construction, and beginning and conducting routine operation);  
2103 B. No increment referred to above shall exceed nine (9) months;  
2104 C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14)  
2105 calendar days following each date in the schedule and the final date of compliance including, as a minimum,  
2106 whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,  
2107 the steps being taken by the User to return to the established schedule; and  
2108 D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

### 2109 **6.6 REPORTS OF CHANGED CONDITIONS**

- 2110 A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations  
2111 or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days  
2112 before the change.  
2113 B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed  
2114 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit  
2115 application under SECTION 6.1 of this Regulation.  
2116 C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Dis-  
2117 charge Permit under SECTION 6.1 of this Regulation in response to changed or anticipated changed condi-  
2118 tions.

### 2119 **6.7 REPORTS OF POTENTIAL PROBLEMS**

- 2120 A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine,  
2121 episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential  
2122 problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of  
2123 the time or day the incident occurs. This notification shall include the location of the discharge, type of  
2124 waste, concentration and volume, if known, and corrective actions taken by the User.  
2125 B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit  
2126 a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User  
2127 to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, dam-  
2128 age, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any  
2129 other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or  
2130 other liability which may be imposed pursuant to this Regulation.  
2131 C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising em-  
2132 ployees who to call in the event of a discharge described in Paragraph 6.7(A). Employers shall ensure that

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all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

- D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director immediately of any changes at its facility affecting the potential for a slug discharge.

**6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) calendar days after becoming aware of the violation. Resampling by the Industrial User is not required if the Industrial User performs sampling of the violated parameter at least once a month, or if OJRSA performs sampling at the User between the time when the initial sampling was conducted and the time when the User or OJRSA receives the results of this sampling.

**6.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE**

- A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include:
1. Name of the hazardous waste as set forth in 40 CFR part 261;
  2. The EPA hazardous waste number; and
  3. The type of discharge (continuous, batch, or other).
- B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the IU:
1. An identification of the hazardous constituents contained in the wastes;
  2. An estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month; and
  3. An estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve (12) months.
- C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazardous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9 403.12(g). The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.
- D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- E. In the case of any notification, the IU 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.

**6.10 USER RECORDS**

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- 2178 A. Users subject to the reporting requirements of this Regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Regulation, 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 OJRSA SUR 4.4(D). Records shall include:
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- 2183 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
- 2184 2. The dates analyses were performed;
- 2185 3. Who performed the analyses;
- 2186 4. The analytical techniques or methods used; and
- 2187 5. The results of such analyses.
- 2188 B. 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 OJRSA, or where the User has been specifically notified of a longer retention period by the Director.
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**6.11 CERTIFICATION STATEMENTS**

2191 Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 6.4 must certify on each report with the following statement that there has been no increase in the pollutant in its ~~wastestream~~ Wastestream due to activities of the User. The certification statement, including a Wet Signature, shall be provided by the Authorized Representative and must include the following:

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2197 **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 UNDER SECTION 6.4 OF THIS REGULATION.**

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**6.12 CONFIDENTIALITY**

2203 **INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS, MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH FOIA LAWS OR TO OTHER GOVERNMENTAL AGENCY 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 OF THE USER. WHEN REQUESTED BY THE PERSON FURNISHING THE REPORT, THE PORTIONS OF A REPORT WHICH THE DIRECTOR HAS DETERMINED MIGHT DISCLOSE TRADE SECRETS OR SECRET PROCESSES SHALL NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC. IT SHALL, HOWEVER, BE MADE AVAILABLE UPON WRITTEN REQUEST TO GOVERNMENTAL AGENCIES FOR USES RELATED TO THESE REGULATIONS, THE NPDES PERMIT, OR OTHER USES DETERMINED APPROPRIATE BY THE DIRECTOR. THE INFORMATION SHALL BE AVAILABLE FOR USE BY THE STATE IN JUDICIAL REVIEW OR ENFORCEMENT PROCEEDINGS INVOLVING THE PERSON FURNISHING THE INFORMATION. WASTEWATER CONSTITUENTS AND CHARACTERISTICS SHALL NOT BE RECOGNIZED AS CONFIDENTIAL INFORMATION.**

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**6.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY**

- 2217 A. Industrial User Discharge Permit Review
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- 2219 1. After review of the Industrial Discharge Permit Application and Questionnaire form, SIC, and NAICS, the Director and/or SCDHEGSCDES may require that the User be issued an Industrial User Discharge Permit. The Discharge Permit itself may apply to either total industrial process discharge or to a combined sanitary/industrial ~~wastestream~~ Wastestream discharge; however, sanitary/industrial
- 2220
- 2221
- 2222

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- 2223 combined ~~wastestream~~Wastestreams are discouraged for monitoring purposes. The industrial pro-  
 2224 cess discharge may or may not be pretreated.
- 2225 2. During the review process, unique conditions are established for each industrial category. The final  
 2226 Discharge Permit specifies the exact conditions which are applicable to the specific permittee  
 2227 (User). In the permit process, specific self-monitoring characterization of the wastewater is re-  
 2228 quired for certain industrial categories. Every Discharge Permit has established selected pollutants  
 2229 for self-monitoring purposes, which are established through Categorical Pretreatment Standards or  
 2230 the pollutants that are present and/or are suspected of being present in the wastewater discharge.  
 2231 If the User has been determined to be categorical, effluent parameters will be based upon the EPA's  
 2232 Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL  
 2233 BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS,  
 2234 WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pre-  
 2235 treatment Standards must be included in the Discharge Permit, even though the User may not dis-  
 2236 charge all or any of the regulated pollutants.
- 2237 3. Reporting frequency is at the discretion of the Director. Contributing factors are:  
 2238 (a) Categorical Requirements,  
 2239 (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type  
 2240 and concentrations of pollutants in the ~~wastestream~~Wastestream,  
 2241 (c) Past compliance history, and  
 2242 (d) Reasonable potential to adversely affect the sewer system.
- 2243 4. Discharge Permit limits will be developed based on the historical data from an industry and the  
 2244 Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on  
 2245 need and pollutants of concern for the permitted industry.
- 2246 B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water recla-  
 2247 mation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to de-  
 2248 velop technically based limits for Significant Industrial Users under the Pretreatment Program. The head-  
 2249 works analysis is calculated through a required design loading program utilizing treatment efficiencies, pro-  
 2250 cess inhibition levels, and water quality criteria on the receiving stream. The information obtained from the  
 2251 headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a  
 2252 specific criteria on the total allowable loading for the WRF and may significantly alter total allowable load-  
 2253 ing. Total allowable loading is at the discretion of the Director.



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2254 **Section 7 – Sampling and Monitoring**2255 **7.1 RIGHT OF ENTRY AND INSPECTIONS**

- 2256 A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper cre-  
 2257 dentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter  
 2258 upon any property of Users to determine whether the User is complying with all the requirements of these  
 2259 Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall al-  
 2260 low OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying  
 2261 records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and  
 2262 filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their prem-  
 2263 ises for said purposes. Where a User has security measures in force which would require proper identifica-  
 2264 tion and clearance before entry into their premises, the User shall make necessary arrangements with their  
 2265 security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to  
 2266 enter, without delay, for the purposes of performing their specific responsibilities.
- 2267 B. The SIU inspection and sampling plan is as follows:
- 2268 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
  - 2269 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire,
  - 2270 then OJRSA can inspect and sample the facility more often than annually.
  - 2271 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and
  - 2272 sample the facility more often than annually.
  - 2273 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often
  - 2274 than annually; especially if the causative agent is known and the SIU has this pollutant in their
  - 2275 wastewater.
  - 2276 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more
  - 2277 often than annually.
  - 2278 6. If the collection system has blockages or issues and the SIU discharges to that collection system
  - 2279 section, then OJRSA can inspect and sample the SIU more often than annually.
  - 2280 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the
  - 2281 facility more often than annually.
  - 2282 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction
  - 2283 permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment
  - 2284 system.
  - 2285 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event
  - 2286 of an emergency where the public health or the environment can be impacted.
  - 2287 10. Should OJRSA need to gather site specific information to administer the pretreatment program,
  - 2288 then OJRSA can inspect and sample the SIU more often than annually.
- 2289 C. The Nonresidential User inspection and sampling plan is as follows:
- 2290 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
  - 2291 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to
  - 2292 the violation.
  - 2293 3. If the collection system has blockages or issues and the User discharges to that collection system
  - 2294 section, then OJRSA can inspect and sample the User.
  - 2295 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and
  - 2296 sample the User as part of their evaluation of their pretreatment program update.
  - 2297 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and
  - 2298 sample the User as required by this regulation.

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- 2299 6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often  
2300 if the User has the potential to cause the upset.
- 2301 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.
- 2302 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where  
2303 the public health or the environment can be impacted.
- 2304 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.
- 2305 D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-  
2306 mented by the employee and the Director should be notified as soon as possible. The Director will discuss  
2307 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with  
2308 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.  
2309 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set  
2310 forth in this Regulation.
- 2311 E. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN-**  
2312 **NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREE-**  
2313 **MENTS.** Any records that are reviewed during the inspection and must be kept confidential must be  
2314 stamped with the word “confidential” and OJRSA will adhere to the confidentiality provisions set forth in  
2315 this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and  
2316 the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

**7.2 COMPLIANCE DETERMINATION**

- 2317 A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of com-  
2318 posite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour  
2319 period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific  
2320 circumstances.
- 2321 B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User’s property,  
2322 or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s  
2323 operations.
- 2324 C. OJRSA may require the User to install monitoring equipment as necessary. The facility’s sampling and mon-  
2325 itoring equipment shall be maintained at all times in a safe and proper operating condition by the User at  
2326 its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to  
2327 ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and avail-  
2328 able to OJRSA upon request.
- 2329 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or  
2330 sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not  
2331 be replaced. The costs of clearing or removing such access shall be borne by the User.
- 2332 E. Unreasonable delays in allowing OJRSA personnel access to the User’s premises shall be a violation of this  
2333 Regulation and subject to the enforcement actions set forth in this regulation.  
2334

**7.3 ANALYSIS OF INDUSTRIAL WASTEWATERS**

2335 All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit  
2336 Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR  
2337 Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.  
2338 If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the  
2339 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,  
2340 sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling  
2341 and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.  
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**7.4 SAMPLING FREQUENCY**

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2344 Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and  
 2345 limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct  
 2346 compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categori-  
 2347 cal Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set  
 2348 forth in the Industrial User Discharge Permit as issued by OJRSA.

2349 **7.5 SAMPLE COLLECTION**

- 2350 A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate  
 2351 sampling and analysis performed during the period covered by the report, based on data that is repre-  
 2352 sentative of conditions occurring during the reporting period.
- 2353 B. Except as indicated in this Paragraph and 7.5(C), the User must collect wastewater samples using twenty-  
 2354 four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite  
 2355 sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite sam-  
 2356 pling or grab sampling is authorized, the samples must be representative of the discharge.
- 2357 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic com-  
 2358 pounds must be obtained using grab collection techniques.
- 2359 D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required  
 2360 in SECTIONS 6.2 and 6.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples  
 2361 must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for  
 2362 facilities for which historical sampling data do not exist; for facilities for which historical sampling data are  
 2363 available, OJRSA may authorize a lower minimum. For the reports required by SECTION 6.4 the Industrial  
 2364 User is required to collect the number of grab samples necessary to assess and assure compliance by with  
 2365 applicable Pretreatment Standards and requirements.

2366 **7.6 SAMPLING STRUCTURE**

- 2367 A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA  
 2368 may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The  
 2369 purpose of this structure is so that a representative sample of the User's discharge to the sewer system  
 2370 may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA person-  
 2371 nel and shall be constructed in compliance with OJRSA specifications for these types of structures.
- 2372 B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the struc-  
 2373 ture to be located in public right-of-way in certain cases when an onsite location would be impractical.  
 2374 Approval for location in a public right-of-way must be obtained by the appropriate governing body.

2375 **7.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING**

2376 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 4.1(B)(4) except excursions  
 2377 from the range are permitted subject to the following limitations:

- 2378 A. The total time during which the pH values are outside the required range of pH values shall not exceed  
 2379 two (2) hours in any calendar month; and
- 2380 B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

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2381 **Section 8 – Enforcement**2382 **8.1 ENFORCEMENT MANAGEMENT STRATEGY**

2383 The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed  
 2384 by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforce-  
 2385 ment.

2386 **8.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES**

- 2387 A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these  
 2388 Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Per-  
 2389 mit, the Director or his/her designee may serve upon such a person an appropriate written notice stating  
 2390 the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may  
 2391 require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15)  
 2392 calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory  
 2393 correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission  
 2394 of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the  
 2395 notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice  
 2396 of Significant Noncompliance (NOSNC). Refer to SECTION 8 of this Regulation.
- 2397 B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come  
 2398 into compliance with the discharge permit.
- 2399 1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary  
 2400 compliance, or other similar documents establishing an agreement with the person responsible for  
 2401 the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall  
 2402 include specific action to be taken by the person to correct the violation within a time period spec-  
 2403 ified by the Consent Order and contain other terms and conditions. A violation of a Consent Order  
 2404 shall constitute a violation or violations under this Regulation.
  - 2405 2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any  
 2406 provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any  
 2407 other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the  
 2408 User responsible for the discharge directing that the User come into compliance within a specified  
 2409 time. If the User does not come into compliance within the time provided, sewer service may be  
 2410 discontinued unless adequate treatment facilities, devices, or other related appurtenances are in-  
 2411 stalled and properly operated. Compliance Orders also may contain other requirements to address  
 2412 the noncompliance, including additional self-monitoring and management practices designed to  
 2413 minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend  
 2414 the deadline for compliance established for a Pretreatment Standard or requirement, nor does a  
 2415 Compliance Order relieve the User of liability for any violation, including any continuing violation.  
 2416 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other  
 2417 action against the User.
  - 2418 3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement  
 2419 actions have failed to bring a User into compliance with their Discharge Permit.  
 2420 (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this  
 2421 Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pre-  
 2422 treatment Standard or requirement, or that the User’s past violations are likely to recur,  
 2423 the Director may issue a Cease and Desist Order to the User directing it to cease and desist  
 2424 all such violations and directing the User to:  
 2425 (i) Immediately comply with all requirements; and

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- 2426 (ii) Take such appropriate remedial or preventive action as may be needed to properly  
 2427 address a continuing or threatened violation, including halting operations and/or  
 2428 terminating the discharge.
- 2429 (b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking  
 2430 any other action against the User.
- 2431 C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User  
 2432 and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The  
 2433 Consent Order Agreement may contain such other terms and conditions, including but not limited to, pro-  
 2434 visions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pre-  
 2435 treatment, and payment of all administrative costs, expenses, attorney’s fees, and civil penalties.
- 2436 D. Notice to Show Cause at Adjudicatory Hearing
- 2437 1. The Director may order any User who causes or is responsible for an unauthorized discharge or  
 2438 other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action  
 2439 should not be taken. A notice shall be served on the User specifying the time and place for the  
 2440 hearing, the proposed enforcement action, the reasons for such action, and a request that the User  
 2441 show cause why this proposed enforcement action should not be taken.
- 2442 2. Service – The notice of the hearing to the User shall be served personally, by registered or certified  
 2443 mail (return receipt requested), or other trackable means to ensure delivery is made to the User at  
 2444 least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OF-  
 2445 FICER OF THE USER.**
- 2446 3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause  
 2447 Hearing
- 2448 (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) cal-  
 2449 endar days following mailing of any final administrative action or decision by the OJRSA to  
 2450 the User on any violation, application, permit, certificate, or other licensing matter.
- 2451 (b) A request for an Informal Conference prior to the show cause hearing may be made by a  
 2452 User but not to delay the hearing date. If the request is granted, an Informal Conference  
 2453 may be held by the Director or their designee to explore ways and means to obtain compli-  
 2454 ance by consent without the necessity of a formal Adjudicatory Hearing.
- 2455 4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath  
 2456 and transcribed by a court reporter. A copy of the transcript shall be made available to any member  
 2457 of a party to the hearing upon payment of the usual charges thereof to the court reporter employed  
 2458 to provide said transcription.
- 2459 5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudi-  
 2460 catory Hearing. The Hearing Officer shall have no connection with the preparation or presentation  
 2461 of the evidence at the hearing.
- 2462 6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set  
 2463 forth in SECTION 8 of this Regulation.
- 2464 E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions,  
 2465 prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding  
 2466 agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons  
 2467 in violation to perform any or all of the following:
- 2468 1. Comply forthwith;
- 2469 2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
- 2470 3. Take appropriate remedial or preventative action in the event of a continuing or threatened viola-  
 2471 tion;
- 2472 4. Prohibit or reduce the discharge;
- 2473 5. Provide wastewater storage or flow equalization;
- 2474 6. Make payment by the User to cover added costs of handling and treatment costs and the adminis-  
 2475 trative costs of the enforcement action;

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- 2476 7. Post performance bonds;
- 2477 8. Act to take other steps to achieve compliance;
- 2478 9. Pay fines and penalties to OJRSA;
- 2479 10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the
- 2480 OJRSA for the hearing or enforcement procedure.
- 2481 F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of
- 2482 this Regulation as described in SECTION 8.6. Prior to the imposition of civil penalties, an adjudicatory hearing
- 2483 will be offered to the User.
- 2484 G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DIS-**
- 2485 **CHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER TO STOP AN ACTUAL OR THREATENED DISCHARGE**
- 2486 **WHICH PRESENTS OR MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH**
- 2487 **OR WELFARE OF PERSONS OR THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM**
- 2488 **OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DIS-**
- 2489 **CHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR**
- 2490 **MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency sus-
- 2491 pension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calen-
- 2492 dar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit
- 2493 terminated. The User shall submit a detailed written statement describing the causes of the violations and
- 2494 the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE**
- 2495 **EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE**
- 2496 **DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE**
- 2497 **SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination
- 2498 of the violations or the risk for damage to life, health, property, and/or the environment has subsided.
- 2499 H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or appli-
- 2500 cable State and Federal regulations, is subject to having their permission to discharge revoked. The Director
- 2501 may revoke any Permit for the following reasons:
- 2502 1. Failure to factually report the wastewater constituents and characteristics of their discharge;
- 2503 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 2504 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- 2505 4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer
- 2506 system that connects with OJRSA conveyance and/or treatment facilities;
- 2507 5. Tampering with or deliberately altering monitoring equipment;
- 2508 6. Falsifying DMRs or other reports;
- 2509 7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment
- 2510 plant process, sludge disposal practices or requirements, or other modifications of a similar nature
- 2511 that impact the OJRSA's ability to accept industrial or other wastewaters;
- 2512 8. For causes necessitating an emergency suspension;
- 2513 9. Discharge of wastewater prohibited by these Regulations;
- 2514 10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms
- 2515 of the wastewater discharge permit or these Regulations;
- 2516 11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.
- 2517 I. A User whose permission to discharge has been revoked may apply for new permission to discharge and
- 2518 shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however,
- 2519 the OJRSA is under no obligation to allow the User to reconnect.

2520 **8.3 JUDICIAL REMEDIES**

2521 Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the

2522 wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

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2523 Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Admin-  
 2524 istrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal  
 2525 or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

#### 2526 **8.4 INJUNCTIVE RELIEF**

2527 The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction,  
 2528 damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or reg-  
 2529 ulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time  
 2530 or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User  
 2531 or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of  
 2532 any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, tak-  
 2533 ings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or respon-  
 2534 sible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation  
 2535 of State or Federal Pollution Control laws, rules, or regulations.

#### 2536 **8.5 CRIMINAL VIOLATIONS**

- 2537 A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper  
 2538 Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with  
 2539 criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has au-  
 2540 thority to take actions to protect life, health, property, and/or the environment using means detailed in  
 2541 Paragraph 8.2(G) and other sections of this Regulation.
- 2542 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 8.6 for such  
 2543 violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

#### 2544 **8.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS**

- 2545 A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.
- 2546 B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or per-  
 2547 mit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees  
 2548 associated with enforcement action may be taken against the User in violation of Regulations. These costs  
 2549 may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time  
 2550 of the violation.
- 2551 C. Administrative and Civil Penalties:
- 2552 1. A User will be subject to administrative and civil penalties up to two thousand dollars (\$2,000) per  
 2553 violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the  
 2554 maximum amount that may be administrated for each violation, per day the violation occurred
  - 2555 2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct of-  
 2556 fense. In case of monthly or long-term discharge limits, fines may be assessed for each day during  
 2557 the period of violation. The OJRSA shall have such remedies for the collection of such assessments  
 2558 as it has for collection of other service charges.
- 2559 D. Payment of Costs -
- 2560 1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal  
 2561 violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to  
 2562 OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or  
 2563 criminal penalties. Payments not received by the due date are subject to late fees as stated in the  
 2564 *OJRSA Schedule of Fees*.
  - 2565 2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater  
 2566 or discharges in excess of the limitations required under its permits or the Regulations of the  
 2567 OJRSA.

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2568 E. Failure to Pay – See SECTION 8.8.

2569 **8.7 PERFORMANCE BONDS**

2570 The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of  
2571 these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory  
2572 bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the  
2573 costs of any scheduled improvements and to achieve consistent compliance.

2574 **8.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT**

2575 The Director shall have the right to discontinue sewer service to the property of a User of such service in the event  
2576 of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been  
2577 given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA  
2578 or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis  
2579 of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of  
2580 ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of  
2581 disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the  
2582 notice as provided under the OJRSA Regulations.

2583 **8.9 TENANT RESPONSIBILITY**

- 2584 A. In matters where the property was used without a formal or informal arrangement, the Owner of the prop-  
2585 erty shall be held responsible. *The burden of proof for providing a binding version of a formal or informal*  
2586 *agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such  
2587 evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of  
2588 OJRSA costs.
- 2589 B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal  
2590 arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or  
2591 indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of  
2592 these Regulations and recovery of OJRSA costs.

2593 **8.10 VANDALISM**

2594 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or pre-  
2595 vent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation  
2596 of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be  
2597 subject to the sanctions established in SECTION 8 of this Regulation, which could include referral to the law enforce-  
2598 ment agency with jurisdiction for potential criminal investigation.

2599 **8.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

2600 The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA  
2601 and/or ~~SCDHESCDES~~) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the  
2602 Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with ap-  
2603 plicable Pretreatment Standards and requirements. This publication will be done during the first quarter of each  
2604 year for the previous calendar year.

2605 **8.12 ENFORCEMENT MANAGEMENT STRATEGY**

- 2606 A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider  
2607 the following criteria when determining a proper response to the violation and the context of the User’s  
2608 prior violations:



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1. Magnitude of the Violation
    - (a) Unless a violation is Significant Noncompliance (SNC) as defined in the *OJRSA Sewer Use Regulation*, then the OJRSA Pretreatment Department will usually start with the minimum enforcement action; however, for severe violations that threaten the public health, environment, damage public and/or private property, penalties can be more stringent.
    - (b) Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative Order. This order may include a Compliance Schedule requiring the User to comply with regulations by a specific date. The magnitude or severity of the violation is determined by whether the violation meets the definition of SNC. The significance of the violation will influence the type of enforcement action taken by the Pretreatment Department based on this evaluation.
  2. Duration of the Violation
    - (a) Prolonged periods of violation should subject the User to escalating enforcement actions.
    - (b) Enforcement escalation does not depend on the severity of the violation.
    - (c) Violations which result in SNC will be treated more severely due to the guidelines set forth by the State and the Federal government regulations.
    - (d) Extended periods of noncompliance shall not be tolerated and enforcement actions will be taken to prevent this from occurring.
    - (e) Chronic noncompliance will be addressed with escalating enforcement actions up to and including termination of sewer service to stop the noncompliance.
    - (f) Prolonged violations that result in harm to the POTW will be addressed by enforcement actions, which include recovery of the costs to repair any damage.
  3. Effect of the Violation on the Receiving Water
    - (a) Prevention of pass-through of pollutants to the water body is a major component of the development of acceptable limits for the User.
    - (b) Each water body has established limits for pollutants to protect the organisms that live in the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit the POTW and potentially cause environmental harm.
    - (c) The minimum enforcement action for a violation impacting receiving waters will include an Administrative Order, which is to include a penalty. The penalty will also include any penalties or fines paid by the POTW to a regulatory or response agency (e.g., ~~SCDHECSCDES~~, EPA, SCDNR, Oconee County Emergency Management, etc.) and may include damages for the destruction of natural resources, manmade structures, and/or the POTW. Termination of sewer service may be an option if noncompliance continues uncorrected.
  4. Effect of the Violation on the POTW
    - (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed charges for correcting the impact.
    - (b) Adverse impacts include, but are not limited to, the following:
      - (i) Significant increases in treatment costs;
      - (ii) Interference with POTW treatment processes;
      - (iii) Harm to the general public or POTW personnel;
      - (iv) Equipment damage;
      - (v) Negative operational changes;
      - (vi) Damage to the conveyance system piping through pipe corrosion or blockage;
      - (vii) Explosion in conveyance system or POTW; and/or
      - (viii) Sludge contamination resulting in increased disposal cost.
    - (c) Any labor costs or repair costs will be passed onto the User that caused the adverse impact to occur in accordance with SECTION 8.6.
    - (d) Minimum enforcement actions will include an Administrative Order with associated penalties including cost recovery for adverse impacts in accordance with SECTION 8.6.

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5. Compliance History of the User
    - (a) The compliance history of a User will be evaluated when assessing the severity of the violation.
    - (b) A User who has a pattern of recurring violations (which may be the same or different parameters or regulatory requirements) can be an indication that the User does not take wastewater issues or environmental protection regulations seriously or their system is inadequately designed for the specific wastewater conditions.
    - (c) A User that has recurring violations has an increased likelihood of causing future significant violations.
    - (d) A User who has recurring violations may be dealt with more severely to ensure that compliance is achieved.
    - (e) A recurring violation history will result in more advanced enforcement actions being assessed against a User, up to and including termination of service.
  6. Good Faith of the User in Reporting, and Responding to, the Violation
    - (a) A User who takes measures to correct the violation and take care of any issues as quickly as possible will have shown good faith efforts.
    - (b) Good faith is demonstrated by cooperation and completion of corrective measures in a timely manner.
    - (c) This effort will be considered when deciding what enforcement actions will be taken; however, *good faith does not eliminate the need to take an enforcement action.*
    - (d) Good faith is not defined as compliance with previous enforcement actions.
    - (e) Recovery of costs from an upset will take place regardless of good faith actions that may have been taken.
  - B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
    1. All violations shall normally be identified and documented within thirty (30) calendar days of receiving compliance information.
    2. Initial enforcement responses involving contact with the User and requesting information on corrective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
    3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar days of the initial enforcement response. For all continuing violations, the response will include a Compliance Schedule.
    4. Violations which threaten or affect health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
    5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Administrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.
  - C. Industrial User Response to Noncompliance
    1. Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becoming aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submitted to report the violation. This form must be submitted to the Regulatory Services Coordinator or Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of the day on which it occurs (including weekends and holidays).
    2. The notification shall be followed by a written report, when required by the Regulatory Services or Pretreatment Coordinator, within five (5) business days. The report of noncompliance shall include:
      - (a) A description of the characteristics of the noncompliance;
      - (b) Sampling results;
      - (c) A statement of the cause of noncompliance; and
      - (d) An account of the time and duration of the violation including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities being taken to reduce, eliminate, and prevent recurrence of the violation.

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- 2709 3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit  
 2710 the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.  
 2711 4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which  
 2712 may be incurred as a result of damage to the POTW, persons or property, or environmental harm;  
 2713 nor shall such notification relieve the User of any fines, civil penalties, or other liability which may  
 2714 be imposed by this Regulation or other applicable laws.

## D. Assignment of Responsibilities

- 2715 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by  
 2716 the Director to implement the Pretreatment Program and to enforce compliance with all Permits  
 2717 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated  
 2718 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this  
 2719 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-  
 2720 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee  
 2721 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that  
 2722 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either  
 2723 through purposeful investigation or in the normal course of duties performed.  
 2724  
 2725 2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, which-  
 2726 ever OJRSA employee or consultant is in position to do so may be used to collect evidence of the  
 2727 violation. The Coordinator may employ the services of outside laboratories or consultants in the  
 2728 collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon  
 2729 to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence,  
 2730 compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's  
 2731 attorney(s) in preparing and executing enforcement actions.

## E. Enforcement Response Guide

- 2732 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based  
 2733 on the whether the noncompliance involves:  
 2734 (a) Sampling, Monitoring, and Reporting (SECTION 8.12.1);  
 2735 (b) Compliance Schedules (Construction Phases or Planning) (8.12.2);  
 2736 (c) Effluent Limits (8.12.3);  
 2737 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-  
 2738 vestigations (8.12.4);  
 2739 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 8.12.5;  
 2740 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (8.12.6);  
 2741 and/or  
 2742 (g) Other Regulatory Violations (8.12.8).  
 2743  
 2744 2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate  
 2745 enforcement responses to various types of noncompliance and appropriate OJRSA personnel to  
 2746 implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND**  
 2747 **DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**  
 2748 3. The Director may delegate his/her role and authority in any enforcement action as deemed appro-  
 2749 priate. (SECTION 8.1)  
 2750 4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES  
 2751 Permit, and other locally established regulations.  
 2752 5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.  
 2753 6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Con-  
 2754 ference or Notice of Violation when the violation does not meet the criteria of Significant Noncom-  
 2755 pliance (SNC) or when the User is cooperative in quickly resolving the problems.  
 2756 7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems  
 2757 will incur more severe enforcement actions, up to and including termination of sewer service.

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- 8. Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance Schedule for which the User is to follow.
- 9. The enforcement actions chosen for a particular violation or group of violations will be appropriate and representative of the magnitude and nature of the violation. *Enforcement actions for ongoing violations shall be progressive and more severe as the violations continue.* When violations are initially found, an enforcement action will be taken at that time. At the end of each calendar quarter, each user will be evaluated for SNC. If a user is found to be in SNC for the violation(s), then additional enforcement actions will be taken as delineated in this ERG. The enforcement actions taken will be adequate to promote a timely solution to the violations.
- 10. Enforcement actions taken against each User shall be considered individually and are not necessarily based on penalties, actions, and/or fines issued to other Users who were in violation.

8.12.1 Sampling, Monitoring, and Reporting Violations ERG

Violation	Circumstances	Range of Response	Personnel
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	NOV with response required within ten (10) business days.	RSC, PC
	Industrial User does not respond to NOV and/or AO.	AO; civil action and penalties (SECTION 8.6); Adjudicatory Hearing including penalty (SECTION 8.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action; <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
	No response received.	Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate water and/or sewer.	Dir
	Report is improperly signed or certified, or is otherwise incomplete, first offense.	NOV.	RSC, PC
	Report is improperly signed or certified, or is otherwise incomplete, after notice by POTW.	AO; Adjudicatory Hearing; civil action and penalties (SECTION 8.6).	RSC, PC
	Isolated not significant violation; Report less than forty-five (45) calendar days late.	NOV.	RSC, PC
	Significant - Report forty-five (45) calendar days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC
	Reports are always late or no report at all.	AO and/or penalty; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir

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	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory Hearing; <del>seek</del> <u>termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	RSC, PC
	Unintentional use of incorrect sample collection techniques.	NOV.	RSC, PC
	Unintentional use of incorrect sample type.	NOV.	RSC, PC
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	NOV - Response required within ten (10) business days; AO.	RSC, PC
	No response received.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV; request corrected form.	RSC, PC
	Recurring deficiencies.	AO and/or penalty (SECTION 8.6).	RSC, PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	RSC, PC
	Continued violations- Remains uncorrected forty-five (45) calendar days or more - SNC.	NOSNC; AO; Adjudicatory Hearing; penalty.	RSC, PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	RSC, PC
	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Improper sampling, no evidence of intent.	NOV; AO.	RSC, PC

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	Improper sampling - Evidence of negligence or intent.	AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate-water and/or sewer.	RSC, Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation; <del>seek termination of</del> terminate-water and/or sewer.	Dir

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8.12.2 Compliance Schedules ERG (Construction Phases or Planning)

Violation	Circumstances	Range of Response	Personnel
Missed interim date	Will not cause late final date or other interim dates (less than ninety (90) calendar days).	NOV.	RSC, PC
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, good cause for delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, no good cause or delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC PC, Dir
	Missed milestone by more than ninety (90) calendar days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action.	RSC, PC, Dir
	Missed milestone by more than forty-five (45) calendar days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); <del>seek termination of</del> terminate-water and/or sewer.	RSC, PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action; request criminal investigation; <del>seek termination of</del> terminate-water and/or sewer.	RSC, PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; Adjudicatory Hearing.	RSC, PC, Dir
	Ninety (90) calendar days or more outstanding - Failure or refusal to comply - Without good or valid cause - SNC.	AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
Failure to install monitoring equipment	Delay of less than forty-five (45) calendar days.	NOV; AO.	RSC, PC
	Delay of forty-five (45) calendar days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Cost recovery and	RSC, PC, Dir

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		civil penalties for each additional day (SECTION 8.6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <u>seek termination of</u> <del>terminate</del> water and/or sewer.	Dir

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8.12.3 Effluent Limit Violations ERG

Violation	Circumstances	Range of Response	Personnel
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	RSC, PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	RSC, PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing.	RSC, PC, Dir
	Violations that are recurring and/or SNC (meet chronic definition); no damage to POTW and/or environment.	If violation has already been corrected - NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 8.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, Dir
	Isolated; no harm to POTW and/or environment.	NOV.	RSC, PC

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Discharge of untreated wastewater - spill, bypass, or improper operation of pretreatment facility	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <b>seek termination of terminate</b> water and/or sewer.	RSC, PC, Dir
Discharge without a permit or approval	One time without known environmental or POTW damage; User unaware of requirement.	NOV; include application for permit and timeframe for submission of the completed application.	RSC, PC
	Continuing violation without known environmental or POTW damage; User fails to apply for permit after notice - SNC.	AO; Adjudicatory Hearing including penalty; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <b>seek termination of terminate</b> water and/or sewer.	RSC, PC, Dir
	One time that results in environmental and/or POTW damage; User unaware of requirement - SNC.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 8.6); criminal investigation; <b>seek termination of terminate</b> water and/or sewer.	RSC, Dir
	First (1 <sup>st</sup> ) offense - User aware of requirement.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <b>seek termination of terminate</b> water and/or sewer.	RSC, PC, Dir
	Nonpermitted discharge (failure to renew permit)	Industrial User has not submitted questionnaire within ten (10) calendar days of due date.	NOV - Response required within ten (10) business days.

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**8.12.4 Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations ERG**

Violation	Circumstances	Range of Response	Personnel
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	NOV and/or AO.	RSC, PC



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	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of terminate</del> water and/or sewer.	RSC, PC, Dir
Violation of Discharge Permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	RSC, PC
	Evidence of negligence or intent - SNC.	Adjudicatory Hearing; criminal investigation; sewer ban.	RSC, PC, Dir
Entry denial or consent withdrawn; copies of records denied; permission to photograph, videotape or electronically record image denied	Entry denied or consent withdrawn; Copies of records denied; electronic recordings denied.	Return to User (obtain a warrant if necessary); NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of terminate</del> water and/or sewer.	RSC, PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of terminate</del> water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of terminate</del> water and/or sewer.	RSC, PC, Dir

2775 **8.12.5 Excessive Inflow and Infiltration from Satellite Sewer Systems and Other Users ERG**

Violation	Circumstances	Range of Response	Personnel
Excessive inflow and infiltration from systems and connections not owned by OJRSA (for each location identified by OJRSA through means and methods detailed in SECTION 4.15)	Initial violation.	NOV.	Eng, Dir, Atty
	Second (2 <sup>nd</sup> ) violation.	AO; Adjudicatory Hearing.	Eng, Dir, Atty
	Third (3 <sup>rd</sup> ) violation.	AO; Adjudicatory Hearing; civil action; requirement for CMOM for entire Satellite Sewer System or privately-owned User's sewer system.	Eng, Dir, Atty
	Fourth (4 <sup>th</sup> ) and subsequent violations.	AO; Adjudicatory Hearing; civil penalties (SECTION 8.6).	Eng, Dir, Atty

2776 **8.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit)**  
2777 **ERG**

Violation	Circumstances	Range of Response	Personnel
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Failure to install FOG Control Device (FCD)	First (1 <sup>st</sup> ) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 <sup>nd</sup> ) violation.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 <sup>rd</sup> ) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4 <sup>th</sup> ) violation.	<del>Seek termination of</del> Terminate water and/or sewer.	RSC, PC, Dir
	No response to notifications.	<del>Seek termination of</del> Terminate water and/or sewer.	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; cost recovery (SECTION 8.6).	RSC, PC, Dir, Atty
FCD not maintained as required	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6);	RSC, PC, Dir

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		<del>seek termination of</del> terminate water and/or sewer.	
	Failure to address FCD maintenance issues within timeframes set forth by OJRSA.	<del>Seek termination of</del> Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Structure failure of FCD	First (1 <sup>st</sup> ) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 <sup>nd</sup> ) violation.	NOV; penalty up to one-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 <sup>rd</sup> ) violation.	SNC; AO to repair structural failures or install new FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4 <sup>th</sup> ) violation.	<del>Seek termination of</del> Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Failure to address FCD structure failure within timeframes set forth by OJRSA.	<del>Seek termination of</del> Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to maintain records	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, FOG Insp, Dir

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	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, Dir
	Failure to properly maintain records after previous enforcement actions.	<u>Seek termination of</u> <del>Terminate</del> water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to allow access	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	<u>Seek termination of</u> <del>Terminate</del> water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Use of prohibited FOG Control Additives	First (1 <sup>st</sup> ) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, Dir
	Second (2 <sup>nd</sup> ) violation.	<u>Seek termination of</u> <del>Terminate</del> water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir

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	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
FOG waste hauler / plumber fails to properly clean and maintain FCD	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber fails to submit records to OJRSA in timely manner	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber discharges wastewater, FOG, or other prohibited materials back into the FCD	First (1 <sup>st</sup> ) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <del>seek termination of</del> terminate User's water and/or sewer.	RSC, PC, Dir
FOG waste hauler / plumber decants	First (1 <sup>st</sup> ) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification;	RSC, PC, Dir

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wastewater back into the FCD or sewer system		cost recovery and civil penalties (SECTION 8.6); criminal investigation; <del>seek termination of</del> terminate User's water and/or sewer.	
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2778 **8.12.7 Hauled Waste Acceptance Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Abuse of conditions established in Sections 10.1 and 10.2	First (1 <sup>st</sup> ) violation.	Noncompliance notification letter sent to Hauled Waste Transporter company Owner <sup>1</sup> detailing violation; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC
	Second (2 <sup>nd</sup> ) violation.	Suspension of violator's Waste Hauler License for two (2) months or after all outstanding fees have been received by OJRSA, whichever is later; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC, Dir
	Third (3 <sup>rd</sup> ) violation.	Permanent suspension of violator's Waste Hauler License and notification to <del>SCDHEC</del> <del>SCDES</del> of Hauled Waste Transporter's status. The company and person, regardless of whether he works for the same company or another Hauled Waste Transporter, will no longer be able to dispose of product at OJRSA facilities.	RSC, PC, Dir

2779 **8.12.8 Other Regulatory Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to properly operate and maintain pre-treatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within ten (10) business days; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir

<sup>1</sup> As stated on Waste Hauler License.

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	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	RSC, PC
	Inspection finds files incomplete or missing (evidence of intent).	Civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); penalty.	RSC, PC, Dir
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	RSC, PC
	Minor, evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
Failure to mitigate non-compliance or curtail production	No damage to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within ten (10) business days.	RSC, PC
	Recurring violation.	AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir

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**Section 9 – Fats, Oils, and Grease (FOG) Control Program**

The OJRSA is mandated by Federal and State regulations to prevent the discharge of untreated sewer to the environment. OJRSA is subject to enforcement actions from ~~SCDHEC~~SCDES and/or EPA when untreated wastewater reaches the environment. Fats, oils, and grease (FOG) can block the sewer lines and cause the untreated sanitary wastewater to overflow into the environment. In order to address this requirement, the OJRSA has established the following FOG Control Program, which is also supported by the OJRSA Development Policy and other policies as applicable.

**9.1 PURPOSE**

- A. The FOG Control Program has been developed in accordance with SECTION 3 and SECTION 4 of this Regulation with its purpose being to provide for the regulation of the collection, control, and transportation of non-hazardous FOG of animal or vegetable origin generated by Users. All Users, including FOG Generators such as Food Service Establishments, must comply with established grease limits as contained in SECTION 4.2.
- B. Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on all the following criteria:
1. Properly sized and approved FOG Control Devices;
  2. Approval and implementation of Best Management Plans;
  3. Placement of FOG control signs above FOG Generator sinks;
  4. Regularly scheduled maintenance of FOG Control Device(s);
  5. Documentation of maintenance and proper disposal;
  6. Employee education and training; and
  7. Demonstrated adherence to established quantitative concentration or mass limit(s) as measured at the nearest accessible point prior to FOG Generator's connection to the public sewer.

**9.2 DUTIES**

- A. The Director has the authority to enforce compliance with Permits and Regulations. Acting under the Director is the Regulatory Services Coordinator or his/her assigned representative(s) (e.g., FOG Program Coordinator), who shall be responsible for implementing this Regulation.
- B. The Regulatory Services Coordinator or their assigned representatives shall be responsible for all administrative actions such as inspections, plan review, analyses, and records maintenance.
- C. Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the designated and assigned OJRSA representatives.
- D. Duties regarding the enforcement of these requirements are outlined in SECTION 8 of this Regulation.

**9.3 APPLICABILITY**

- A. The FOG Control Program is applicable to all Nonresidential Users who generate or transport FOG. The Regulation also applies to Hauled Waste Transporters of the FOG generated from these and other facilities. Classifications for the types of FOG Generators can be found in SECTION 9.7.
- B. All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation or any FOG Permit issued by OJRSA.
- C. Devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated Multi-Family Developments as follows:
1. Multi-Family Developments shall be required to install a FOG Control Device in compliance with SECTION 9.7 when five (5) or more units occupy a single building and where the individual living units share a common wastewater drain line that serves more than ~~one-two (2)~~ (24) units within the building.



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- 2823 2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June  
 2824 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do sub-  
 2825 stantial modifications which include replacement of fifty percent (50%) or more of the drain lines  
 2826 or plumbing within the building. Modifications must include the installation of a FOG Control Device  
 2827 as set forth in this Regulation.

2828 D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with  
 2829 SECTION 9.7 when five (5) or more units occupy a single building and share common wastewater drain lines  
 2830 that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens  
 2831 that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as con-  
 2832 structed unless the facility has to do substantial modifications which include replacement of fifty percent  
 2833 (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation  
 2834 of a FOG Control Device as set forth in this Regulation.

2835 ~~D.E.~~ Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative  
 2836 impact on its conveyance or treatment system from FOG must be plumbed together through a common  
 2837 drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.

2838 ~~E.F.~~ Food Service Establishments and FOG Generators

- 2839 1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-  
 2840 constructed, or change ownership shall meet the requirements included herein prior to opening,  
 2841 expanding, or reopening the FSEs.  
 2842 2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Reg-  
 2843 ulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues,  
 2844 manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior  
 2845 to installation.  
 2846 3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3)  
 2847 compartment sink must have a FOG Control Device installed.  
 2848 4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly in-  
 2849 stalled, maintained, and operating in accordance with this Regulation by no later than June 30,  
 2850 2024.

2851 ~~F.G.~~ Multi-Unit Commercial Facilities

- 2852 1. New Multi-Unit Commercial Facilities
- 2853 (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line con-  
 2854 nections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste  
 2855 line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or  
 2856 potential kitchen area, grease waste line will be connected to floor drains in the specified  
 2857 kitchen area, and will connect, or be able to connect, to other food service establishment  
 2858 kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two  
 2859 (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.  
 2860 (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF.  
 2861 Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen  
 2862 and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-  
 2863 out locations to accommodate a FOG Control Device of adequate size as approved in the  
 2864 *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity  
 2865 FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for  
 2866 multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Intercep-  
 2867 tors must be approved by the OJRSA prior to construction. A copy of the maintenance  
 2868 agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by  
 2869 the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider  
 2870 suitable physical property space and sewer gradient that will be conducive to the installa-  
 2871 tion of an exterior, in-ground gravity FCD when determining the building location.

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(c) An Owner may elect to construct a MUCF without separate sewer plumbing; however, the Owner must provide a signed and notarized document that includes the following statement prior to approval of plans or issuance of a building permit:

I, \_\_\_\_\_ [Owner name here], **UNDERSTAND THAT IF A FOOD SERVICE ESTABLISHMENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRODUCER OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR TO THE USER OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE DEVELOPMENT, WHICH INCLUDES:**

[County TMS Number here]

[County TMS Number here]

**IF THE UNITS AND/OR PARCELS ARE SUBDIVIDED OR IF THE PROPERTY IS SOLD OR OTHERWISE TRANSFERRED, I ALSO UNDERSTAND THAT IT IS THE RESPONSIBILITY OF THE SITE OWNER(S) TO COMPLY WITH THESE REGULATIONS, AT NO EXPENSE TO THE OJRSA, PRIOR TO THE ESTABLISHMENT OF WATER AND SEWER SERVICE.**

2. Existing Multi-Unit Commercial Facilities

(a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall be grandfathered and may not have to comply with provisions of this Section unless:

- (i) Negative impacts are placed on the public sewer system due to FOG generated from within the facility (e.g., blockages in the conveyance system). The OJRSA reserves the right to require MUCF to install appropriate plumbing and FOG Control Devices if they are causing negative impact to the public sewer system.
- (ii) If an existing MUCF is replacing or updating internal piping for wastewater handling, then they shall comply with requirements of a New MUFC.

**9.4 RIGHT OF ENTRY, INSPECTIONS, AND RECORDKEEPING**

- A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator’s facility and the Hauled Waste Transporter’s vehicle (SECTION 10.4) and facilities are incorporated fully within these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as required.
- B. FOG Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices or obtain representative samples and perform other duties as necessary to ensure compliance.
- C. The FOG Generator shall maintain FOG Control Device inspection records ~~on-site~~ for review by OJRSA for a minimum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records. If authorized by OJRSA, electronic records may be submitted in accordance with SECTION 2.6.
- D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access to inspect records, obtain representative samples, and perform other duties as necessary to ensure compliance.
- E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler / plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must use the FOG Control Device Inspection Form as provided by the OJRSA.
- F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must notify the OJRSA within one (1) business day of conducting the inspection.
- G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be documented by the employee and the Director should be notified as soon as possible. The Director will discuss the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with

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appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling. Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Response Guide set forth in this Regulation

- H. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CANNOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREEMENTS.** Any records that are reviewed during the inspection and must be kept confidential must be stamped with the word “confidential” and OJRSA will adhere to the confidentiality requirements set forth in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

**9.5 PERMITTING**

OJRSA may issue a FOG Permit or other control document to FOG Generators and Hauled Waste Transporters as a condition of use, or continued use, of OJRSA facilities and services. A FOG Permit may be issued to a single User or a group of Users with similar processes, practices, and wastewater characteristics. Although not necessary in all cases, FOG Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring requirements and reporting requirements as well as any other conditions or requirements that OJRSA determines necessary to ensure compliance of the User and protection of the collection and treatment facilities.

**9.6 FOG GENERATOR ADMINISTRATIVE REQUIREMENTS**

- A. Best Management Practices
1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive discharges of FOG to the public sewer and to ensure proper performance of FOG Control Devices (FCD).
  2. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans, and food containers into the trash before washing; having signage posted at sinks (e.g., “Hand Washing Only,” “Scrape Plates before washing,” “No Fats, Oils, or Grease,” etc.); having proper sink, floor sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Container; and establishing procedures for observing and approving all maintenance activities that require access to the FCD.
  3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.
- B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with established limits and standards. Requirements and details for FCD are found in the *OJRSA Development Policy*. In some circumstances, FOG Traps or Hydromechanical FOG Devices (HFD) may be allowed if:
1. It is determined by OJRSA that a FOG Trap or HFD provides adequate control due to site specific conditions; and/or
  2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor impractical and/or unserviceable.
- C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator’s expense. It is the FOG Generator’s responsibility to ensure that proper maintenance of the device includes removal of all contents including floating materials, wastewater, and solids at a maintenance frequency which will allow proper operation of the FCD. The FOG Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of the disposal.
- ~~D. At no time shall the cleaning frequency of the FCD exceed ninety (90) calendar days unless approved in writing by OJRSA. Approval will be granted on a case-by-case situation with submittal by the FOG Generator documenting proof that a reduced cleaning frequency will meet the requirements of this Regulation. Some~~

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FOG Generators may need to consider a more frequent pumping schedule to meet the requirements of this Regulation.

~~E.~~ FOG Interceptors must be pumped in full (complete removal of all contents) when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the FOG Interceptor's inlet liquid depth if before the ninety (90) calendar day pump-out requirement. Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 of this Regulation.

~~F.~~ D. FOG Generators required to install new or replacement devices shall request and complete a Food Service Establishment Questionnaire as provided by OJRSA. The survey, along with the FCD specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the FOG Generator, the OJRSA will provide a written determination of the required FCD prior to installation. Additionally, the survey will be considered a request to discharge to the OJRSA system. Approval must be granted by OJRSA prior to connecting the device to the public sewer.

~~G.~~ E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and installation of any ~~FGD~~ FCD.

~~H.~~ F. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business days and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed by an OJRSA Authorized Representative. Prior to commencement of construction or installation, the FOG Generator shall secure applicable local building, plumbing, and other permits.

~~I.~~ G. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD and piping to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify the local building inspector if the installation does not meet the requirements of this Regulation.

~~J.~~ H. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without written approval from an OJRSA Authorized Representative. The design and installation instructions for the OJRSA are set forth in the *OJRSA Development Policy*.

~~K.~~ I. Automatic FOG Traps – After June 30, 2023, any change of ownership of an existing FSE or FSE reopening for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device ~~with a unitone~~ approved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages in the conveyance system, etc.), then the device shall be replaced with a FOG Trap, Hydromechanical FOG Device, or FOG Interceptor that complies with these Regulations.

~~L.~~ J. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.

~~M.~~ K. \_\_\_\_\_ For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA, such document shall be signed by:

1. The Owner, or
2. General Manager; or
3. Manager, or
4. A specified individual authorized in writing by one of the above with the authority to bind the FOG Generator and to make representations to OJRSA on the FOG Generator's behalf.

## 9.7 FOG GENERATOR CLASSIFICATIONS

OJRSA has established the following classifications for FOG Control Devices:

- A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-by-case basis. ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~

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- 3013 B. Facilities that provide dining space and vending machines with no food preparation other than microwave  
3014 ovens and the like will be evaluated on a case-by-case basis.
- 3015 C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) ~~grease~~  
3016 ~~trap~~ FOG Trap or Hydromechanical FOG Device that meets minimum efficiency and installation require-  
3017 ments necessary for this class. REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY  
3018 FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.
- 3019 1. Facilities without a ventilation hood system or filter as required by SCDHEC-SC Department of Agri-  
3020 culture R61-25 (Retail Food Establishments);
  - 3021 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-  
3022 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-  
3023 ing ware with very limited culinary washing;
  - 3024 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
  - 3025 4. Coffee Shops (small);
  - 3026 5. Ice Cream Shops;
  - 3027 6. Frozen Yogurt Shops;
  - 3028 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
  - 3029 8. Doughnut Shops with baking only (no mixing of ingredients or frying);
  - 3030 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
  - 3031 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-  
3032 ing, and number of meals served);
  - 3033 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary  
3034 cleaning, number of meals served, and frequency meals are served);
  - 3035 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-  
3036 4)).
- 3037 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required  
3038 by SC Department of Agriculture SCDHEC R61-25 (Retail Food Establishments), then they will be considered  
3039 at least a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hy-  
3040 dromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all  
3041 efficiency and installation requirements necessary for this class. REQUIRES FOG DEVICE SIZING CALCULA-  
3042 TION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.  
3043 The facility will need to provide their applicable NAICS code(s) to OJRSA.
- 3044 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
  - 3045 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-  
3046 ing, and number of meals served);
  - 3047 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary  
3048 cleaning, number of meals served, and frequency meals are served);
  - 3049 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-  
3050 sons);
  - 3051 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)  
3052 persons);
  - 3053 6. Doughnut Shops with on-premises frying;
  - 3054 7. Coffee Shops (large);
  - 3055 8. Caterers;
  - 3056 9. Convenience Stores serving food (with or without fuel pumps);
  - 3057 10. Supermarket/Grocery Stores;
  - 3058 11. Hotels with Kitchens as stated in OJRSA SUR 9.3(D); and
  - 3059 10-12. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain condi-  
3060 tions and as justified by calculation requirements and approved by OJRSA).
- 3061 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A  
3062 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet

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all efficiency and installation requirements necessary for this class. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION. The facility will need to provide their applicable NAICS code(s) to OJRSA.**

1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-five (65) persons);
2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to sixty-five (65) persons); and
- 2.3. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain conditions and as justified by calculation requirements and approved by OJRSA).

F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION. The facility will need to provide their applicable NAICS code(s) to OJRSA.**

1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run operations.
2. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2).

G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**

1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable portions of the Sewer Use Regulation.
2. Others as appropriate.

## 9.8 FOG CONTROL DEVICE **DESIGNS** AND INSTALLATION REQUIREMENTS

### A. General Requirements

- ~~A.1.~~ No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
  2. Garbage grinders are strictly prohibited where FCD are required.
  3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.
- ~~All FCDs shall have a minimum retention time of thirty (30) minutes.~~

### B. General FCD Requirements

- ~~B.1.~~ All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regulations and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the specifications detailed in the *OJRSA Development Policy*.
- ~~C.2.~~ OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance and condition and may require repairs to, modifications, or replacement of FCDs as such.
3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.

~~D.A. Garbage grinders are strictly prohibited where FCD are required.~~

~~E.A. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.~~

~~F.A. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.~~

### G.C. FOG Trap Requirements

1. There is a minimum acceptable size devices based on the classification system as stated in SECTION 9.7.
2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
- 2.3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required flow and grease capacity.

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3110 ~~3-4.~~ Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are  
 3111 prohibited in accordance with OJRSA SUR 9.6(IK).

3112 ~~4-5.~~ Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:

- 3113 (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;
- 3114 (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit
- 3115 (140°F);
- 3116 (c) Acidic or caustic cleaners (e.g., lye or root killer);
- 3117 (d) Fryer oil or grill trap FOG waste; and
- 3118 (e) FOG Control Additives (as defined in SECTION 2.3).

3119 D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall  
 3120 be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG de-  
 3121 vices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Intercep-  
 3122 tors.”

3123 H.E. FOG Interceptor Requirements

- 3124 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION
- 3125 9.7.
- 3126 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
- 3127 ~~2-3.~~ The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.<sup>1</sup>
- 3128 ~~3-4.~~ All FOG Interceptors shall be adequately secured against unauthorized access.
- 3129 ~~4-5.~~ All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
- 3130 ~~5-6.~~ Discharge of, or addition of, the following materials are strictly prohibited from disposal to an in-
- 3131 ground FOG Interceptor:
- 3132 (a) Acidic or caustic cleaners (e.g., lye or root killer); and
- 3133 (b) FOG control additives (as defined in SECTION 2.3).

3134 **9.9 MAINTENANCE REQUIREMENTS**

3135 A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements  
 3136 as stated within this Section based on changes in operation, business hours, equipment, menu options,  
 3137 seating capacity, etc.

3138 B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased  
 3139 cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the  
 3140 contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the  
 3141 costs associated with repairing the system in accordance with SECTION 4.11 RECOVERY OF PREVENTATIVE EX-  
 3142 PENSES and SECTION 8– Enforcement.

3143 A-C. FOG Traps

- 3144 1. **FOG TRAPS SHALL BE MAINTAINED ON A WEEKLY BASIS FREQUENCY FOR THE PROPER FUNCTION**  
 3145 **OF A FOG TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE**  
 3146 **BASIS; USING THE “25% RULE”<sup>2</sup> OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MAT-**  
 3147 **TER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE<sup>3</sup>; HOWEVER, CLEANING SHALL NOT**  
 3148 **EXCEED TWENTY-ONE (21) CALENDAR DAYS. ~~Modified maintenance schedules must be approved~~**  
 3149 **by the OJRSA but in no case will cleaning intervals exceed two (2) weeks.**
- 3150 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.
- 3151 These records shall be maintained in accordance with SECTION 9.4.

<sup>1</sup> As stated in the International Plumbing Code.

<sup>2</sup> To calculate the 25% Rule value, you use the following formula:  $[(\text{avg. inlet grease layer} + \text{avg. inlet solids layer}) \div \text{total water depth}] \times 100$ . For example, if the average inlet grease layer is 8.67 inches, the average inlet solids layer is 4.33 inches, and the total water depth is 45 in, the 25% Rule value would be 28.89%, which is above the 25% threshold and the cleaning frequency should be adjusted appropriately.

<sup>3</sup> “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

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D. Hydromechanical FOG Devices

1. **HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER'S RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS; HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED BY MANUFACTURER'S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRITTEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.**
2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These records shall be maintained in accordance with SECTION 9.4.

B-E. FOG Interceptors

1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REGULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE<sup>1</sup>.** A reduced cleaning frequency may be granted on a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as stated with the functions of Section 9.10(E), that performed the cleaning and inspection to document proof that a reduced cleaning frequency will meet the requirements of this Regulation. Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals exceed six (6) months.
2. The following FOG Interceptor maintenance activities must be performed:
  - (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top grease layer when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for more information) of the FOG Interceptor's inlet liquid depth if before the quarterly pump out requirement. Top skimming, decanting, or back-flushing of the device, its contents, septage waste, solids, water, or other materials back into the FOG Interceptor for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from FOG shall not discharge separated water into the FOG Interceptor or into the wastewater conveyance system.
  - (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls and baffles.
  - (c) Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 SECTION 8 of this Regulation.
3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the private sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION 8.6 and/or *OJRSA Schedule of Fees*.

**9.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS**

<sup>1</sup> "Evidence" may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.



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- 3198 Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:
- 3199 A. Comply with requirements in SECTION 9.9.
- 3200 B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- 3201 C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste
- 3202 Transporter.
- 3203 D. Be responsible for determining the nature of the waste and completing a manifest before transport. A com-
- 3204 pleted FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the
- 3205 FOG Generator. The record must include the name, address, and phone number of the FOG Generator
- 3206 company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other
- 3207 material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date
- 3208 of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should
- 3209 be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- 3210 E. Perform the following activities:
- 3211 1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load
- 3212 of FOG waste to the disposal site.
- 3213 2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.
- 3214 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must
- 3215 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues
- 3216 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-
- 3217 cation.
- 3218 ~~2.3.~~ Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain
- 3219 certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler
- 3220 or plumber hires a new employee in the period between training offerings by the OJRSA, then they
- 3221 must make arrangements with OJRSA to obtain the training before performing an inspection. When
- 3222 the next regular scheduled class is held, then the new employee will be subject to this training as
- 3223 well in order to meet the training requirement set by OJRSA.
- 3224 ~~3.4.~~ Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.
- 3225 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must
- 3226 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues
- 3227 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-
- 3228 cation.

3229 **9.11 FEES**

3230 Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste

3231 Transporters as stated in the *OJRSA Schedule of Fees*.

3232 **9.12 COMPLIANCE ENFORCEMENT**

- 3233 A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance
- 3234 with any of the requirements set forth in this Regulation may result in the initiation of enforcement action.
- 3235 Violations of these provisions are subject to the enforcement provisions contained in SECTION 8 of the Reg-
- 3236 ulation, which may include administrative and civil penalties. In addition, fines assessed for violations in-
- 3237 volving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance ex-
- 3238 penses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage
- 3239 removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation,
- 3240 costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer,
- 3241 may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 8.12(E).
- 3242 B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this
- 3243 Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated com-
- 3244 pliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause

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- 3245 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG  
 3246 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA  
 3247 to increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance  
 3248 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the  
 3249 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-  
 3250 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at  
 3251 least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for  
 3252 failure to comply, additional time required for compliance, and steps taken to avoid further delays.
- 3253 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-  
 3254 porter to demonstrate compliance
- 3255 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary  
 3256 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-  
 3257 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the  
 3258 sewer line, and other enforcement actions set forth in SECTION 8 of this Regulation.
- 3259 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement  
 3260 action.

**9.13 REQUESTS FOR VARIANCE**

- 3261
- 3262 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained  
 3263 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)  
 3264 calendar days of the FOG Generator or Hauled Waste Transporter being notified of a requirement or Com-  
 3265 pliance Schedule. The request for variance must specifically state the reason for the request and how the  
 3266 User will ensure demonstrated compliance with established limits.
- 3267 B. Conditional **maintenance** variances may be granted at the discretion of the **Executive Director or his/her**  
 3268 **designee**~~Regulatory Services Coordinator~~ and will typically require additional control measures be placed  
 3269 on the User to ensure compliance which may include but are not limited to: additional maintenance re-  
 3270 quirements, more stringent Best Management Practices, monitoring requirements (or additional require-  
 3271 ments), permit(s) and/or cost recovery. *In no case shall a variance be issued in lieu of compliance with es-*  
 3272 *tablished numerical limits or when damage to the conveyance system, public sewer, or treatment facility is*  
 3273 *evident. Requests for variances regarding a reduction in cleaning frequency are to be made through the*  
 3274 *following procedure:*
- 3275 1. The FOG Generator must request in writing a reduction of its FCD cleaning frequency using the FOG  
 3276 Variance Request Form.
  - 3277 2. All work associated with the variance request is to be performed at the FOG Generator's expense  
 3278 and must be paid prior to conducting the inspection, sampling, and/or analysis in accordance with  
 3279 the OJRSA Schedule of Fees.
  - 3280 3. OJRSA will perform an evaluation of the facility and the capability of the FCD to determine if a  
 3281 reduction in cleaning is merited. The evaluation will include but not necessarily be limited to the fol-  
 3282 lowing:
    - 3283 (a) A site visit to evaluate the facility's potential contributions to FOG in the collection system.
    - 3284 (b) Inspection, sampling, and/or analysis of the discharge from the FOG Generator's facility will  
 3285 be conducted by OJRSA to determine the effectiveness of the FCD and the contribution of  
 3286 the FOG Generator to FOG in the sewer system.
    - 3287 B-(c) During the sampling and/or inspection, OJRSA will use methods to ensure that the  
 3288 FCD is not tampered with. OJRSA reserves the right to install tamperproof equipment on  
 3289 the device to ensure the integrity of the sampling/inspection, such as lock, tape, etc.
- 3290 C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be  
 3291 considered and approved for installation at a FOG Generator. The alternative FCD must control FOG dis-  
 3292 charges from the User and be maintained as outlined in this Regulation. Items that may be considered in

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3293 this determination will be footprint of existing buildings, location of property boundaries, and a lack of room  
3294 for an outside FOG Interceptor. Alternative FCDs shall not be considered for new building construction.

- 3295 D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical re-  
3296 strictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing  
3297 FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least  
3298 fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.  
3299 E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

## 3300 Section 10 – Hauled Waste Acceptance

### 3301 10.1 AUTHORITY AND GENERAL CONDITIONS

- 3302 A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Ad-  
3303 ditionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area  
3304 when it is determined that:
- 3305 1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equip-  
3306 ment malfunction, nature or quantity of waste, or other factors there is no viable alternative for  
3307 disposal of the hauled waste in the service area where it originates.
  - 3308 2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed  
3309 of at OJRSA facilities; or-
  - 3310 2-3. There has been an emergency declaration by the President of the United States (or by a federal  
3311 agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has  
3312 determined that the hauled waste from outside of the OJRSA service area will not impact the treat-  
3313 ment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If  
3314 it is determined the OJRSA can accept such waste, then the Executive Director shall establish a  
3315 maximum amount of waste that can be accepted from such areas each day. The acceptance of such  
3316 waste under these circumstances, as well as the daily limits for such waste, may be altered,  
3317 amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- 3318 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic  
3319 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-  
3320 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-  
3321 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to  
3322 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from  
3323 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the  
3324 wastewater treatment plant.
- 3325 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall  
3326 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3327 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance  
3328 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3329 E. Abuse of the above requirements stated in SECTION 10.1 shall result in actions as detailed in SECTION 8.12.7.
- 3330 F. All Haulers will be permitted annually by OJRSA.
- 3331 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record  
3332 must include the name, address, and phone number of the FOG Generator company; the name(s) of the  
3333 individual(s) performing the work, the volume of the wastewater and other material removed from the  
3334 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the  
3335 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspec-  
3336 tion.

### 3337 10.2 SPECIFIC CONDITIONS OF ACCEPTANCE

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## A. Acceptance of Hauled Waste

1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
2. Hauled waste is only accepted on business days during the hours of operation as posted at the OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the acceptance of hauled waste during normal acceptance periods due to issues with the treatment plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA shall not accept waste outside of these hours except under the following conditions:
  - (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System directly or indirectly connected to the OJRSA's wholesale or retail system; and
  - (b) The emergency must originate on public or common property owned, operated, and maintained by the Satellite Sewer System. Events that occur on private property are not considered an emergency per this Regulation. The OJRSA reserves the right to confirm all information regarding the emergency with the registered agent(s) of the Satellite Sewer System.
  - (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA Schedule of Fees* shall apply.
  - (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste afterhours, including waste from onsite wastewater systems and septic tanks.
3. Abuse of the above requirements stated in SECTION 10.2 shall result in actions as detailed in SECTION 8.12.7.

## B. Septic Tank Waste

1. Acceptance From Within OJRSA Service Area
  - (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service area.
  - (b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior approval. Approval must be requested and granted in writing prior to discharge at OJRSA facilities.
  - (c) Sanitary wastewater from Nonresidential Users located outside the service area will not be accepted under any circumstances.
  - (d) Loads mixed with Residential septic tank waste from inside and outside of the service area shall not be accepted without prior approval; however, mixed loads that may contain Non-residential septic tank wastewater from outside of the service area shall not be accepted under any circumstances.
2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal at the treatment facility.
3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to discharge at OJRSA facilities.
4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

## C. Portable Toilet Waste

1. Acceptance From Within OJRSA Service Area
  - (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
  - (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged at OJRSA facilities without prior approval.
  - (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not be accepted without prior approval.
2. Portable toilet waste to be accepted must consist of sanitary waste only.
3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, including septic tank waste, prior to discharge at OJRSA facilities.

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- 3388 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-  
3389 posal at the treatment facility.
- 3390 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*  
3391 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the  
3392 OJRSA service area.
- 3393 D. Beneficial Hauled Waste
- 3394 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled  
3395 waste may be accepted at locations and under conditions set forth in an approval letter.
- 3396 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in  
3397 writing to the attention of the OJRSA Regulatory Services Coordinator.
- 3398 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case  
3399 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions  
3400 and limitations may apply.
- 3401 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as  
3402 a condition of acceptance of each designated beneficial hauled waste.
- 3403 E. Prohibited Wastes
- 3404 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
- 3405 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-  
3406 tion to any facility connected to OJRSA facilities, including those that originate on private property  
3407 (e.g., private sewers).
- 3408 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-  
3409 sidered hazardous under the RCRA regulations.

**10.3 HAULED WASTE TRANSPORTER REQUIREMENTS**

- 3410 A. The contents of a Hauled Waste Transporter operated by a SCDHECSCDES-licensed hauler of holding tank  
3411 waste shall be discharged to the POTW only at a location approved by the Director. Such wastewater must  
3412 have prior written approval of the Director before being discharged. The discharge of this waste shall be  
3413 subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy  
3414 of this letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed  
3415 hauler shall provide the information requested as shown in the Regulation.
- 3416 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,  
3417 as stated in appropriate sections of this Regulation.
- 3418 C. Only wastes originating within the OJRSA's service area may be accepted.
- 3419 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to  
3420 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier  
3421 than January 1 and an ending date no later than December 31.
- 3422 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-  
3423 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-  
3424 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic  
3425 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-  
3426 cludes the following signed certification statement, which must include a Wet Signature from the Author-  
3427 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not  
3428 the Waste Hauler):

3431 I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE PERFORMED APPROPRIATE  
3432 INVESTIGATION TO ENSURE THAT THE WASTEWATER TO BE DISCHARGED IS FROM NO OTHER SOURCE  
3433 THAN A SEPTIC TANK, ~~FOG TRAP OR INTERCEPTOR~~, ORIGINATED IN OCONEE COUNTY OR WITHIN THE  
3434 OJRSA SERVICE AREA, AND TO THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL,

## OJRSA Sewer Use Regulation

October 1, 2023 DRAFT September 9, 2024 FOR BOARD OF COMMISSIONERS

3435 TOXIC MATERIAL, OR INDUSTRIAL MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I  
3436 AM RESPONSIBLE FOR ANY ADVERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.

**10.4 INSPECTION AND MONITORING**

3437 In accordance with SECTION 7.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination  
3438 sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this  
3439 Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording  
3440 equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate doc-  
3441 umentation or satisfy compliance requirements.  
3442

**10.5 FEES AND CHARGES**

3443 Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA*  
3444 *Schedule of Fees*. If approved for acceptance as stated in SECTIONS 10.1 and 10.2, then fees and charges for other  
3445 forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-  
3446 case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to dis-  
3447 charge hauled waste at OJRSA facilities without proper payment of fees and charges.  
3448

**10.6 ENFORCEMENT**

3449 Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures  
3450 that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in ~~SECTION 8~~  
3451 ~~SECTION~~  
3452 ~~8~~. Enforcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

OJRSA Sewer Use Regulation

October 1, 2023 DRAFT September 9, 2024 FOR BOARD OF COMMISSIONERS

3453 **Section 11 – Severability**

3454 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent  
3455 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-  
3456 tinue in full force and effect.

**OJRSA Sewer Use Regulation**

**October 1, 2023 DRAFT September 9, 2024 FOR BOARD OF COMMISSIONERS**

3457 **Section 12 – Conflict**

3458 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby  
3459 repealed to the extent of such inconsistency or conflict.



Harry M. Lightsey III  
Chairman



Bonnie Ammons  
Executive Director

South Carolina  
Rural Infrastructure Authority

September 30, 2024

*via email*

Mr. Chris Eleazer  
Executive Director  
Oconee Joint Regional Sewer Authority  
623 Return Church Road  
Seneca, South Carolina 29678

**Re: Grant #RG-23-5006 – Reorganizational Models for Oconee Joint Regional Sewer Authority– Grant Monitoring**

Dear Mr. Eleazer,

In September 2024, a desk monitoring was conducted to review the activities carried out by the Oconee Joint Regional Sewer Authority under the above-referenced SC Rural Infrastructure Authority (RIA) grant.

The purpose of this review was to determine if activities are being implemented in accordance with the Grant Agreement and RIA's Project Management Procedures and to provide technical assistance as necessary.

1. Staff person conducting the review:  
Sophia Mazza

2. Areas reviewed:  
Program Progress, Program Accomplishments, Procurement and Project Management, Financial Management, Project Management and Record Keeping

Attached is a report of the results of this review. Should you require further assistance, please do not hesitate to contact me at (803)760-9907 or [smazza@ria.sc.gov](mailto:smazza@ria.sc.gov).

Sincerely,

A handwritten signature in cursive script that reads "Sophia Mazza".

Sophia Mazza  
Grant Manager

## Monitoring Report

### Oconee Joint Regional Sewer Authority

RIA Grant: **RG-23-5006**

Review Date: **Desk monitoring completed September 2024**

**Updated October 1, 2024**

#### 1. PROGRAM PROGRESS

The SC Rural Infrastructure Authority (RIA) awarded this Planning grant to the Oconee Joint Regional Sewer Authority on February 23, 2023, in the amount of \$100,000. The grant was provided to assist with the evaluation of the technical, managerial, and operational options for the current regional utility to determine how to best serve the sanitary sewer needs of all Oconee County today and into the future. No matching funds were required, and the Authority did not commit any funds to the project.

The study is complete. At the time of the review, \$88,503 of the RIA grant funds had been drawn and expended. A final request for a reimbursement of \$11,497 is anticipated.

One grant amendment was approved to extend the original grant period by an additional nine months. Grant Amendment #1 was approved on October 9, 2023, to allow time to complete the planning contract as well as monitor and close out the project following delays with Request for Proposal preparation. The grant is expected to close by the end of the grant period in November 2024.

#### 2. PROJECT MANAGEMENT AND RECORD KEEPING

The project was administered and managed by the Appalachian Council of Governments and the Oconee Joint Regional Sewer Authority. The Appalachian Council of Governments Grants Services Director, Arlene Young, served as the project point of contact, including for financial matters. Executive Director Chris Eleazer served as the point of contact for the Oconee Joint Regional Sewer Authority. The Grantee records had appropriate documentation per the Grant Agreement.

#### 3. PROCUREMENT AND CONTRACT MANAGEMENT

The Grantee utilized procedures equivalent to the state competitive proposal guidelines for this professional services contract. The Request for Proposals was reviewed by RIA as required in Special Condition #4, then was advertised in SCBO for 35 days beginning on May 26, 2023. The proposals were opened on June 30, 2023. Two proposals were received, and a selection committee evaluated the proposals. The contract was awarded to the highest scoring proposer. W.K. Dickson & Co. was the selected firm with a contract price of \$100,000. The contract was

executed on October 10, 2023. This contract was amended one time to extend the contract period 140 days and was reviewed by RIA on August 21, 2024. The contract revised end date is now November 30, 2024.

#### 4. FINANCIAL MANAGEMENT

Seven Requests for Payment were submitted as part of this grant and processed as reimbursements. The grant transactions were documented with the professional services firm's invoices and copies of cancelled checks written to the firm.

The Grantee had sufficient accounting records to document all revenues and expenditures associated with the grant. The financial information was recorded correctly, and the General Ledger was consistent with the recorded dates and amounts.

All checks written to the firm carrying out the study were signed by two individuals designated on the RIA Authorized Signatures for Payments and Checks form. All grant expenditures were determined to be allowable. Appropriate internal controls were evident. The Grantee did not provide any non-RIA funds for this project.

#### 5. PROGRAM ACCOMPLISHMENTS

The project prepared a Regional Feasibility Planning Study that evaluated the existing conditions of the collective sewer operations in Oconee County, specifically the key stakeholders' technical, operational, financial, and environmental compliance. This evaluation informed recommendations around sewer governance structures for Oconee County to promote viability now and in the future. The project benefitted the 9,032 customers of the OJRSA and participating sewer systems. The participating sewer systems include Oconee County, City of Seneca, City of Walhalla, City of Westminster, and Town of West Union.

The draft study was submitted to RIA for review in August 2024. Upon review, the study was determined to be consistent with the approved scope of the grant and the professional services contract. The Authority was notified of this in August 2024.

The final study recommended a complete revision to the existing organizational agreement for Oconee Joint Regional Sewer Authority and offered consolidation as a secondary recommendation should the former be ineffective or unfeasible. It also encouraged continued conversations and studies surrounding this issue to vet the implementation of these recommendations. The efforts to act on the recommendations and reorganizational efforts outlined in this plan may be a consideration in evaluations of future funding requests for Oconee Joint Regional Sewer Authority and the participating systems.

## SUMMARY

During RIA's review of the project and grant records, no areas of concern were identified. Next Steps should be addressed within 30 days of receipt of the monitoring report. As we previously noted during our review of the Regional Feasibility Planning Study, please continue to provide written updates regarding the completion of the recommended next steps.

### Next Steps:

1. Submit a Request for Payment, seeking reimbursement of the final amount paid to the consultant, in the amount of \$11,497. Be sure to include a copy of the cancelled check.



## OCONEE JOINT REGIONAL SEWER AUTHORITY

### Finance & Administration Committee

September 24, 2024

The Finance & Administration Committee meeting was held at the Coneross Creek Wastewater Treatment Plant.

Commissioners that were present:

- Seat 5 (Walhalla): Celia Myers, Chair
- Seat 2 (Seneca): Scott Moulder
- Seat 4 (Seneca At-Large): Marty McKee
- Seat 8 (Westminster): Kevin Bronson

Commissioners that were not present:

- None. All Commissioners were in attendance.

OJRSA appointments and staff present were:

- Lynn Stephens, Secretary/Treasurer to the Board and Office Manager
- Chris Eleazer, Executive Director

Others present were:

- None

**A) Call to Order** - Ms. Myers called the meeting to order at 9:09 a.m.

**B) Public Session** – None.

**C) Presentation and Discussion Items:**

- **Update on Current Projects (Exhibit A)** – Mr. Eleazer reported on the following:
  - Mr. Kyle Lindsay, OJRSA Operations Director, is putting larger bids together for the mechanical work at the plant.
  - Capital Projects: The OJRSA received the final Permit to Operate for the Flat Rock Pump Station Replacement Project. There are a couple of stormwater-related matters associated with it, but otherwise it is completed and paid for in full.
  - There is a bid opening at 2:00pm today for the Collection System Rehabilitation SCIIP Project.
  - There is an RIA audit scheduled in the next couple weeks for the Sewer South Phase II Project.

Mr. Bronson asked if there is anything left to do at Flat Rock. Mr. Eleazer replied the job is basically closed out; however, the OJRSA has been aware of some issues with soil stabilization in the stormwater permit because of the lack of rainfall and being unable to grow the grass. During a storm a couple weeks ago, Walhalla was inundated with several inches of rain in a short period of time that washed away some of the soil going down the hill to the pump station. Cove Utility has since installed some rock check dams to slow the flow down and is trying to get the grass established. That permit will stay open until the OJRSA gets a certain percentage of site stabilization and then SC Department of Environmental Services (SC DES – formerly SCDHEC) will close it out.

Mr. Bronson asked if the station was effectively working. Mr. Eleazer replied that it has been in operation since the OJRSA received the partial Permit to Operate a couple of months ago.

**D) Committee Action Items:**

- **Review August and Year-to-Date Financial Reports (Exhibit B)** – Mr. Eleazer reported that the report was emailed to the board on September 12, 2024. Purchases for vehicles, equipment, and the like have come in at or below the budget costs, and he hopes to get some paving done this year.  
***Mr. Bronson made a motion, seconded by Mr. Moulder, to approve the August 2024 Financial Reports. The motion carried.***

**E) Action Items to Recommend to the Board:**

- **Approve Update to OJRSA Personnel Policy Manual (Exhibit C)** – The Director reported there were some deficiencies in the existing policy that were identified and updated:
  - Drug testing and substance abuse requirements for CDL drivers,
  - A FLSA Safe Harbor provision to allow employers to correct improper pay without penalty to the employer,
  - Classification and minimum wage updates, and
  - Parental leave and lactation support requirements.

Mr. Eleazer stated that the updated policy was previously emailed to the board for review and stated that the labor attorney (Mr. Grant Close) apologized for the length of time it took to get the policy updated. Mr. McKee replied there was a lot to review in this policy.

***Mr. Bronson made a motion, seconded by Mr. McKee, to recommend to the board to approve the updated Personnel Policy. The motion carried.***

**F) Executive Director's Report and Discussion:**

- **Joint Rate and Financial Cost of Service Study** – The Director reported he spoke to Ms. Angie Mettlen of W.K. Dickson (at the board's request) about the Member Cities piggybacking on the rate study. Ms. Mettlen spoke to Ms. Bonnie Ammon of the RIA about it, and the OJRSA received a reply from Ms. Mettlen via email after he had sent out the agenda for this meeting. Mr. Eleazer distributed a copy of the email to the committee as a handout (*made a part of these minutes*). Ms. Mettlen will attend the October board meeting, so she will be available to answer questions at that time and will provide some additional ideas.

Mr. Bronson said the hurdles on this are that the Member Cities cannot piggyback off Willdan and that the OJRSA will not meet the time period if using a grant. Mr. Eleazer replied that will be the hard thing.

Mr. Eleazer said he and Ms. Mettlen met yesterday with Oconee County Administrator, Ms. Amanda Brock, to inform her about what was adopted for the rate study, because it will apply to Oconee County as well (being a system owner); Ms. Mettlen told him the RIA moved the grant application period back from the normal September to mid-to-late October, so there is time to apply for it. Mr. Eleazer said he believes the biggest hurdle is getting something out there that will comply with everyone's procurement policies (Member Cities, Town of West Union, Oconee County, and the OJRSA).

Ms. Mettlen has some ideas and will discuss them in October; however, he encouraged the committee to contact her directly with any questions.

Mr. Moulder said the City of Seneca wasn't eligible under the program for the RIA grant. Mr. Eleazer replied it is due to the size of the service population. Mr. Moulder asked how far back are the Member Cities allowed to go; could the City of Seneca use a cost-of-service study with rate recommendations that was done last year? Mr. Eleazer said that could probably be used as long as it has the information for the Capital Improvement Plan (CIP). Mr. Eleazer asked Mr. Moulder to reach out to Ms. Mettlen about this.

Mr. Bronson asked how much the City of Seneca spent on the study. Mr. Moulder thought approximately \$30,000. Mr. Bronson asked how much Willdan is charging the OJRSA. Mr. Eleazer

replied he hasn't seen it yet but imagines there will be some savings as they are familiar with the OJRSA's system and cost of treatment.

- **Miscellaneous (If Any):**

RIA Change Order – A change order needs to be executed for Sewer South Phase II for the change of date to make sure the OJRSA is in compliance with the EDA contract period. This change order will also have a deduct in the cost for materials. This contract ends on September 27, 2024, so an executed change order must be given to them by that day. Nate Fouch with RIA reviewed it and said the RIA considers this a minor change and has no issues with it. It will still have to go before their board which won't meet again for a couple weeks, so he instructed the OJRSA to go ahead and proceed. The OJRSA will need to have a special Executive Committee meeting to approve the change order. He asked Ms. Myers if she had time tomorrow late morning/early afternoon to attend this meeting. Ms. Myers replied she was free from 11:00am to 1:00pm. Mr. Eleazer said he will contact Mr. Faires and Mr. Ramey to see if they are available.

Exit 4 Sewer – The OJRSA received the plan revisions yesterday (4<sup>th</sup> or 5<sup>th</sup> revision). They changed the alignment in the last set of drawings, but otherwise they were ready for approval. The Director hasn't looked at this new set of drawings yet but does not anticipate any issues. The OJRSA will be asked for an acceptance for treatment letter soon that will go with the SC DES packet for the construction permit. There won't be any flow associated with this project, so there should be no capacity issues here at the plant.

Mr. Eleazer added that the OJRSA currently has an agreement with Oconee County to operate and maintain the Golden Corner Commerce Park Pump Station and the force main that the County owns. One of the things that was brought up in the meeting with Ms. Brock yesterday was to consider this, because Oconee County will own this asset as well.

Fair Labor Standards Act (FLSA) Final Overtime Rule – This rule, which applied to exempt versus non-exempt status requirements, states that employees earning below a certain amount per week are to either have their salaries raised to remain exempt or to be reclassified to non-exempt and pay them overtime. The rule is being implemented in two (2) stages:

- Effective July 1, 2024, the minimum wage requirement per week was raised from \$684 to \$844.
- Effective January 1, 2025, the minimum wage requirement per week is being raised to \$1,128.

Unless there are any changes between now and then, the OJRSA will need to be ready to comply with that change at that time.

There is one (1) exempt pay class here at the OJRSA that will be affected by this change and will be reclassified to non-exempt. Ms. Carrie Cavanaugh is already obtaining information on where that slot will fall in the compensation scale, so the OJRSA should be good to go.

Mr. Eleazer asked the committee if the board will need to vote on this reclassification change. Mr. Moulder asked if the classifications were set by the board. Mr. Eleazer said the board approved the compensation study, and the classifications were in the study but not specifically approved on their own.

Mr. Bronson said the Director can give employees raises without committee or board approval and asked if the employee couldn't just be given a raise and then bring the structure back when the budget is done next time around. Mr. Eleazer said that could be done; however, if the person in the position leaves, then a new hire would have to be hired at the new salary.

Mr. Moulder said the Director is allowed to adjust the budget numbers (slide money within the budget) as long as the total appropriation doesn't change. Mr. Moulder said the salary number would change, but other numbers could slide to compensate. Mr. Moulder agreed with Mr. Bronson and said to give the employee a raise to comply with the new rule, and the structure can be changed at the next budget process if necessary. He added that however the structure was initially approved is how it should be amended; if the structure was approved by the board, the board should amend it as well. He said that Mr. Eleazer's job is to keep the OJRSA in compliance

with all regulations, so if a raise would keep the OJRSA in compliance, then give the employee a raise. Mr. Bronson added Mr. Eleazer can use these meeting minutes to back up what is done.

Bid Opening – Mr. Eleazer said the bid opening today will help determine how much funds are left for the Dewatering Project that originally came in around \$5,000,000 before value engineering reduced it to \$3,500,000.

Mr. Moulder asked how much was budgeted for that project. Mr. Eleazer said the OJRSA received approximately \$9,900,000 from the SCIP grant, but there were three (3) projects combined into one (Flat Rock Pump Station Replacement, Conveyance System Rehab Project, and Dewatering Equipment Replacement Project). The Director stated Flat Rock came in under budget slightly, the Conveyance System project is estimated to come in around \$5,000,000, and the Dewatering Project was budgeted around \$2,800,000. Mr. Eleazer thinks this will be okay when all is said and done.

Mr. Bronson said most of the rehab is through the woods and not on the roadway, so there may be some leeway on that. Mr. Bronson asked Mr. Eleazer to email what the bid sheet looks like when bids are done today. Mr. Eleazer said he would and will also put them on the website to avoid all the FOIA requests.

**G) Committee Members' Discussion – None.**

**H) Upcoming Meetings:**

- **Board of Commissioners** – Monday, October 7, 2024 at 4:00 p.m.
- **Operations & Planning Committee** – Wednesday, October 16, 2024 at 8:30 a.m.
- **Finance & Administration Committee** – Tuesday, October 22, 2024 at 9:00 a.m.
- **Sewer Feasibility Implementation Ad Hoc Committee** – *To be determined at October board meeting*

**I) Adjourn** – The meeting adjourned at 9:34 a.m.

Notification of the meeting was distributed on September 13, 2024 to *Upstate Today*, *Anderson Independent-Mail*, *Westminster News*, *Keowee Courier*, WGOG Radio, WSNW Radio, City of Seneca Council, City of Walhalla Council, City of Westminster Council, Oconee County Council, SC DHEC, [www.ojrsa.org](http://www.ojrsa.org), and posted at the OJRSA Administration Building.





## Finance & Administration Committee Meeting

OJRSA Operations & Administration Building

Lamar Bailes Board Room

September 24, 2024 at 9:00 a.m.

### Agenda

- A. **Call to Order** – Celia Myers, Committee Chair
- B. **Public Session** – Receive comments relating to topics on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.
- C. **Presentation and Discussion Items** *[May include Vote and/or Action on matters brought up for discussion]*
  - Update on current projects (Exhibit A) – Chris Eleazer, Director
- D. **Committee Action Items**
  - Review August and Year-to-Date Financial Reports (Exhibit B) – Chris Eleazer, Director and Lynn Stephens, OJRSA Secretary/Treasurer and Office Manager
- E. **Action Items to Recommend to the Board**
  - Approve update to OJRSA Personnel Policy Manual (Exhibit C) – Chris Eleazer, Director
- F. **Executive Director’s Report and Discussion** – Chris Eleazer, Director
  - Joint rate and financial cost of service study
  - Miscellaneous *(if any)*
- G. **Committee Members’ Discussion** – Committee Chair  
Discussion can be related to matters addressed in this meeting or for future consideration by this Committee. Voting is not permitted during this session.
- H. **Upcoming Meetings** *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*
  - Board of Commissioners – October 7, 2024 at 4:00 p.m.
  - Operations & Planning Committee – October 16, 2024 at 8:30 a.m.
  - Finance & Administration Committee – October 22, 2024 at 9:00 a.m.
  - Sewer Feasibility Implementation Ad Hoc Committee – *Meeting date, time, and location to be determined at October Board of Commissioners meeting*
- I. **Adjourn**



FY2025 O&M FUND PROJECTS

CONSENT ORDER ENGINEERING AND OPERATIONS AND MAINTENANCE TASKS

9/20/2024 09:15

Row #	FY 2025 O&M Project (Project # (if applicable); PM) <b><u>CANNOT CARRY OVER TO NEXT FISCAL YEAR WITHOUT BUDGET APPROVAL</u></b>	Approx % Complete	Anticipated Completion	Budget/PO/ Contract Amount (\$)	O&M PROJECT MILESTONES				Obligated/ Spent (\$)	Budget Remaining (\$)	GL Code (XXXXX = get from Office Mgr)
					Bids/RFQ/etc. Issue/Advertised	Req/Contract Signed	Started Work	Completed			
1	Consent Order 21-025-W Project: Biannual Compliance Report (CE)	15%	11/9/2024	N/A	N/A	N/A	N/A	N/A	0	0	N/A
2	GIS Update and Upgrade (CE)	25%	11/10/2024	32,000	N/A	7/30/2024	8/1/2024		0	32,000	Con Sys: Prof Svcs 601-02430
3	For Feasibility Study: Establish Sewer Feasibility Implementation Ad Hoc Committee (CE)	0%	11/13/2024	0	N/A	N/A	9/9/2024		0	0	N/A
4	For Feasibility Study: Legal counsel prepare new governance and consolidation evaluations (CE)	0%	12/6/2024	0	N/A	N/A	9/10/2024		0	0	Admin Services 501-02420
5	For Feasibility Study: Financial/Rate Cost of Service Study (CE)	0%	3/10/2025	TBD	N/A	N/A			0	0	Admin Services 501-02420
6	For Feasibility Study: Ad Hoc Committee to Report to Board and County its Recommendations (CE)	0%	5/13/2025	0	N/A	N/A			0	0	N/A
7	ISS PS Generator Installation (MD)	0%	3/31/2025						0	0	Conv Sys R&M: PS 601-05090
8	Coneross Creek PS Pump Control Upgrade (MD)	0%							0	0	Con Sys R&M: PS 601-05030
9	Martin Creek PS Pump Restraint System (MD)	100%	3/31/2025	35,000	In-kind replacement	2/9/2024	7/30/2024	7/30/2024	32,017	2,983	Con Sys R&M: PS 601-05100
10	Martin Creek Storage Aerator Motor Replacement (MD)	0%							0	0	Con Sys R&M: PS 601-05100
11	Pelham Creek PS Manual Transfer Switch Installation (MD)	0%							0	0	Con Sys R&M: PS 601-05120
12	Perkins Creek PS Wet Well Cleanout (KL, MD)	0%	12/15/2024	N/A	N/A	N/A	N/A	N/A	0	0	Con Sys R&M: PS 601-05130
13	Richland Flow Meter Station Electrical Rewiring (MD)	0%							0	0	Con Sys R&M: FMS 601-04030
14	Paint Flow Meter Stations (MD)	0%							0	0	Con Sys Bldgs & Grnds 601-02550
15	Martin Creek PS/FM H2S Control <b>ENGINEERING AND PERMITTING</b> (KL)	0%							0	0	Con Sys R&M: PS 601-05100
16	Martin Creek PS Basin and Southern Westminster Trunk Sewer CCTV/Clean (KL, CE)	99%	12/20/2024	211,503	6/6/2024	8/6/2024	8/6/2024	9/19/2024	0	211,503	Con Sys: Prof Svcs 601-02430
17	Seneca Creek FM Replacement Constr Administration/Inspect (#2023-05; CE, KL)	0%	TBD	140,000	N/A	4/29/2024			0	140,000	O&M CIP: Con Sys 1401-06071
18	WRF Replace Disinfection System Lightning Mixer (JM)	0%							0	0	WRF R&M 701-03000
19	WRF Utility Water Pump and Valve Replacement (one unit only) (JM)	0%							0	0	WRF R&M 701-03000
20	WRF Paving Around Biosolids Storage Pad and Solids Processing Building (KL)	0%							0	0	WRF Bldgs & Grnds 701-02550
21	WRF Primary Splitter Box and Digester #1 Cleanouts (JM)	0%	12/15/2024						0	0	WRF R&M 701-03000

**FY2025 O&M FUND PROJECTS**

**CONSENT ORDER ENGINEERING AND OPERATIONS AND MAINTENANCE TASKS**

9/20/2024 09:15

22	WRF Replace/Paint Walkway Handrails <i>(continued from FY 2024)</i> (JM)	90%	11/30/2024	N/A	N/A	N/A	As time allows	As time allows	N/A	N/A	WRF R&M 701-03000	
23	WRF Digesters/Solids Handling Tanks Grinder Rebuild (MD)	0%			8/26/2024	8/26/2024			0	0	WRF R&M 701-03000	
24	WRF Replace WAS Pump (JM)	0%							0	0	WRF R&M 701-03000	
25	WRF Mag Meter Installation (JM)	0%							0	0	WRF R&M 701-03000	
26	WRF Biological Reactor Basin Oxid Zone Motor Replacement (JM)	0%							0	0	WRF R&M 701-03000	
27	WRF Replace RAS Pump and Check Valve (JM)	0%							0	0	WRF R&M 701-03000	
28	WRF Replace RAS Check Valve (JM)	0%							0	0	WRF R&M 701-03000	
29	WRF Equalization Tank Flow Control Valve Replacement (JM)	0%							0	0	WRF R&M 701-03000	
			TOTAL AWARDED	418,503					TOTAL FUNDS OBLIGATED/ACTUAL TO DATE:	32,017	-386,486	TOTAL AWARDED BUDGET REMAINING

## FY2025 O&amp;M FUND PROJECTS

## CONSENT ORDER ENGINEERING AND OPERATIONS AND MAINTENANCE TASKS

9/20/2024 09:15

Row #	FY 2025 O&M Project (Project # (if applicable); PM) <b><u>CANNOT CARRY OVER TO NEXT FISCAL YEAR WITHOUT BUDGET APPROVAL</u></b>	Comp. Performing (and Project Mgr)	Notes
1	<b>Consent Order 21-025-W Project: Biannual Compliance Report (CE)</b>	OJRSA Chris Eleazer	<b>DUE TO SCDES EVERY SIX MONTHS.</b> Reports submitted: 11/14/2021, 5/9/2022, 11/10/2022, 5/9/2023, 11/9/2023, 5/10/2024. <b>Next due 11/10/2024.</b>
2	<b>GIS Update and Upgrade (CE)</b>	Weston & Sampson Danny Gant	Project to begin updating OJRSA, Satellite Sewer System, and other User assets and information for asset management and compliance purposes. 8/30: Received responses from cities. 9/18: Met with D Gant to review easement progress.
3	<b>For Feasibility Study: Establish Sewer Feasibility Implementation Ad Hoc Committee (CE)</b>	OJRSA Chris Eleazer	9/9: Commissioners asked to provide nominees to CE by 9/25. 9/10: Amanda Brock asked to provide nominees to CE by 9/25. 9/16: Received Seneca's nominees.
4	<b>For Feasibility Study: Legal counsel prepare new governance and consolidation evaluations (CE)</b>	OJRSA Chris Eleazer	9/10: Authorized Pope Flynn (L Flynn and Gary Pope) to begin development of new governance agreement as well as consolidation with another multi-county organization.
5	<b>For Feasibility Study: Financial/Rate Cost of Service Study (CE)</b>	OJRSA Chris Eleazer	9/10: Sent email to Daryll Parker w/ Willdan Financial to initiate consideration for project, which will include "piggybacking" of cities' rate and other financial assessments per board approval last evening.
6	<b>For Feasibility Study: Ad Hoc Committee to Report to Board and County its Recommendations (CE)</b>	OJRSA Chris Eleazer	
7	<b>ISS PS Generator Installation (MD)</b>	TBD	OJRSA staff will perform the moving. Will need to determine what project will require for installation.
8	<b>Coneross Creek PS Pump Control Upgrade (MD)</b>	TBD	8/6: Will need to bid. 9/3: Install evaluated several weeks ago, waiting on quote. 9/17: Expect quote later today.
9	<b>Martin Creek PS Pump Restraint System (MD)</b>	TBD	Ordered during FY 2024 but did not receive until FY 2025. 7/15/2024: Ordered as in-kind unit with new pump head assembly. 7/30: <b>COMPLETE</b>
10	<b>Martin Creek Storage Aerator Motor Replacement (MD)</b>	TBD	9/3: Motor ordered, not sure when it will arrive. OJRSA staff to perform all work. 9/17: Waiting on 1 more quote.
11	<b>Pelham Creek PS Manual Transfer Switch Installation (MD)</b>	TBD	9/3: Staff met with electrician last week to get quote. 9/17: Waiting on 1 more quote and availability.
12	<del><b>Perkins Creek PS Wet Well Cleanout (KL, MD)</b></del>	<del>TBD</del>	<del>8/6: Will need to bid. Will do with splitter box and digester #1. 9/3: KL nearly complete with RFB. 9/17: After further evaluation, do not need to perform and money will be better spent on Coneross PS. <b>REMOVED.</b></del>
13	<b>Richland Flow Meter Station Electrical Rewiring (MD)</b>	TBD	9/3: Staff met with electrician last week to get quote. 9/17: Waiting on 1 more quote.
14	<b>Paint Flow Meter Stations (MD)</b>	TBD	9/3: Waiting on quotes. 9/17: Need 2 more quotes.
15	<b>Martin Creek PS/FM H2S Control <u>ENGINEERING AND PERMITTING</u> (KL)</b>	Garver Will Nading	9/3: KL to reach out to Garver for next steps. 9/17: Need to determine permanent fix to this and where it goes in overall OJRSA priority list.
16	<b>Martin Creek PS Basin and Southern Westminster Trunk Sewer CCTV/Clean (KL, CE)</b>	Secure Sewer & Svc Michael Bevelle	9/17: Going through QA/QC and we should receive it later this week. 9/19: Received all information. Will review internally to confirm all deliverables received.
17	<b>Seneca Creek FM Replacement Constr Administration/Inspect (#2023-05; CE, KL)</b>	GMC Michael Knapp	<b>Reimbursible by Fountain Residential Properties LLC per agreement.</b> 7/19: B Little said they anticipate a September start date for force main project. 8/23: B Little said it's now looking like October.
18	<b>WRF Replace Disinfection System Lightning Mixer (JM)</b>	TBD	9/17: Need updated quote for this and WRF BRB Oxidation Zone Motor Replacement.
19	<b>WRF Utility Water Pump and Valve Replacement (one unit only) (JM)</b>	TBD	9/3: To be included in large bid packet.
20	<b>WRF Paving Around Biosolids Storage Pad and Solids Processing Building (KL)</b>	TBD	9/3: Waiting to hear back with quote. 9/17: May need this money for dewatering project concrete.
21	<b>WRF Primary Splitter Box and Digester #1 Cleanouts (JM)</b>	TBD	8/6: Will need to bid. Will do with Perkins Creek PS. 9/3: KL nearly complete with RFB. 9/17: It is no longer necessary to clean out splitter box. 9/20: Waiting on legal review of contract language (Bryan Kelley) before bidding.

## FY2025 O&amp;M FUND PROJECTS

## CONSENT ORDER ENGINEERING AND OPERATIONS AND MAINTENANCE TASKS

9/20/2024 09:15

22	WRF Replace/Paint Walkway Handrails <i>(continued from FY 2024)</i> (JM)	TBD	8/6: Purchased more paint.
23	WRF Digesters/Solids Handling Tanks Grinder Rebuild (MD)	TBD	8/6: Getting updated quotes. 9/3: Has been ordered. 9/17: Rebuild kit arrived last week.
24	WRF Replace WAS Pump (JM)	TBD	9/3: To be included in large bid packet.
25	WRF Mag Meter Installation (JM)	TBD	9/3: To be included in large bid packet.
26	WRF Biological Reactor Basin Oxidation Zone Motor Replacement (JM)	TBD	9/17: Need updated quote for this and WRF Disinfection System Lightning Mixer.
27	WRF Replace RAS Pump and Check Valve (JM)	TBD	9/3: To be included in large bid packet.
28	WRF Replace RAS Check Valve (JM)	TBD	9/3: To be included in large bid packet.
29	WRF Equalization Tank Flow Control Valve Replacement (JM)	TBD	9/3: To be included in large bid packet.

FY2025 RESTRICTED FUND PROJECTS

PROJECTS MAY CARRY ACROSS BUDGET YEARS

9/20/2024 09:18

Row #	Restricted Fund Projects (Project Manager)	OJRSA Project #	Approx % Complete	Anticipated Completion	OJRSA Funding Amount (\$)	Max Funding by Others (\$)	PO/Contract Amount (\$)	RESTRICTED FUND PROJECT MILESTONES				Obligated/ Spent Curr + Prev Years (\$)	Budget Remaining (\$)	GL Code (XXXXX = get from Office Mgr)	Comp. Performing (and Project Mgr)
								Bids/RFQ/etc. Issue/Advertised	PO/Contract Signed	Started Work	Completed				
A	Consent Order SSES/Rehab 2022 CONSTRUCTION SCIIP MATCH (CE, KL)	2024-02	100%	4/30/2024	351,291	0	351,291	7/28/2023	10/17/2023	12/4/2023	7/15/2024	316,577	34,714	PROJ & CONT 1501-09008	Tugaloo Pipeline Ed Hare
B	Consent Order SSES/Rehab 2023 ENGINEERING SCIIP MATCH (CE, KL)	2024-08	75%	8/31/2025	398,000	0	398,000	N/A	9/15/2023	10/3/2023		157,261	240,739	PROJ & CONT 1501-09009	WK Dickson Joe Swaim
C	Consent Order SSES/Rehab 2023 CONSTRUCTION SCIIP GRANT (CE, KL)		0%	8/31/2025	0	5,478,319	TBD	TBD					0	0	PROJ & CONT 1501-TBD
D	Dewatering Equipment Replacement ENGINEERING SCIIP MATCH (KL)	2024-06	50%	PHASE II 6/30/2026	440,300	0	440,300	9/15/2023	12/19/2023	1/11/2024		80,150	360,150	PROJ & CONT 1501-09011	KCI Technologies Tom Vollmar
E	Dewatering Equipment Replacement CONSTRUCTION SCIIP GRANT (KL)		5%	PHASE II 6/30/2026	0	2,800,000	30,000	3/22/2024	7/30/2024	7/26/2024		0	30,000	PROJ & CONT 1501-09011	Harper GC Justin Jones
F	Exit 4/Oconee Manufacturing Park PS/Sewer ENGINEERING (CE)	TBD	90%	TBD	0	0	N/A OCONEE CO PROJ	N/A OCONEE CO PROJ	N/A OCONEE CO PROJ	Sometime in 2022		0	0	TBD	Thomas & Hutton Lee Brackett
G	Flat Rock PS Replacement ENGINEERING/CONST SVCS SCIIP MATCH (CE)	2022-03	99%	10/23/2024	177,800	0	177,800	2/14/2022	7/5/2055	7/1/2022		130,087	47,713	PROJ & CONT 1501-09005	KCI Technologies Tom Vollmar
H	Flat Rock PS Replacement CONSTRUCTION SCIIP GRANT (CE)	2024-03	100%	9/30/2024	0	1,321,656	1,321,656	6/7/2023	8/29/2023	3/25/2024	8/27/2024	1,321,656	0	PROJ & CONT 1501-09005	Cove Utilities Jeff Caffery
I	Oconee County & Western Andeson County Sewer Master Plan (CE)	2022-01	100%	6/3/2024	217,800	100,000	317,800	N/A	8/9/2023	9/12/2023	7/1/2024	317,476	324	PROJ & CONT 1501-09007	Weston & Sampson Kip Gearhart
J	Regional Sewer Feasibility Study RIA GRANT (CE)	2024-01	100%	11/29/2024	0	100,000	100,000	5/26/2023	10/10/2023	11/8/2023	9/9/2024	100,000	0	PROJ & CONT 1501-09010	WK Dickson Angie Mettlen
K	Sewer South Phase II ENG/INSPECT SVCS COUNTY FUNDED (CE)	2019-XX	95%	6/30/2024	0	480,850	480,850	Inherited from Oconee Co	5/4/2023	5/4/2023		371,356	109,494	SSF: CIP 1401-06050	Davis & Floyd John Reynolds
L	Sewer South Phase II CONSTRUCTION EDA/RIA/COUNTY FUNDED (CE)	2023-06	95%	6/30/2024	0	12,311,447	11,700,327	9/27/2022	3/23/2023	6/1/2023		11,003,413	696,914	SSF: CIP 1401-06050	Kevin Moorhead Moorhead Construct
M	Martin Creek PS Basin and Southern Westminster Trunk Engineer Review (KL, CE)	2025-03	0%	TBD								0	0	PROJ & CONT 1501-TBD	Joe Swaim WK Dickson
N	Martin Crk PS Basin Flow Study and Compare to Perkins Crk PS Basin to Quantify I/I (CE)	2025-04	0%	TBD								0	0	PROJ & CONT 1501-TBD	Joe Swaim WK Dickson
O	Speeds Creek PS Force Main Replacement ENGINEERING (CE, KL)	TBD	0%	TBD								0	0	PROJ & CONT 1501-TBD	TBD
P	Speeds Creek PS Force Main Replacement CONSTRUCTION (CE, KL)		0%	TBD									0	0	PROJ & CONT 1501-TBD
			0%									0	0		
					1,585,191	22,592,272	15,318,023	TOTAL RESTRICTED FUNDS OBLIGATED/ACTUAL TO DATE:				13,797,976	-1,520,048	TOTAL AWARDED BUDGET REMAINING	

FY2025 RESTRICTED FUND PROJECTS

PROJECTS MAY CARRY ACROSS BUDGET YEARS

9/20/2024 09:18

Row #	Restricted Fund Projects (Project Manager)	Notes
A	Consent Order SSES/Rehab 2022 <b>CONSTRUCTION</b> <b>SCIIP MATCH</b> (CE, KL)	Carryover from FY 2023 <i>OJRSA CONG: \$40,000</i> . 5/20: <b>COMPLETE</b> . Used \$6,785.98 of budgeted/approved Owner Contingency for additional concrete work on final repair.
B	Consent Order SSES/Rehab 2023 <b>ENGINEERING</b> <b>SCIIP MATCH</b> (CE, KL)	5/13: DOT requested revised encroachment permit app. Signed and submitted. 7/24: Forwarded contract docs to PF per procurement code requirements. 7/29: PF cannot do review because too complex due to construction aspect of document. They will forward to another atty that specializes in this. 8/2: Waiting for construction contract review by attorney before project can go to bid. 8/14: Advertised on SCBO with approx base bid of \$4.0 million. Bids to be opened 9/24.
C	Consent Order SSES/Rehab 2023 <b>CONSTRUCTION</b> <b>SCIIP GRANT</b> (CE, KL)	
D	Dewatering Equipment Replacement <b>ENGINEERING</b> <b>SCIIP MATCH</b> (KL)	8/6: Can make a formal request to RIA once we have some costs in hand for the project. We can do early procurement per T Vollmar with conditions. Hopefully Harper will have costs back on some of the VE options discussed last week. 9/17: Waiting on CIPP bid project to determine amount of funds available.
E	Dewatering Equipment Replacement <b>CONSTRUCTION SCIIP GRANT</b> (KL)	
F	Exit 4/Oconee Manufacturing Park PS/Sewer <b>ENGINEERING</b> (CE)	7/22: Call with A Brock to discuss. 7/23: Call from G Hart to discuss. 7/24: A Brock to consider change to route. 8/6: Reviwed revision. Approved. 8/19: Received revised plans for route and will review soon. 8/29: Provided comments.
G	Flat Rock PS Replacement <b>ENGINEERING/CONST</b> <b>SVCS SCIIP MATCH</b> (CE)	8/6: Executed CO #2 following Board approval last night. Board also approved execution of possible CO #3 up to \$10,000 if necessary. 8/29: Stormwater stabilization all that is needed. Waiting for Final Operating Permit. 9/3: Rain over weekend caused washing. Contractor to better stabilize area. 9/17: Cove/KCI have identified some solutions for stabilization. 9/18: Received SCDES Permit to Operate. Need record drawings, electronic files, site stablilitation completion, etc.
H	Flat Rock PS Replacement <b>CONSTRUCTION SCIIP GRANT</b> (CE)	
I	Oconee County & Western Andeson County Sewer Master Plan (CE)	To continue under #2022-01 (Fair Play and Townville Area Sewer Basin Plan). 6/26: Provided W&S comments on draft. Have received 1/2 of "grant" for study. 7/1: Presentated to Board and report finalized and put on website. 8/5: Board adopted. <b>COMPLETE</b> .
J	Regional Sewer Feasibility Study <b>RIA GRANT</b> (CE)	8/5: Presented to Board as draft. Needs to be finalized. Will be considered 9/9. 9/9: Board approved. Next phase is implementation. This will be tracked in FY2025 O&M Projects. <b>COMPLETE</b> .
K	Sewer South Phase II <b>ENG/INSPECT SVCS COUNTY FUNDED</b> (CE)	3/28: Still on schedule. Will finish gravity sewer soon. 5/13: A Brock approved Blue Ridge Co-op power installation work for Welcome Center PS (\$1,250). 5/29: Received report from D&F that contractor is scheduled for completion by end of June. 6/5: Ready for drawdown testing at pump stations. 6/27: Change Order #3 for \$18,720.35 (mandrel testing) 7/25: Change Order #4 signed deduct of -\$129,009 (materials). 8/20: Both pump stations passed drawdown testing with DES present.
L	Sewer South Phase II <b>CONSTRUCTION</b> <b>EDA/RIA/COUNTY FUNDED</b> (CE)	
M	Martin Creek PS Basin and Southern Westminster Trunk Engineer Review (KL, CE)	7/17: Installed 2 flow meters in MC system. Will install 3 more soon. 8/6: All meters installed. Took out Flodar and put in A/V meter.
N	Martin Crk PS Basin Flow Study and Compare to Perkins Crk PS Basin to Quantify I/I (CE)	
O	Speeds Creek PS Force Main Replacement <b>ENGINEERING</b> (CE, KL)	<b>CONSENT ORDER ITEM</b> 7/15/2024: As identified in the 20 Year Master Plan, this force main should be replaced with similar sized pipe.
P	Speeds Creek PS Force Main Replacement <b>CONSTRUCTION</b> (CE, KL)	



010 OJRSA FUND  
 004 REVENUE  
 00401 REVENUE

### Revenue Report

Oconee Joint Rsa  
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#### Level 4 Summary for August 2024

Accounts	Budget Appropriation	Supplemental Appropriation	Adjusted Budget	Current Pd Revenue	Curr Pct	Year To Date Revenue	YTD Pct	Budget Balance
010 OJRSA FUND								
004 REVENUE								
00401 REVENUE								
01790 UNRESTRICTED INTEREST	\$25,000.00	\$0.00	\$25,000.00	\$2,309.83	9	\$5,244.15	21	\$19,755.85
01820 GRANTS	\$0.00	\$0.00	\$0.00	\$7,363.50	0	\$7,363.50	0	(\$7,363.50)
01830 HAULED WASTE SVCES	\$213,308.00	\$0.00	\$213,308.00	\$16,456.55	8	\$35,083.55	16	\$178,224.45
01840 OTHER REVENUE	\$158,622.00	\$0.00	\$158,622.00	\$1,428.16	1	\$1,651.36	1	\$156,970.64
01910 USER FEES	\$5,717,028.00	\$0.00	\$5,717,028.00	\$490,986.61	9	\$1,052,663.79	18	\$4,664,364.21
<b>Total Revenue</b>	<b>\$6,113,958.00</b>	<b>\$0.00</b>	<b>\$6,113,958.00</b>	<b>\$518,544.65</b>	<b>8</b>	<b>\$1,102,006.35</b>	<b>18</b>	<b>\$5,011,951.65</b>
00801 PRETREATMENT								
01850 INDUSTRIES	\$174,852.00	\$0.00	\$174,852.00	\$45,762.61	26	\$47,959.56	27	\$126,892.44
<b>Total Pretreatment</b>	<b>\$174,852.00</b>	<b>\$0.00</b>	<b>\$174,852.00</b>	<b>\$45,762.61</b>	<b>26</b>	<b>\$47,959.56</b>	<b>27</b>	<b>\$126,892.44</b>
01101 IMPACT FEES								
01780 RESTRICTED INTEREST	\$100,000.00	\$0.00	\$100,000.00	\$26,244.97	26	\$33,399.31	33	\$66,600.69
01880 CAPACITY FEES	\$1,000,000.00	\$0.00	\$1,000,000.00	\$28,200.00	3	\$50,000.00	5	\$950,000.00
01930 UNUSED CAPACITY FEES	\$150,000.00	\$0.00	\$150,000.00	\$29,450.11	20	\$30,003.74	20	\$119,996.26
<b>Total Impact Fees</b>	<b>\$1,250,000.00</b>	<b>\$0.00</b>	<b>\$1,250,000.00</b>	<b>\$83,895.08</b>	<b>7</b>	<b>\$113,403.05</b>	<b>9</b>	<b>\$1,136,596.95</b>
01201 CONTRACT OPERATIONS								
01900 INTERGOV. REIMBURSEMENT	\$44,072.00	\$0.00	\$44,072.00	\$0.00	0	\$15,050.39	34	\$29,021.61
<b>Total Contract Operations</b>	<b>\$44,072.00</b>	<b>\$0.00</b>	<b>\$44,072.00</b>	<b>\$0.00</b>	<b>0</b>	<b>\$15,050.39</b>	<b>34</b>	<b>\$29,021.61</b>
01301 RETAIL SERVICES								
01780 RESTRICTED INTEREST	\$0.00	\$0.00	\$0.00	\$5,924.97	0	\$5,924.97	0	(\$5,924.97)
01821 GRANTS - SEWER SOUTH	\$0.00	\$0.00	\$0.00	\$777,316.21	0	\$2,411,022.50	0	(\$2,411,022.50)
01900 INTERGOV. REIMBURSEMENT	\$0.00	\$0.00	\$0.00	\$0.00	0	\$31,459.75	0	(\$31,459.75)
<b>Total Retail Services</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$783,241.18</b>	<b>0</b>	<b>\$2,448,407.22</b>	<b>0</b>	<b>(\$2,448,407.22)</b>
<b>Total REVENUE</b>	<b>\$7,582,882.00</b>	<b>\$0.00</b>	<b>\$7,582,882.00</b>	<b>\$1,431,443.52</b>	<b>19</b>	<b>\$3,726,826.57</b>	<b>49</b>	<b>\$3,856,055.43</b>
<b>Total OJRSA FUND</b>	<b>\$7,582,882.00</b>	<b>\$0.00</b>	<b>\$7,582,882.00</b>	<b>\$1,431,443.52</b>	<b>19</b>	<b>\$3,726,826.57</b>	<b>49</b>	<b>\$3,856,055.43</b>
<b>TOTAL ALL FUNDS</b>	<b>\$7,582,882.00</b>	<b>\$0.00</b>	<b>\$7,582,882.00</b>	<b>\$1,431,443.52</b>	<b>19</b>	<b>\$3,726,826.57</b>	<b>49</b>	<b>\$3,856,055.43</b>

010 OJRSA FUND  
 005 EXPENSES  
 00501 ADMINISTRATION

### Expenditure Report

Ocone Joint Rsa  
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#### Level 4 Summary for August 2024

Accounts	Budget Appropriation	Supplemental Appropriation	Adjusted Budget	Curr Pct	Year To Date Expenditures	YTD Pct	Encumbered Balance	Unencumbered Balance	Une Pct
010 OJRSA FUND									
005 EXPENSES									
00501 ADMINISTRATION									
01140 100% DEPRECIATION EXPENSE	\$1,222,487.00	\$0.00	\$1,222,487.00	8	\$203,747.84	17	\$0.00	\$1,018,739.16	83
01300 PAYROLL: SALARIES	\$1,154,105.00	\$0.00	\$1,154,105.00	11	\$203,703.74	18	\$0.00	\$950,401.26	82
01310 OVERTIME	\$41,194.00	\$0.00	\$41,194.00	4	\$3,718.33	9	\$0.00	\$37,475.67	91
01350 PAYROLL: FICA/MEDICARE WH	\$97,367.00	\$0.00	\$97,367.00	10	\$16,491.57	17	\$0.00	\$80,875.43	83
01380 PAYROLL: RETIREMENT	\$221,848.00	\$0.00	\$221,848.00	0	\$14,675.15	7	\$0.00	\$207,172.85	93
02200 COMMISSIONER EXPENSES	\$13,680.00	\$0.00	\$13,680.00	7	\$1,740.00	13	\$0.00	\$11,940.00	87
02220 GROUP INSURANCE	\$215,280.00	\$0.00	\$215,280.00	17	\$37,152.58	17	\$0.00	\$178,127.42	83
02240 WORKERS' COMPENSATION	\$20,791.00	\$0.00	\$20,791.00	0	\$0.00	0	\$0.00	\$20,791.00	100
02250 INSURANCE-PROPERTY/GENERAL	\$81,363.00	\$0.00	\$81,363.00	0	\$0.00	0	\$0.00	\$81,363.00	100
02260 EMPLOYEE WELLNESS	\$2,600.00	\$0.00	\$2,600.00	5	\$394.18	15	\$0.00	\$2,205.82	85
02270 UNIFORMS	\$31,475.00	\$0.00	\$31,475.00	4	\$2,720.48	9	\$0.00	\$28,754.52	91
02280 TRAVEL & POV MILEAGE	\$8,650.00	\$0.00	\$8,650.00	2	\$210.00	2	\$0.00	\$8,440.00	98
02290 AGENCY MEMBERSHIPS	\$11,715.00	\$0.00	\$11,715.00	0	\$0.00	0	\$0.00	\$11,715.00	100
02300 LICENSES/CERTIFS/MEMBERSHIPS	\$4,563.00	\$0.00	\$4,563.00	8	\$616.00	13	\$0.00	\$3,947.00	87
02310 SEMINARS/WKSHOPS & TRAINING	\$42,020.00	\$0.00	\$42,020.00	7	\$4,132.54	10	\$0.00	\$37,887.46	90
02320 EVENTS & MEETING EXPENSES	\$4,300.00	\$0.00	\$4,300.00	3	\$470.99	11	\$0.00	\$3,829.01	89
02340 PUBLIC RELATIONS & ADVERTISING	\$16,250.00	\$0.00	\$16,250.00	5	\$1,652.53	10	\$0.00	\$14,597.47	90
02360 MAILING/SHIPPING	\$750.00	\$0.00	\$750.00	0	\$0.00	0	\$0.00	\$750.00	100
02370 SAFETY EQUIPMENT	\$33,050.00	\$0.00	\$33,050.00	19	\$13,734.59	42	\$110.66	\$19,204.75	58
02380 OFFICE SUPPLIES	\$79,822.00	\$0.00	\$79,822.00	2	\$9,404.79	12	\$9.49	\$70,407.72	88
02410 TECHNOLOGY: PHONES/INTERNET/TV	\$14,436.00	\$0.00	\$14,436.00	18	\$3,985.53	28	\$0.00	\$10,450.47	72
02420 ADMINISTRATION SERVICES	\$237,823.00	\$0.00	\$237,823.00	12	\$41,059.63	17	\$0.00	\$196,763.37	83
02440 O&M CONTINGENCY	\$150,000.00	\$0.00	\$150,000.00	0	\$0.00	0	\$0.00	\$150,000.00	100
02520 FUEL: VEHICLES & EQUIPMENT	\$37,250.00	\$0.00	\$37,250.00	15	\$8,539.12	23	\$0.00	\$28,710.88	77
02530 R&M: VEHICLES/TRAILERS/EQUIP	\$38,500.00	\$0.00	\$38,500.00	14	\$14,319.78	37	(\$63.90)	\$24,244.12	63
02560 FEES & PENALTIES	\$4,487.00	\$0.00	\$4,487.00	2	\$363.00	8	\$0.00	\$4,124.00	92
<b>Total Administration</b>	<b>\$3,785,806.00</b>	<b>\$0.00</b>	<b>\$3,785,806.00</b>	<b>9</b>	<b>\$582,832.37</b>	<b>15</b>	<b>\$56.25</b>	<b>\$3,202,917.38</b>	<b>85</b>
00601 CONVEYANCE SYSTEM									
02400 SUPPLIES/TOOLS	\$15,000.00	\$0.00	\$15,000.00	1	\$552.10	4	\$44.42	\$14,403.48	96
02401 MAINTENANCE TOOLS & SUPPLIES	\$13,000.00	\$0.00	\$13,000.00	3	\$2,001.52	15	\$645.08	\$10,353.40	80
02411 TECHNOLOGY: SCADA	\$22,100.00	\$0.00	\$22,100.00	0	\$0.00	0	\$0.00	\$22,100.00	100
02430 SERVICES: PROFESSIONAL/CONSULT	\$476,110.00	\$0.00	\$476,110.00	0	\$4,462.50	1	\$0.00	\$471,647.50	99
02450 CHEMICALS: SODIUM HYPOCHLORITE	\$35,834.00	\$0.00	\$35,834.00	10	\$3,430.16	10	\$0.00	\$32,403.84	90
02455 CHEMICALS: HERBICIDE/PESTICIDE	\$1,500.00	\$0.00	\$1,500.00	0	\$0.00	0	\$0.00	\$1,500.00	100
02490 ELECTRICITY	\$266,700.00	\$0.00	\$266,700.00	7	\$34,841.65	13	\$0.00	\$231,858.35	87
02500 WATER	\$8,950.00	\$0.00	\$8,950.00	7	\$1,435.82	16	\$0.00	\$7,514.18	84
02521 FUEL: GENERATORS	\$6,800.00	\$0.00	\$6,800.00	0	\$1,768.04	26	\$0.00	\$5,031.96	74
02540 EQUIPMENT RENTALS	\$12,000.00	\$0.00	\$12,000.00	0	\$0.00	0	\$0.00	\$12,000.00	100
02550 BUILDINGS & GROUNDS	\$5,500.00	\$0.00	\$5,500.00	0	\$0.00	0	\$151.68	\$5,348.32	97
02590 ROLLING STOCK & EQUIPMENT	\$275,080.00	\$0.00	\$275,080.00	56	\$188,049.50	68	(\$27,694.62)	\$114,725.12	42

010 OJRSA FUND  
005 EXPENSES  
00601 CONVEYANCE SYSTEM

Oconee Joint Rsa  
Expenditure Report  
Level 4 Summary for August 2024

Accounts	Budget Appropriation	Supplemental Appropriation	Adjusted Budget	Curr Pct	Year To Date Expenditures	YTD Pct	Encumbered Balance	Unencumbered Balance	Une Pct
04000 FLOW MONITOR STAS	\$16,500.00	\$0.00	\$16,500.00	0	\$0.00	0	\$0.00	\$16,500.00	100
04010 FLOW MONITOR STAS: COL'S FORK	\$0.00	\$0.00	\$0.00	0	\$13.03	0	\$0.00	(\$13.03)	0
05000 PUMP STATIONS	\$228,450.00	\$0.00	\$228,450.00	2	\$4,316.63	2	\$0.00	\$224,133.37	98
05020 PUMP STATIONS: CHOESTOE A PS	\$0.00	\$0.00	\$0.00	0	\$29.41	0	\$0.00	(\$29.41)	0
05050 PUMP STATIONS: DAVIS CRK 1 PS	\$0.00	\$0.00	\$0.00	0	\$5.54	0	\$0.00	(\$5.54)	0
05060 PUMP STATIONS: DAVIS CRK 2 PS	\$0.00	\$0.00	\$0.00	0	\$75.53	0	\$0.00	(\$75.53)	0
05090 PUMP STATIONS: ISS PS	\$0.00	\$0.00	\$0.00	0	\$20.17	0	\$0.00	(\$20.17)	0
05100 PUMP STATIONS: MARTIN CREEK PS	\$0.00	\$0.00	\$0.00	0	\$34,022.41	0	\$0.00	(\$34,022.41)	0
05130 PUMP STATIONS: PERKINS PS	\$0.00	\$0.00	\$0.00	0	\$39.76	0	\$0.00	(\$39.76)	0
05160 PUMP STATIONS: WEXFORD PS	\$0.00	\$0.00	\$0.00	0	\$5,686.04	0	(\$622.04)	(\$5,064.00)	0
05210 DUCK POND ROAD PS	\$0.00	\$0.00	\$0.00	0	\$1,720.88	0	(\$878.18)	(\$842.70)	0
05230 GRAVITY SEWER & FORCE MAINS	\$130,000.00	\$0.00	\$130,000.00	5	\$14,692.83	11	(\$668.33)	\$115,975.50	89
<b>Total Conveyance System</b>	<b>\$1,513,524.00</b>	<b>\$0.00</b>	<b>\$1,513,524.00</b>	<b>15</b>	<b>\$297,163.52</b>	<b>20</b>	<b>(\$29,021.99)</b>	<b>\$1,245,382.47</b>	<b>82</b>
00701 WRF OPERATIONS									
02400 SUPPLIES/TOOLS	\$12,000.00	\$0.00	\$12,000.00	3	\$581.29	5	\$55.06	\$11,363.65	95
02411 TECHNOLOGY: SCADA	\$12,500.00	\$0.00	\$12,500.00	0	\$0.00	0	\$0.00	\$12,500.00	100
02430 SERVICES: PROFESSIONAL/CONSULT	\$18,102.00	\$0.00	\$18,102.00	22	\$29,270.00	162	\$0.00	(\$11,168.00)	(62)
02451 CHEMICALS: CHLORINE	\$60,242.00	\$0.00	\$60,242.00	16	\$12,982.44	22	\$0.00	\$47,259.56	78
02452 CHEMICALS: POLYMER	\$66,450.00	\$0.00	\$66,450.00	8	\$14,710.53	22	\$0.00	\$51,739.47	78
02454 CHEMICALS: SODIUM BISULFITE	\$21,474.00	\$0.00	\$21,474.00	0	\$0.00	0	\$0.00	\$21,474.00	100
02457 CHEMICALS: OTHER	\$6,000.00	\$0.00	\$6,000.00	0	\$0.00	0	\$0.00	\$6,000.00	100
02470 GARBAGE	\$2,067.00	\$0.00	\$2,067.00	1	\$55.50	3	\$0.00	\$2,011.50	97
02480 NATURAL GAS	\$1,855.00	\$0.00	\$1,855.00	6	\$163.45	9	\$0.00	\$1,691.55	91
02490 ELECTRICITY	\$336,000.00	\$0.00	\$336,000.00	8	\$49,825.48	15	\$0.00	\$286,174.52	85
02500 WATER	\$3,710.00	\$0.00	\$3,710.00	49	\$3,602.62	97	\$0.00	\$107.38	3
02510 SLUDGE DISPOSAL	\$319,289.00	\$0.00	\$319,289.00	1	\$16,879.30	5	\$0.00	\$302,409.70	95
02521 FUEL: GENERATORS	\$4,000.00	\$0.00	\$4,000.00	0	\$0.00	0	\$0.00	\$4,000.00	100
02540 EQUIPMENT RENTALS	\$5,000.00	\$0.00	\$5,000.00	0	\$0.00	0	\$0.00	\$5,000.00	100
02550 BUILDINGS & GROUNDS	\$83,400.00	\$0.00	\$83,400.00	0	\$3,827.34	5	\$351.48	\$79,221.18	95
03000 WATER RECLAMATION FACILITY	\$619,450.00	\$0.00	\$619,450.00	0	\$4,022.02	1	\$511.02	\$614,916.96	99
<b>Total Wrf Operations</b>	<b>\$1,571,539.00</b>	<b>\$0.00</b>	<b>\$1,571,539.00</b>	<b>3</b>	<b>\$135,919.97</b>	<b>9</b>	<b>\$917.56</b>	<b>\$1,434,701.47</b>	<b>91</b>
00801 PRETREATMENT									
01300 PAYROLL: SALARIES	\$77,472.00	\$0.00	\$77,472.00	12	\$14,798.02	19	\$0.00	\$62,673.98	81
01380 PAYROLL: RETIREMENT	\$14,379.00	\$0.00	\$14,379.00	0	\$1,068.65	7	\$0.00	\$13,310.35	93
02220 GROUP INSURANCE	\$7,522.00	\$0.00	\$7,522.00	17	\$1,259.72	17	\$0.00	\$6,262.28	83
02300 LICENSES/CERTIFS/MEMBERSHIPS	\$425.00	\$0.00	\$425.00	0	\$0.00	0	\$0.00	\$425.00	100
02310 SEMINARS/WKSHOPS & TRAINING	\$2,975.00	\$0.00	\$2,975.00	0	\$0.00	0	\$0.00	\$2,975.00	100
02380 OFFICE SUPPLIES	\$3,700.00	\$0.00	\$3,700.00	1	\$27.55	1	\$0.00	\$3,672.45	99
02410 TECHNOLOGY: PHONES/INTERNET/TV	\$748.00	\$0.00	\$748.00	7	\$160.49	21	\$0.00	\$587.51	79
02430 SERVICES: PROFESSIONAL/CONSULT	\$38,489.00	\$0.00	\$38,489.00	1	\$2,897.00	8	\$0.00	\$35,592.00	92
<b>Total Pretreatment</b>	<b>\$145,710.00</b>	<b>\$0.00</b>	<b>\$145,710.00</b>	<b>7</b>	<b>\$20,211.43</b>	<b>14</b>	<b>\$0.00</b>	<b>\$125,498.57</b>	<b>86</b>
00901 LABORATORY									

**010 OJRSA FUND**  
**005 EXPENSES**  
**00901 LABORATORY**

**Oconee Joint Rsa**  
**Expenditure Report**  
**Level 4 Summary for August 2024**

<b>Accounts</b>	<b>Budget Appropriation</b>	<b>Supplemental Appropriation</b>	<b>Adjusted Budget</b>	<b>Curr Pct</b>	<b>Year To Date Expenditures</b>	<b>YTD Pct</b>	<b>Encumbered Balance</b>	<b>Unencumbered Balance</b>	<b>Une Pct</b>
02400 SUPPLIES/TOOLS	\$6,000.00	\$0.00	\$6,000.00	13	\$756.41	13	\$0.00	\$5,243.59	87
02430 SERVICES: PROFESSIONAL/CONSULT	\$73,377.00	\$0.00	\$73,377.00	5	\$4,535.80	6	\$0.00	\$68,841.20	94
02456 CHEMICALS: LABORATORY	\$5,000.00	\$0.00	\$5,000.00	0	\$752.27	15	\$0.00	\$4,247.73	85
<b>Total Laboratory</b>	<b>\$84,377.00</b>	<b>\$0.00</b>	<b>\$84,377.00</b>	<b>5</b>	<b>\$6,044.48</b>	<b>7</b>	<b>\$0.00</b>	<b>\$78,332.52</b>	<b>93</b>
01201 CONTRACT OPERATIONS									
02411 TECHNOLOGY: SCADA	\$625.00	\$0.00	\$625.00	0	\$0.00	0	\$0.00	\$625.00	100
02430 SERVICES: PROFESSIONAL/CONSULT	\$20,610.00	\$0.00	\$20,610.00	0	\$170.00	1	\$0.00	\$20,440.00	99
02500 WATER	\$1,365.00	\$0.00	\$1,365.00	3	\$76.10	6	\$0.00	\$1,288.90	94
02521 FUEL: GENERATORS	\$500.00	\$0.00	\$500.00	0	\$0.00	0	\$0.00	\$500.00	100
02550 BUILDINGS & GROUNDS	\$500.00	\$0.00	\$500.00	0	\$0.00	0	\$0.00	\$500.00	100
05170 PUMP STATIONS: GCCP-PS	\$10,500.00	\$0.00	\$10,500.00	0	\$1,475.75	14	\$0.00	\$9,024.25	86
<b>Total Contract Operations</b>	<b>\$34,100.00</b>	<b>\$0.00</b>	<b>\$34,100.00</b>	<b>0</b>	<b>\$1,721.85</b>	<b>5</b>	<b>\$0.00</b>	<b>\$32,378.15</b>	<b>95</b>
01301 RETAIL SERVICES									
02400 SUPPLIES/TOOLS	\$500.00	\$0.00	\$500.00	0	\$0.00	0	\$0.00	\$500.00	100
02411 TECHNOLOGY: SCADA	\$1,250.00	\$0.00	\$1,250.00	0	\$0.00	0	\$0.00	\$1,250.00	100
02430 SERVICES: PROFESSIONAL/CONSULT	\$7,406.00	\$0.00	\$7,406.00	0	\$0.00	0	\$0.00	\$7,406.00	100
02490 ELECTRICITY	\$2,100.00	\$0.00	\$2,100.00	40	\$2,066.39	98	\$0.00	\$33.61	2
02500 WATER	\$1,050.00	\$0.00	\$1,050.00	0	\$0.00	0	\$0.00	\$1,050.00	100
05180 PUMP STATIONS: WELCOME CTR	\$725.00	\$0.00	\$725.00	0	\$0.00	0	\$0.00	\$725.00	100
<b>Total Retail Services</b>	<b>\$13,031.00</b>	<b>\$0.00</b>	<b>\$13,031.00</b>	<b>6</b>	<b>\$2,066.39</b>	<b>16</b>	<b>\$0.00</b>	<b>\$10,964.61</b>	<b>84</b>
01401 CAPITAL PROJECTS									
06050 SEWER SOUTH PHASE II	\$3,700,000.00	\$0.00	\$3,700,000.00	1	\$1,686,493.25	46	\$0.00	\$2,013,506.75	54
06060 CONVEYANCE SYSTEM	\$140,000.00	\$0.00	\$140,000.00	0	\$0.00	0	\$0.00	\$140,000.00	100
<b>Total Capital Projects</b>	<b>\$3,840,000.00</b>	<b>\$0.00</b>	<b>\$3,840,000.00</b>	<b>1</b>	<b>\$1,686,493.25</b>	<b>44</b>	<b>\$0.00</b>	<b>\$2,153,506.75</b>	<b>56</b>
01501 CONTINGENCY FUND									
09005 FLAT ROCK PS UPGRADE	\$0.00	\$0.00	\$0.00	0	\$158,231.63	0	\$0.00	(\$158,231.63)	0
09007 CENTRAL OCONEE SWR MASTER PLAI	\$0.00	\$0.00	\$0.00	0	\$56,580.00	0	\$0.00	(\$56,580.00)	0
09009 COLLECTION SYSTEM REHAB	\$0.00	\$0.00	\$0.00	0	(\$341,227.25)	0	\$0.00	\$341,227.25	0
09010 REG SEWER FEASIBILITY STUDY	\$0.00	\$0.00	\$0.00	0	(\$5,338.00)	0	\$0.00	\$5,338.00	0
<b>Total Contingency Fund</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>	<b>(\$131,753.62)</b>	<b>0</b>	<b>\$0.00</b>	<b>\$131,753.62</b>	<b>0</b>
<b>Total EXPENSES</b>	<b>\$10,988,087.00</b>	<b>\$0.00</b>	<b>\$10,988,087.00</b>	<b>7</b>	<b>\$2,600,699.64</b>	<b>24</b>	<b>(\$28,048.18)</b>	<b>\$8,415,435.54</b>	<b>77</b>
<b>Total OJRSA FUND</b>	<b>\$10,988,087.00</b>	<b>\$0.00</b>	<b>\$10,988,087.00</b>	<b>7</b>	<b>\$2,600,699.64</b>	<b>24</b>	<b>(\$28,048.18)</b>	<b>\$8,415,435.54</b>	<b>77</b>
<b>TOTAL ALL FUNDS</b>	<b>\$10,988,087.00</b>	<b>\$0.00</b>	<b>\$10,988,087.00</b>	<b>7</b>	<b>\$2,600,699.64</b>	<b>24</b>	<b>(\$28,048.18)</b>	<b>\$8,415,435.54</b>	<b>77</b>

**DISCLAIMER**

**ALL EMPLOYEES OF OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF OJRSA’S RULES, POLICIES, HANDBOOKS, PROCEDURES, OR OTHER DOCUMENTS, INCLUDING THIS PERSONNEL POLICY MANUAL, CREATES ANY EXPRESS OR IMPLIED CONTRACT. THIS MANUAL REPLACES ANY PREVIOUSLY ISSUED POLICIES, PRACTICES, AND UNDERSTANDINGS, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NOTHING CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS IN THIS PARAGRAPH CREATES ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE IN WRITING; 2) THE DOCUMENT IS LABELED “CONTRACT”; 3) THE DOCUMENT STATES THE DURATION OF EMPLOYMENT FOR FIXED TERM; AND 4) THE DOCUMENT IS SIGNED BY THE OJRSA BOARD OF COMMISSIONERS.**

The *OJRSA Personnel Policy Manual* was APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on [redacted] with an effective date of [redacted].

I hereby acknowledge receipt of this OJRSA Personnel Policy Manual. I understand that it is my continuing responsibility to read and know its contents.

I have read, understand, and have the continuing opportunity to ask questions about the *OJRSA Personnel Policy Manual*.

Acknowledgement:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



**OJRSA Personnel Policy Manual**  
**FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024**

## **DISCLAIMER**

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The *OJRSA Personnel Policy Manual* was APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on [REDACTED] with an effective date of [REDACTED].

**OJRSA Personnel Policy Manual**

**FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024**

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**OJRSA Personnel Policy Manual**  
**FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024**

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## **SECTION 1– DECLARATION OF POLICY**

The Oconee Joint Regional Sewer Authority (also referred to as “OJRSA”) does hereby declare the following principles to guide the personnel policies of the Oconee Joint Regional Sewer Authority:

- A. Employment with the OJRSA shall be based on merit, qualifications, and fitness, and free of personal and political considerations.
- B. Equitable incentives and conditions may be established and maintained in order to promote efficiency and economy in the operation of OJRSA facilities.
- C. The OJRSA strives to stimulate high morale by fair administration and by consideration of the rights and interests of employees, consistent with the best interests of the public and the OJRSA.
- D. Continuity of employment shall be subject to good behavior, satisfactory work performance, necessity for the work, and availability of funds.

The *OJRSA Personnel Policy Manual* (“Policy”) shall become effective in accordance with OJRSA Resolution 2024-\_\_\_\_\_. All resolutions or policies (including former personnel policies, employee handbooks, etc.) that are in conflict with the provisions of this Resolution or Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

The OJRSA also has other policies that are applicable to its employees. All OJRSA policies are intended to complement and be guided by the above-listed principles, and violations of any OJRSA policy could result in disciplinary action, up to and including termination. Some of OJRSA’s freestanding policies include, but are not limited to:

- A. *Ethics Policy*
- B. *Procurement and Property Disposal Policy*
- C. *Purchasing Card Policy*

## **SECTION 2 – CORE POLICIES**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY AND THE LAW**

The OJRSA provides equal opportunity to all applicants for employment and administers hiring, and all conditions and privileges of employment, such as compensation, training, promotions, transfer, and discipline without discrimination because of race, color, religion, gender, disability, genetic information, pregnancy including pregnancy related medical conditions, childbirth, or related medical conditions (including but not limited to lactation), age, military service, veteran status, or national origin. The OJRSA also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he/she has been discriminated or retaliated against in violation of this policy should report the matter to either the Office Manager or other position delegated with the Human Resources function, the Executive Director, or if necessary, the OJRSA Board Chairperson (or “Chair”).

Employment posters are located in the OJRSA Administrative and Operations Building near the timeclock.

### **2.2 REASONABLE ACCOMMODATIONS**

The OJRSA is committed to full compliance with the Americans with Disabilities Act (“ADA”), as amended, and ensures that disabled applicants and employees receive equal employment opportunities with respect to all phases, terms, conditions, and privileges of employment. In addition, the agency makes reasonable accommodations for qualified individuals with disabilities in accordance with and as required by applicable law. If you believe that you need a workplace accommodation as the result of a disability, in order for you to be able to perform the essential functions of your job, please notify the Office Manager, or other position delegated with the Human Resources

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function, or the Executive Director.

OJRSA also fully complies with and will respond to requests for reasonable accommodation for pregnancy, childbirth and related medical conditions, pursuant to the federal Pregnant Worker Fairness Act and the South Carolina Pregnancy Accommodations Act.

## **2.3 ANTI-HARASSMENT**

### **2.3.1 General**

Various laws and regulations generally prohibit employment decisions from being made based on race, gender, religion, national origin, color, age, genetic information, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), disability, or similar categories. OJRSA desires to provide a working environment in which employees are free from discomfort or pressure resulting from comments, electronic communications, jokes, ridicule, slurs, threats and all other harassing conduct either relating to such categories or simply resulting from a lack of consideration for a fellow human being.

**THE OJRSA DOES NOT TOLERATE HARASSMENT OF ANY KIND AND FORBIDS RETALIATION AGAINST ANYONE WHO HAS REPORTED HARASSMENT IN GOOD FAITH.**

### **2.3.2 Sexual Harassment**

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, electronic, or visual conduct based on sex constitute sexual harassment when:

- A. Submission to the conduct is an explicit or implicit term or condition of employment; or
- B. Submission to or rejection of the conduct is used as the basis for an employment decision; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

## **2.4 COMPLAINT PROCEDURE AND INVESTIGATIONS**

### **2.4.1 Procedure**

If employees believe their rights as workers have been violated by anyone with whom they have come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, they must report the incident(s) immediately, but generally no later than three (3) calendar days after the incident occurred. This can be done by either of the following methods:

- A. Reporting to the supervisor or to a higher level in the "chain of command." Any potential violation of the OJRSA personnel policies made by the Executive Director should be made to the Chair of the OJRSA Board of Commissioners.
- B. Report to the OJRSA Office Manager or other position delegated with the Human Resources function.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the Office Manager or Executive Director as soon as possible.

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### 2.4.2 Investigations

All complaints and harassment allegations, whether they originate from internal or external source, will be investigated, and the investigatory process may vary from case to case. The investigation is begun as promptly as possible and conducted as expeditiously as is practical. Investigations will be conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy and the law. All employees have a responsibility both to cooperate fully with the investigation, whether the employee is the accused person, the victim of the complaint, or a witness. Persons who are interviewed are requested not to discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not make their own complaints to government agencies who enforce employee rights.

Complaints made pursuant to this policy are incredibly serious. While employees should raise legitimate good-faith concerns and complaints hereunder, employees are prohibited from making complaints or reports under this policy that the employee knows to be false.

Employees may be asked to submit to a polygraph (lie detector) examination.

To avoid misunderstandings, OJRSA may require complainants and witnesses to make a written statement summarizing the allegations and listing any witnesses to the alleged harassment..

These procedures have been established to enable the victim to get relief. The US Supreme Court has stated that as a general rule you may not sue a governmental agency for a violation of your rights unless you first give the entity notice and an opportunity to end the harassment. The reporting procedures developed are intended to establish a clear record of what has been reported.

## **2.5 RECRUITMENT**

Only the Executive Director or OJRSA Board Chair shall be authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants. All supervisors shall notify the Executive Director immediately upon learning that a vacancy will occur. The Administrative Office will then take those steps as may be necessary to attract qualified applicants.

## **2.6 NEPOTISM**

Definition of "Family Member" for this Policy shall include spouse, mother, father, sister, brother, daughter, son, nephew, niece, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, aunt, uncle, and first cousins. A Family Member is also considered to include step-parents, step-children, step-brothers and step-sisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant, or significant other) are treated as being within the immediate family of each other for the purposes of this policy.

Two (2) or more Family Members shall not be employed by the OJRSA if such employment will result in one (1) Family Member family being under the supervision of another member, or where one (1) member occupies a position which has direct influence and control of the other's employment, promotion, salary administration, and other related management or personnel consideration.

In emergency situations where other qualified applicants are not available for an essential task, employment of close relatives may be permitted for temporary periods not to exceed thirty (30) calendar days, with the approval of the Chair of the OJRSA Board of Commissioners. Nothing herein shall prevent the OJRSA Chair from authorizing employment of a close relative under a temporary federal manpower or similar program designed to provide work on OJRSA projects by the unemployed or disadvantaged.

The OJRSA generally will not permit two (2) employees who become involved in a romantic relationship, sexual relationship, or who establish an immediate familial relationship through marriage, to have a direct or indirect

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reporting relationship to one another within the OJRSA, nor will the agency permit either of the two (2) employees to impact or influence OJRSA decision-making regarding the other employee. OJRSA reserves its right to ask that the employees decide between themselves which of the two (2) will resign from employment with the agency should such become necessary in OJRSA's sole discretion. If, upon request, the employees fail to make and communicate this decision to the OJRSA, the agency will generally take additional steps to resolve the issue including, without limitation, separating one (1) or both of the employees from employment.

Situations not specifically addressed in this policy that, in OJRSA's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at OJRSA's discretion.

### **2.7 APPLICATION FOR APPOINTMENT**

Applicants for OJRSA employment shall apply on forms provided by the agency. OJRSA does not hold applications after the position applied for is filled. Applicants must re-apply with a new application for a subsequent position even if it is the same position that became open again after applicants' original application for that position.

### **2.8 APPLICATION PROCESS**

As determined by the Executive Director and/or OJRSA Board of Commissioners, the selection process may include one (1) or more, or all, of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or non-assembled examinations. Physical examinations and drug analysis may be required after a conditional offer of employment for such classifications as may be determined necessary.

### **2.9 BACKGROUND CHECKS**

All offers of employment at the OJRSA are contingent upon clear results of a thorough background check. Background checks may be conducted on any applicants for employment and on any employees who are promoted, as deemed necessary. Background checks typically will be conducted on all final candidates for a job offer.

Background checks may include but are not limited to:

- A. Social Security Verification: Validates the applicant's Social Security number, date of birth, and former addresses.
- B. Prior Employment Verification: Confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire.
- C. Personal and Professional References: Calls will be placed to individuals listed as references by the applicant.
- D. Educational Verification: Confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- E. Criminal History: Includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
  - 1. The nature of the crime and its relationship to the position.
  - 2. The time since the conviction.
  - 3. The number (if more than one (1)) of convictions.
  - 4. Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches may be required:

- A. Motor Vehicle Records: Provides a report on an individual's driving history in the state requested. This search will be run when driving is a requirement of the position.
- B. Credit History: Confirms candidate's credit history. This search may generally be run for positions that involve management of OJRSA funds and/or handling of cash or credit cards.

Any candidates for whom the OJRSA requires a background check must complete a Background Check Authorization Form and return it to the Office Manager, who will then order the background check upon receipt of the



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signed release form. Either internal OJRSA Administrative staff or an employment screening service will conduct the checks. A designated OJRSA representative will review all results.

The Office Manager will notify the hiring department manager regarding the results of the check. In instances where negative or incomplete information is obtained, the department manager and appropriate OJRSA administrative staff will assess the application of that information to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by the Office Manager in conjunction with the employment screening service, if applicable.

## **2.10 SELECTION OF NEW EMPLOYEES**

Original appointments to vacancies of the OJRSA shall be based upon merit and suitability for the position. In determining the most suitable applicant, the OJRSA considers such factors as education, experience, aptitude, knowledge, character, and physical and mental fitness.

The final selection of the person to fill each vacancy shall be made by the appropriate department head, with the approval of the Director. The Director must approve the selection of OJRSA employees regardless of whether such employees are regular status, part-time, temporary, and regardless of sources of funds (local, state, federal) for payment. When final selection has been made to fill a vacancy, an employee's orientation checklist shall be completed by the Administrative Office and a file copy retained in the personnel folder of the employee.

## **2.11 EMPLOYEE CLASSIFICATIONS**

### **2.11.1 Regular Full-Time Employees**

Regular Full-Time Employees are those OJRSA employees regularly scheduled to work at least thirty (30) hours in a given work week. Regular Full-Time Employees may generally become eligible for the various benefits that OJRSA provides its employees, subject to and in accordance with the applicable benefits policies, as well as applicable law. Below are the two (2) types of Regular Full-Time Employees of the OJRSA. *NOTE: Other OJRSA Employees are not considered regular, full-time employees.* Regular Full-Time Employees include:

- A. Non-Exempt Employees: These are OJRSA employees who are not exempt from, and therefore subject to, the recordkeeping, overtime, and minimum wage requirements of the federal Fair Labor Standards Act ("FLSA"). Non-exempt employees are paid based on criteria as stated in SECTION 6. **NON-EXEMPT EMPLOYEES MUST NEVER WORK OFF THE CLOCK.**
- B. Exempt Employees: OJRSA employees who are exempt from and, therefore, not subject to, the overtime and minimum wage requirements of the FLSA. However, there is an OJRSA exemption to this as stated in SECTION 6.6.

### **2.11.2 Other OJRSA Employees**

Below are the categories of Other OJRSA Employees, who are not considered to be Regular Full-Time Employees. These employees are generally ineligible for benefits the OJRSA offers to its Regular Full-Time Employees except as may be required by applicable laws or otherwise indicated. Other OJRSA Employees include:

- A. Part-Time Employees: These are OJRSA employees who are regularly scheduled to work less than thirty (30) hours during a given work week. Part-time employees are typically ineligible for the various benefits that OJRSA provides to its employees, subject to and in accordance with the applicable policies, as well as applicable law. Part-time employees are not eligible for vacation, sick, or other paid leave.
- B. Seasonal Employees: OJRSA employees who work for the agency for a limited period of time during the calendar year and, when employed, generally work forty (40) hours during a given work week are considered Seasonal Employees. Most seasonal employees hold non-exempt positions. In addition, some seasonal employees are currently eligible to receive holiday pay; however, they do not accrue vacation, sick, or other paid leave.
- C. Apprentices, Cooperative Education ("Co-op") Workers, and Interns: These workers are generally employed with the OJRSA to work during designated educational rotations while also enrolled in college and receiving

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course credit, educational credit, or fulfilling a training requirement.

1. Apprentices typically shall not work more than thirty (30) hours a week.
2. Some Co-Ops may work forty (40) hours a week or more. Co-Ops and Interns are generally ineligible for benefits the OJRSA offers to its Regular Full-Time Employees except as may be required by applicable law.

## **2.12 TEMPORARY APPOINTMENTS**

In the absence of an appropriate list for filling of temporary or seasonal positions and temporarily in the case of emergencies, vacancies may be filled by temporary appointments by the agency. Such temporary appointments shall have a maximum duration of twelve (12) months. No temporary appointment shall be construed to confer tenure of regular status of employment upon the temporary employee, and any temporary appointment may be terminated at any time by the Executive Director and/or OJRSA Board of Commissioners.

## **2.13 PROBATIONARY PERIOD**

All new employees, including former employees who have been rehired, are considered to be on probation for the first six (6) months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for the job. This period is not a guarantee of employment for six (6) months. If the department head concludes at any time that the employee is not suited for the position, the employee may be terminated or may be placed on extended probation if approved by the Executive Director. The probation period ends successfully when the department head, not sooner than six (6) months after the employee was hired, evaluates the new employee in writing and authorizes the classification change to regular status.

## **2.14 REGULAR STATUS**

Employees who have satisfactorily completed at least six (6) months of continuous service with OJRSA shall be granted regular status. Regular status employees are entitled to all benefits and privileges provided by the OJRSA for its employees.

## **2.15 PERFORMANCE EVALUATIONS**

The OJRSA may conduct performance evaluations at any time it deems necessary or beneficial. Performance evaluations may be done annually on or around the end of the organization's Fiscal Year, and may be done at any other time including but not limited to at the end of the employee's probationary period and as a result of disciplinary action. A performance evaluation may include a performance improvement plan. (Fiscal Year shall mean the definition as stated in the current version of the *OJRSA Financial and Accounting Policy*.)

If an employee is out for more than thirty (30) days during the year, their evaluation will be advanced.

## **2.16 SEPARATION FROM EMPLOYMENT**

To resign in good standing, an employee must submit written notice of resignation at least two (2) weeks in advance of the date of such resignation to his/her Department Manager. An employee must work the notice period. The failure to do so will normally result in a denial of re-employment and denial of payment for accrued leave. However, upon determination by the Executive Director that exceptional circumstances existed which warranted the failure to provide such notice, the Department Manager may nevertheless enter such resignation as one in good standing. Department Managers, immediately upon receipt of notices of resignation, will forward the notice to the OJRSA Office Manager.

The requirement for this two (2) week notice may be waived by the Executive Director, in his/her discretion, based upon the needs of the organization.

## **2.17 ABOLISHMENT OF POSITION**

A position may be abolished, or the number of personnel reduced by the OJRSA for reasons of economy, reorganization, or other reasons. The OJRSA may reassign any affected regular employees to another position within the agency for which the employee may be qualified. If no such position is available immediately, the name of the affected employee shall be kept on file and he/she may be offered employment should a vacancy occur in a position

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for which they are qualified.

### **2.18 EXIT INTERVIEWS**

All departing, regular employees will be asked to participate in an exit interview. Exit interviews may also be conducted with employees who are transferring between departments.

Employees may be asked to complete a written questionnaire and given the opportunity to take part in a face-to-face interview, lasting approximately thirty (30) minutes.

The interview is typically conducted during the final week of employment. The Office Manager or Executive Director will conduct all exit interviews with departing employees. Another individual may attend (to take notes or provide support to the interviewer), but the employee's direct supervisor typically will not be present. Generally, at least one (1) of the interviewers will take notes during the session, and the exit interview questionnaire will be used to guide the interview in order to ensure consistency of information gathered in each interview.

There may be instances where individuals who should be invited to participate in an exit interview are overlooked. Managers and the agency's Administrative Department will need to be vigilant to ensure that these opportunities to gain valuable information are not missed.

### **2.19 GRIEVANCE AND APPEALS**

When an employee feels they have not been treated fairly or consistently related to their employment, he/she may ask for a grievance or appeals meeting with the Executive Director. The request for a meeting shall be made in writing to the Director within ten (10) working days of when the incident giving rise to the grievance occurred.

Grievances and appeals can include, but are not necessarily limited to dismissal, promotion of others, and demotions. Compensation (including merit pay), evaluations, and oral reprimands are not grounds for consideration under the Grievance and Appeals policy.

If a meeting is granted, the Executive Director will hear the case from the employee. He/she will also listen to the counter arguments from others involved, such as supervisors and witnesses. Following the conclusion of the meeting, the Director will issue a decision, which will be binding and cannot be further appealed.

## **SECTION 3 – SAFETY AND GENERAL MEDICAL**

### **3.1 SAFETY**

Safety is a core value of the OJRSA and the agency firmly believes that all workplace incidents are preventable. It is essential that employees follow safety directives to provide for their safety as well as that of others. Failure to abide by these rules and guidelines may result in the disciplinary actions up to and including termination.

Most safety, security, and injury-related items can be found in the current versions of the following manuals (if applicable):

- A. *OJRSA Safety Manual*
- B. *OJRSA Emergency Action Plan*
- C. *OJRSA Process Safety Management Program*
- D. *OJRSA Risk Management Plan*

### **3.2 NON-WORK INJURIES AND ILLNESSES**

If an employee is placed on work restrictions from an incident that did not occur while working, the Work Status/Return to Work Form provided by the physician should be provided to the employee's supervisor and Office Manager prior to beginning work. The supervisor and Executive Director will consider if the noted restrictions can be accommodated for the duration noted on the form.

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### **3.3 WORKING WHILE UNDER MEDICAL CARE**

Once treated by a physician, the injured employee will receive a Work Status/Return to Work Form from the healthcare provider. Employees are prohibited from returning to work before they are released by a healthcare provider. The form must be provided to the Office Manager in order to be cleared to return to work.

If restrictions are noted, the employee's department director, Office Manager, and/or Executive Director must decide if those restrictions can be accommodated to allow the employee to perform his/her essential job functions for the duration noted on the form. OJRSA will attempt to work with the employee to accommodate the restrictions in the employee's current position, if possible, but the agency will not create work in order to accommodate the restrictions.

It is the responsibility of the injured employee to attend all re-examinations and treatments as prescribed by the applicable healthcare provider.

If the restrictions can be accommodated, the supervisor shall ensure the employee understands they are responsible for complying with all restrictions.

If it is not possible to accommodate the restrictions in the employee's position, OJRSA will attempt to find other work for the employee, so long as such work is available and the employee is qualified to perform the work, before considering alternative accommodations when required by applicable law

If the restrictions cannot be reasonably accommodated, the employee must not return to work until restrictions have been lifted by the healthcare provider. A doctor's statement must be provided to OJRSA excusing him/her from work.

### **3.4 ILLNESSES, INJURY, OR EXPOSURE TO CONTAGIOUS DISEASES**

An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (e.g., flu, measles, etc.) must report this exposure to his/her supervisor prior to reporting to work, even if the employee is not experiencing symptoms and should follow any instructions from his/her healthcare provider regarding returning to work. In the absence of advice or direction from the employee's healthcare provider, OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.

Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor in accordance with SECTION 3.3. If in OJRSA's sole opinion, it does not appear that the employee can safely perform his job, he/she will be sent home pending further determination. See SECTION 7.2.3 for agency's Sick Leave policy.

#### **IF AN EMPLOYEE SHOWS OBVIOUS SIGNS OF ILLNESS OR INJURY WHILE AT WORK, THEN THE OJRSA RESERVES THE RIGHT AND MAINTAINS THE AUTHORITY TO:**

- A. Send the employee home using the appropriate leave for which they are entitled, and
- B. In certain cases, require the employee to see a qualified healthcare provider prior to returning to work.

### **3.5 CONCEALED AND OTHER WEAPONS**

Concealable weapons are not allowed on OJRSA property, vehicles, or work sites, regardless of whether the person holds a valid permit to carry (open or concealed) firearms. In addition, employees may not bring tasers, pepper spray, explosives (including fireworks), or similar weapons to the workplaces. Knives, other than pocketknives, are also prohibited.

### **3.6 PERSONAL PROTECTIVE EQUIPMENT**

The best way to reduce hazards is through engineering, work practices, and controls at the source; however, it is

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not always possible to control risks through these methods. When it is necessary for staff to wear personal protective equipment (“PPE”), it will be provided by the agency by either: (1) Issuance of PPE by OJRSA or (2) PPE Allowance and Reimbursement Program, both of which are described within this section.

**3.6.1 Issuance of PPE by OJRSA**

The OJRSA stocks and issues most PPE that is necessary for employee safety. Items such as gloves, air-purifying respirators, hearing protection, safety glasses, hard hats, and high-visibility clothing are issued on an as-needed or as requested basis by the OJRSA. Employees can obtain PPE from the supply room, supervisor, Regulatory Services Coordinator, or Office Manager, as appropriate. More information about PPE can be found in the *OJRSA Safety Manual*.

**3.6.2 PPE Allowance and Reimbursement Program**

For PPE that is necessary (or in some cases not necessary but encouraged) but requires a custom fit or prescription, the agency will provide an allowance for such equipment. Staff that work in safety sensitive positions as defined in the OJRSA Safety Manual are eligible for reimbursement on purchases for items that qualify for the PPE Allowance and Reimbursement Program. Table 1 details the items covered by this program, the amount that is provided, and any notes or restrictions. The amount stated is the maximum amount the OJRSA will cover for expenses. If employees spend less than the maximum amount, they will only be reimbursed for the actual cost of the covered items.

*Table 1: PPE items eligible for reimbursement by OJRSA*

<b>PPE Item</b>	<b>Maximum Amount</b>	<b>Frequency</b>	<b>Notes or Restrictions</b>
<b>Safety Boots/Shoes</b>	\$160	Annually based on employee’s date of hire	Must meet OSHA requirements as defined in 29 CFR 1910.136 (Personal Protective Equipment—Foot Protection). The employee must provide the Office Manager with a receipt and proof the safety boots/shoes meet the minimum OSHA requirements in order to receive reimbursement.
<b>Prescription Safety Glasses</b>	\$200	Biennially based on employee’s date of hire	The OJRSA will not pay for the eye exam. Must meet OSHA requirements as defined in 29 CFR 1910.133 (Personal Protective Equipment—Eye and Face Protection). The employee must provide the Office Manager with a receipt, proof the prescription safety glasses meet minimum OSHA requirements, and a copy of the prescription in order to receive reimbursement.

All reimbursements shall be made to the employee via check after providing documentation to the Office Manager.

**SECTION 4 – STANDARDS OF EMPLOYEE CONDUCT**

**4.1 EMPLOYEE CONDUCT**

**4.1.1 General**

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline that may be imposed includes but is not limited to oral reprimand, written warning, probation, reduction of leave balances, suspension without pay, demotion and discharge. In addition, OJRSA may procedurally suspend an employee without pay pending investigation to determine if disciplinary action is appropriate. If OJRSA determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, OJRSA may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE OJRSA AND MAY INCLUDE ANY LEVEL OF DISCIPLINE FOR A FIRST OFFENSE INCLUDING TERMINA-**

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**TION OF EMPLOYMENT. NOTHING IN ANY OF THE OJRSA'S POLICIES OR BY ANY PAST PRACTICE OF OJRSA REQUIRES OJRSA TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE.** Supervisors and department directors must submit terminations to the Executive Director for review prior to administrating to the employee.

Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. If an employee refuses to sign the document, he/she will be relieved of duty without pay. If he/she does not sign the document by 5:00 p.m. at the end of his/her next scheduled workday, he/she will be presumed to have resigned.

#### 4.1.2 Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any misconduct is at the sole discretion of the OJRSA. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including discharge.

**OJRSA RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD TO THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

Examples include, but are not limited to:

- A. Failure to act professionally, reasonably, or responsibly, or conduct that could reflect negatively on OJRSA
- B. Failure to follow legal and regulatory requirements, including reporting requirements
- C. Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the OJRSA's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the OJRSA's determination on continued employment.
- D. Incompetence
- E. Unauthorized absence or tardiness or a pattern of absenteeism or tardiness
- F. Insubordination, including disrespect for authority, or other conduct that tends to undermine authority
- G. Failure or refusal to carry out instructions
- H. Unauthorized possession or removal, misappropriation, misuse, destruction, theft, or conversion of OJRSA property or the property of others
- I. Violation of safety rules, neglect, engaging in unsafe practices
- J. Interference with the work of others
- K. Threatening, coercing, or intimidating fellow employees, including "joking" threats
- L. Dishonesty
- M. Failure to provide information, falsifying OJRSA records, or providing falsified records to OJRSA for any purpose
- N. Failure to report personal injury, incident, accident, near miss, or property damage
- O. Failure to report a moving violation while operating OJRSA vehicle or equipment or while operating personal vehicles on OJRSA time and/or property
- P. Failure to secure OJRSA property, vehicles, or other sites
- Q. Neglect or carelessness
- R. Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on OJRSA property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is "under the influence" if he/she has any detectable amount of any such substance in his system.
- S. Unsatisfactory performance
- T. Violation of OJRSA policies
- U. Lack of good judgment
- V. Any other reason that, in the OJRSA's sole determination, warrants discipline

#### 4.2 DRUG-FREE WORKPLACE

Employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the

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influence of alcohol, illegal drugs, or improperly used controlled substances. For purposes of this policy, “under the influence” means having any detectable amount of any such substance in the employee’s system.

Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors and the OJRSA Leadership Team will determine whether an employee may continue to work while using the medication.

### **4.3 EMPLOYEE SUBSTANCE ABUSE AND TESTING**

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, morale, and productivity. Furthermore, it is the policy of OJRSA to comply with the state and federal Drug Free Workplace Acts, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and the use of controlled substances on or off the job.

For these reasons, OJRSA adopts the following policy:

#### **4.3.1 General Rule**

All employees of OJRSA are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. This prohibition applies to use at any time, both on the job and off the job. OJRSA employees are permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the influence of alcohol, illegal drugs, legal substances that cause cognitive impairment, or improperly used controlled substances. For purposes of this policy, “under the influence” means having any detectable amount of any such substance in the employee’s system. Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors. OJRSA will determine whether an employee may continue to work.

All employees of OJRSA are prohibited from using or possessing alcoholic beverages on OJRSA premises or time. (The term “OJRSA premises or time” includes: OJRSA vehicles and private vehicles on OJRSA premises; parking lots and recreation areas; and any circumstances in which an employee is representing OJRSA, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The Executive Director may approve moderate alcohol use at designated social or business functions.

These prohibitions also apply to all persons employed by OJRSA, those persons working on OJRSA’s behalf but employed by another entity, and those persons working on OJRSA property.

#### **4.3.2 Prescribed Medication Use**

An employee taking prescribed medication which may affect his/her ability to perform their job is required to advise their supervisor. OJRSA will determine whether and how the employee may continue to work without posing a safety risk to themselves, their co-workers, or others.

#### **4.3.3 Applicants for Employment**

All offers of employment are conditioned upon the applicant passing a drug test. OJRSA will not hire anyone who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances or the illegal use of authorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he/she can demonstrate that they are no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant’s expense.

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#### 4.3.4 Current Employees

Department of Transportation (“DOT”) regulated employees (those with a Commercial Driver’s License, or “CDL”) are subject to special rules for Substance Abuse and Testing addressed in a separate section within this Policy.

All OJRSA employees are subject to drug and alcohol testing by any method (e.g. urinalysis, hair, blood, breathalyzer) where “particularized suspicion” of drug or alcohol use in violation of this policy exists.

#### 4.3.5 Particularized Suspicion and Post-Accident Testing

Particularized suspicion testing is conducted upon the approval of the Executive Director or his/her designee.

Particularized suspicion is deemed to exist when:

- A. Information that an employee has used drugs, alcohol, or substances in violation of this policy is provided by a reliable source;
- B. An accident occurs. “Accident” is defined as:
  1. an accident involving a fatality;
  2. an accident causing personal injury; or
  3. an accident involving property damage.
- C. An employee exhibits any behaviors or other indicators of being under the influence of drugs or alcohol, including the following:
  1. extreme mood swings;
  2. slurred speech;
  3. unusual clumsiness;
  4. staggering;
  5. dilation of pupils or bloodshot eyes;
  6. sleeping on the job or lethargy;
  7. excessive unexplained sweating;
  8. other aberrational behavior;
  9. odors;
  10. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.;
  11. an employee has been arrested for or convicted of a violation of drug laws; or
  12. an employee has tested positive for drugs or otherwise violated this policy within the past five (5) years.
- D. An employee has admitted violating OJRSA’s Substance Abuse and Testing Policy;
- E. An employee is arrested for or convicted of a drug or alcohol related offense;
- F. An employee has tested positive in violation of this policy, or otherwise violated this policy, within the past five (5) years.

All employees who are required by their jobs to possess a CDL or employees whose jobs OJRSA regards as “safety-sensitive” are subject to random testing to determine compliance with this policy. A list of safety sensitive positions is listed in SECTION 4.3.15. Random selection testing is unannounced.

Employees may be tested under this policy as part of any “fitness for duty” physical examination mandated by federal/state law or by OJRSA, for follow-up testing after violation of this policy for up to twenty-four (24) months, or as otherwise allowed by law. The OJRSA may administer the types of tests as stated in Table 2.

*Table 2: Current employee drug and alcohol testing circumstances*

<b>Type of Test</b>	<b>Drugs</b>	<b>Alcohol</b>
Pre-employment	Yes	Optional with employer
Random	Safety Sensitive Positions	Safety Sensitive Positions
Reasonable Suspicion	Yes	Yes



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Post-Accident	Yes	Yes
Return to Duty	At OJRSA’s discretion	At OJRSA’s discretion
Follow-up	Yes	Yes

Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate or substitute test samples, or interfere with the testing procedures, are in violation of this policy and subject to disciplinary action, up to and including termination. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount the needed specimen, failure to undergo a medical examination to evaluate your ability to provide an adequate amount of specimen, or failure to sign a required certification form.

**4.3.6 Testing**

Testing will be performed as follows:

**A. Drug testing**

1. Drug testing will be by urinalysis, hair sample, or other generally accepted means.
2. The collection of urine samples is performed under reasonable and sanitary conditions.
3. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule. In addition, direct observation will be used in DOT-mandated testing for DOT-regulated employees when allowed or required by DOT regulations.
4. Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
5. Specimens may be checked for the following six (6) substances and possibly others:
  - a. Amphetamines
  - b. Barbiturates
  - c. Cocaine
  - d. Marijuana/Cannabinoids
  - e. Opiates
  - f. Phencyclidine
6. Other possible drugs that may be tested for include, but are not limited to: Benzodiazepines, Propoxyphene, Methadone, and Oxycodone
7. NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.
8. Applicants and employees are provided an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
9. Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (“GCMS”) or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer is conclusive for all employment-related purposes.
10. OJRSA’s Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies OJRSA.
11. A positive-dilute result is treated as positive. A negative-dilute result will result in a retest. Absent sat-

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isfactory explanation, a second negative-dilute result may result in the test being considered adulterated. Dilute test results in DOT-mandated tests will be handled according to DOT regulations.

**B. Alcohol Testing**

1. A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by OJRSA, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. OJRSA uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. OJRSA reserves the right to utilize blood testing for non-DOT alcohol tests.
2. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
3. The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)
4. A confirmatory test result generated through the use of an EBT or blood test which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

**4.3.7 Notice to Employees**

OJRSA attempts to distribute to all employees a copy of this Employee Substance Abuse and Testing Policy. Additional copies of this are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

**4.3.8 Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities**

As a condition of employment, employees agree to notify OJRSA within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. OJRSA will notify all state and federal grantors/contracting agencies of such employee convictions within ten (10) days, or as the requirements by the state and federal Drug Free Workplace Acts, which may change from time-to-time. ("Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.)

OJRSA will notify law enforcement authorities whenever illegal drugs are found in the workplace.

**4.3.9 Consequences of Violating the Substance Abuse Policy**

**EMPLOYEES WHO VIOLATE THIS POLICY ARE SUBJECT TO IMMEDIATE TERMINATION OF EMPLOYMENT.** In lieu of terminating an employee, OJRSA may in its sole discretion condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of an alcohol or drug counseling/rehabilitation program.

If the OJRSA, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:

- A. Referral of the employee for alcohol or drug abuse counseling;
- B. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;
- C. Requiring the employee to authorize any rehabilitation facility to report periodically to OJRSA during the course of treatment/counseling;
- D. Placing the employee on probation for at least six (6) months following the employee's return to duty; *and*
- E. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five (5) years.

An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is

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in violation of this policy and subject to immediate termination.

An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to immediate termination.

**4.3.10 Coming Forward with Substance Abuse Problems**

Employees, other than sworn law enforcement officers, who have substance abuse problems and report them to OJRSA before being selected for testing, and before the occurrence of an event which normally would result in testing, in OJRSA's sole discretion may upon the first violation be subject to Parts (B) through (E) of SECTION 4.3.9 of this Policy (CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY) in lieu of termination.

An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of OJRSA, is subject to immediate termination if he/she again either admits to or is otherwise found to be in violation of this policy.

**4.3.11 Confidentiality**

Any alcohol or drug test results or information supplied by employees and applicants as part of OJRSA's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy.

**4.3.12 Testing Costs**

OJRSA is responsible for the costs of all drug tests to which OJRSA requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Parts (B) through (E) of SECTION 4.3.9 of this Policy (CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY) and is solely responsible for the cost of all follow-up tests.

**4.3.13 Notification of Test Results**

Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within sixty (60) days of being notified of the disposition of the employment application.

Employees are notified of the results (including the drug(s) discovered) of all positive drug tests.

**4.3.14 Drug, Alcohol, and Other Treatment Services**

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, OJRSA has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

The OJRSA has also made available to its employees an Employee Assistance Program ("EAP"). The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. OJRSA's EAP is coordinated through the Office Manager, who also has information available about the program.

The South Carolina Department of Alcohol and Other Drug Abuse Services ("DAODAS") is a state government agency that assists with local substance abuse organizations that provide prevention, treatment, and recovery services. Contact information for DAODAS and others are listed in Table 3.

*Table 3: Employee assistance contacts*

S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS)	864-882-7563 Oconee Office 803-896-5555 (8am-5pm)	<a href="http://www.daodas.sc.gov">www.daodas.sc.gov</a>
Alcoholics Anonymous	864-233-6446 (24 hours)	<a href="http://www.upstateintergroup.org">www.upstateintergroup.org</a> <a href="http://www.aa.org">www.aa.org</a>

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Narcotics Anonymous	864-282-0109 (24 hours) 818-773-9999	<a href="http://www.crna.org">www.crna.org</a> <a href="http://www.na.org">www.na.org</a>
U.S. Substance Abuse and Mental Health Services Administration	800-662-HELP (4357) (24 hours)	<a href="http://www.samhsa.gov">www.samhsa.gov</a>
National Council on Alcoholism and Drug Dependence	800-622-2255 (24 hours)	<a href="http://www.ncadd.org">www.ncadd.org</a>
S.C. Department of Mental Health Mobile Crisis Hotline	833-364-2274 (24 hours)	osp.scdmh.org
National Suicide & Crisis Lifeline	988 (call or text 24 hours a day) 800-273-TALK (8255) (24 hours)	www.988lifeline.org <a href="http://">http://</a>

Periodically, OJRSA may make information regarding substance abuse available to employees. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

#### 4.3.15 Safety Sensitive Positions Subject to Random Testing

Below is a list of the current positions at OJRSA that are considered safety sensitive, but OJRSA may designate existing or new positions as safety-sensitive for purposes of this policy in its sole discretion:

- A. Individuals whose position requires them to hold a commercial driver's license (CDL)
- B. Fire suppression or rescue personnel
- C. Equipment operators
- D. Wastewater and water treatment operators
- E. Mechanics, electricians, and maintenance personnel
- F. Individuals whose position requires them to enter confined spaces, work with chemicals, perform hot work, and other OSHA-regulated tasks
- G. Laboratory technicians
- H. Sample collectors

#### **4.4 DRUG AND ALCOHOL TESTING FOR CDL DRIVERS**

The United States Department of Transportation's ("DOT") Federal Motor Carrier Safety Act Regulations require regulated employers to provide covered employees with information about OJRSA's drug and alcohol testing program for operators of Commercial Motor Vehicles ("CMV"). This policy is intended to follow, at a minimum, the DOT's drug and alcohol testing requirements, and is supplemented by the DOT's testing procedures that are not fully included in this policy. This policy will automatically change to conform to any changes in the DOT's requirements that may occur from time to time or pursuant to any third-party vendor's recommendations as to testing best practices.

##### 4.4.1 Acronyms

BAC	Blood Alcohol Concentration
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
DOT	United States Department of Transportation
EBT	Evidential Breath Testing
GVW	Gross Vehicle Weight
MRO	Medical Review Officer
SCDMV	South Carolina Department of Motor Vehicles

##### 4.4.2 Contact Person

If employees have any questions about this information or the agency's drug and alcohol policies, the OJRSA Board of Commissioners has designated the Office Manager to answer any questions.

##### 4.4.3 Affected Employees

All employees who are required to have a Commercial Driver's License ("CDL") and who may operate a CMV on

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behalf of OJRSA are subject to this policy. A CMV is any motor vehicle meeting any one of the following conditions::

- A. A gross combinations weight rating of twenty-six thousand and one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight (GVW) of more than ten thousand (10,000) pounds;
- B. A GVW rating of twenty-six thousand and one (26,001) or more pounds;
- C. Is designed to transport sixteen (16) or more passengers; or
- D. Is designed to carry hazardous materials which require the vehicle to display a hazardous materials placard.

There are limited exemptions to the testing requirements. The designated OJRSA Contact Person as stated in this document can provide a list of these exemptions and provide the determination as to whether an employee meets the exemptions listed in 49 CFR 382.103 of the law.

#### 4.4.4 Safety Sensitive Functions

A driver of a CMV is performing a safety sensitive function at all times while conducting the following:

- A. At an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier (waiting to be dispatched);
- B. Inspecting equipment relating to the operation of the CMV or servicing or conditioning any CMV;
- C. Driving the CMV;
- D. In or on a CMV;
- E. Loading or unloading a CMV;
- F. Repairing, obtaining assistance, or attending to a disabled vehicle.

#### 4.4.5 Prohibited Conduct

A driver shall not:

- A. Report for or remain on duty with a Blood Alcohol Concentration (“BAC”) of greater than or equal to four-hundredths ( $\geq 0.04$ );
- B. Perform functions defined within SECTION 4.3.15 (SAFETY SENSITIVE FUNCTIONS) with a BAC of greater than or equal to two-hundredths ( $\geq 0.02$ ) or higher;
- C. Use alcohol while on duty;
- D. Perform functions defined within the “Safety Sensitive Functions” section of this policy within four (4) hours of using alcohol;
- E. Use alcohol within eight (8) hours following an accident requiring a test or until a post-accident test is completed (whichever occurs first);
- F. Use controlled substances except when the use is pursuant to the instructions of a trained medical practitioner who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a CMV. (This prohibition applies at any time, whether the employee is on or off the job.); and
- G. Report for or remain on duty if the driver tests positive for drugs.

#### 4.4.6 Mandatory Inquiries

OJRSA is required by Federal Regulations to request information from previous DOT regulated employers who have employed a driver during any period during the two (2) years before the date of a driver’s application with the OJRSA. The agency must request the following:

- A. Alcohol tests with a BAC result of four-hundredths (0.04) or higher;
- B. Verified positive drug tests;
- C. Refusals to be tested (including verified adulterated or substituted drug test results);
- D. Other violations of DOT drug and alcohol testing regulations; and
- E. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the successful completion of DOT return-to-duty requirements as found in 49 CFR 382.309 (including follow-up tests). If the previous employer does not have information about the return-to-duty process, we must seek to obtain this information from the driver.

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The OJRSA must also ask the applicant if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer for whom the employee applied for and did not obtain safety sensitive DOT-covered work during the past two (2) years. Applicants who respond in the affirmative may not be employed in safety sensitive duties until the completion of a successful return-to-duty process.

**4.4.7 Testing**

The Federal Motor Carrier Safety Regulations require a driver to submit to drug and alcohol tests under the circumstances as listed in Table 4.

*Table 4: CDL drug and alcohol testing circumstances*

<b>Type of Test</b>	<b>Drugs (urine)</b>	<b>Alcohol (breath)</b>
Pre-employment	Yes	Optional with employer
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-accident	Yes	Yes
Return to Duty	Yes	Yes
Follow-up	Yes <sup>1</sup>	Yes <sup>1</sup>

Testing will be performed as follows:

- A. Pre-employment Testing: Employees hired to fill positions which require a CDL will submit to a drug test prior to commencing work in the position.
- B. Random Testing
  - 1. Regulations require random testing of CDL holders at a twenty-five percent (25%) annualized rate for drugs and a ten percent (10%) annualized rate for alcohol. (Unless a different rate for the year is published by the Federal Motor Carrier Safety Administration.) Thus, an employer with forty (40) CDL holders is required to conduct at least ten (10) random drug tests and four (4) random alcohol tests annually. These tests will be spread throughout the year. Random alcohol tests are conducted just before, during, or just after an employee performs safety-sensitive function.
  - 2. The OJRSA participates in a CDL drug testing consortium administered by a third-party.
- C. Reasonable Suspicion Testing: A driver must submit to a drug and/or alcohol test if the employer has reason to believe he/she has violated the prohibitions set forth in the section entitled “Prohibited Conduct” within this policy. The regulations provide that a reasonable suspicion determination must be based on specific, contemporaneous observation of the driver’s appearance or behavior by a supervisor trained in the detection of probable alcohol and/or drug use. However, independent authority permits employers to test in other circumstances which create reasonable suspicion.
- D. Post-Accident Testing: A driver must submit to both drug and alcohol tests when he/she is involved in an accident involving a CMV where:
  - 1. There is a fatality; or
  - 2. The driver received a citation [within eight (8) hours (for alcohol) or thirty-two (32) hours (for drugs)] for a moving violation arising from an accident including a commercial vehicle and including either of the following:
    - i. Bodily injury to any person necessitating immediate medical treatment away from the scene of the accident; or
    - ii. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  - 3. NOTE: The above two (2) circumstances are the minimum regulatory requirements; however, OJRSA may require post-accident testing in other circumstances as stated in the current version of the OJRSA Personnel Policy Manual.

<sup>1</sup> As required by a qualified Substance Abuse Professional.

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- E. Return-to-Duty and Follow-up Testing: A return-to-duty test will be required when a driver who has been determined to have engaged in prohibited conduct is permitted to return to duty after complying with education and/or treatment prescribed by the qualified Substance Abuse Professional. Follow-up testing shall normally be at the direction of a qualified Substance Abuse Professional.

#### 4.4.8 Refusal to Submit to a Test

Federal Regulations provide that a driver who refuses to submit to a test must, at a minimum, be removed from performing safety sensitive functions. Refusal to submit to an alcohol or controlled substance test includes:

- A. Failure to appear for the test;
- B. Failure to remain at the test site until the testing process is complete;
- C. Failure to provide a urine, breath, or saliva specimen;
- D. Failure to permit observation or monitoring of the driver's provision of a sample for a directly observed or monitored collection;
- E. Failure to provide a sufficient amount of breath or urine where the employer-provided physician or Medical Review Officer ("MRO") decides there is no adequate medical explanation for the failure;
- F. Failing or declining to take a second test when directed by the employer or collector;
- G. Failure to undergo a medical examination or evaluation as part of the verification process when directed by the MRO or employer;
- H. Failure to cooperate with any part of the testing process; or
- I. Being reported by the MRO as having a verified adulterated or substituted test result.

**OJRSA POLICY TREATS A REFUSAL TO SUBMIT TO A TEST AS INSUBORDINATE CONDUCT WHICH IS SUBJECT TO IMMEDIATE TERMINATION.**

#### 4.4.9 Testing Procedures

Testing will be performed as follows:

- A. Drug Testing Procedures
  - 1. The testing program required by the regulations is limited to five (5) drug types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines and Methamphetamines, and (5) Phencyclidine ("PCP").
  - 2. NOTE: Independent authority permits testing for other classes of drugs; however, a DOT drug test will screen only for the five (5) classes of drugs listed above.
  - 3. All drug testing must be done from urine specimens collected under controlled conditions, except that alternative methods may be used when authorized by DOT regulations. Specimen collection procedures require:
    - a. A designated collection site;
    - b. Security for the collection site;
    - c. Chain of custody documentation;
    - d. Use of authorized personnel;
    - e. Privacy during collection (with certain exceptions depending upon the circumstances);
    - f. Integrity and identity of the specimen; and
    - g. Transportation to the laboratory.
  - 4. Driver protection is built into the testing procedures. The only laboratories that can be used are those that have been certified by the federal government. The Department of Health and Human Services certifies laboratories under the National Laboratory Certification Program.
  - 5. After the urine specimen has been collected and forwarded to the laboratory it may be tested to determine if it is consistent with normal human urine, and two (2) drug tests may be performed. The initial test determines whether any further testing for the five (5) classes of drugs listed above is necessary. If that test is positive, a more sophisticated test will be conducted to confirm the positive result. In addition, the laboratory will conduct tests to determine if the specimen is valid. Per 49 CFR Part 40 Section 40.87, positive levels for the five (5) classes of drugs are in Table 5.

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Table 5: Drug classifications

Type of Drug or Metabolite	Initial Test (ng/mL) <sup>2</sup>	Confirmation Test (ng/mL) <sup>2</sup>
Marijuana metabolites	50	15
Cocaine metabolites (Benzoylecgonine)	150	100
Hydrocodone / Hydromorphone	300	100 Hydrocodone 100 Hydromorphone
Oxycodone / Oxymorphone	100	100 Oxycodone 100 Oxymorphone
Codeine / Morphine	2,000	2,000 Codeine 2,000 Morphine
6-Acetylmorphine	10	10
Amphetamine / Methamphetamine	500	250 Amphetamine 250 Methamphetamine
MDMA ("Ecstasy"/"Molly") / MDA ("Sally")	500	250
Phencyclidine ("PCP")	25	25

6. 1 ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.
7. If the results of the initial test are negative, the testing laboratory will advise the motor carrier's MRO that the drug test was negative.
8. Only specimens which are confirmed positive on the confirmatory test are reported positive to the MRO for review and analysis. The laboratory may also advise that a specimen is dilute, adulterated, substituted, or invalid.
9. A split specimen collection will be utilized. That is, the urine is divided into two (2) specimen bottles after the sample is taken. If staff are notified the test result of the primary specimen is positive, or that they have a refusal the test because of adulteration or substitution, they may request that the MRO send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels and/or for adulterants, dilution or substitution. If the result of the test of the split specimen is negative, the MRO shall cancel the test. If the employee wants the split specimen tested, he/she must advise the MRO within seventy-two (72) hours of being notified of the positive test result of the primary specimen. If employees request a test, the OJRSA may charge them for the cost of the test of the split specimen.
10. Laboratories are required by DOT regulations to conduct specimen validity testing to determine whether the specimen has been adulterated, diluted, or is otherwise invalid. When required by DOT regulations, the MRO will direct a recollection of the urine specimen under direct observation of the employee. In addition, DOT regulations require direct observation of an employee if the drug test is a return-to-duty test or in some types of follow-up tests. DOT regulations require that the observer in a directly observed collection request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist and lower clothing and undergarments to show, by turning around, that they do not have a prosthetic device designed to defeat the test.
11. If the MRO reports that the specimen is positive dilute, then the test is treated as positive and no re-test is conducted. If the MRO reports that the specimen is negative dilute and directs a recollection under direct observation, then the employee must submit another specimen under direct observation. If the MRO reports that the specimen is negative dilute, but a direct observation retest is not required, then the employee must submit another specimen for retesting, but not under direct observation.
12. OJRSA will keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of

<sup>2</sup> ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter (0.001 L).



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the MRO; and the test results.

**B. Alcohol Testing Procedures**

1. Alcohol testing is confirmed by testing breath because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per two-hundred-and-ten liters (210 L) of breath. The confirmatory testing device is called an Evidential Breath Testing (“EBT”) device. The EBT device is a scientific instrument which determines the concentration of alcohol expressed as a “percent by weight.” It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol is converted to its equivalent value in blood. A Blood Alcohol Concentration (BAC) of “0.10” means one-tenth of a gram of alcohol per two-hundred-and-ten liters of breath (0.10 g alcohol / 210 L breath). The EBT will print three (3) copies of each test result and the test results are numbered. A test may have two (2) separate parts. The first test is the screening test. The initial test will be made using a DOT-approved screening device which may or may not be an EBT. The screening test may utilize a non-evidential screening device which tests saliva. An EBT will always be used to perform a confirmatory test from which a positive result is reported. If the initial test shows a BAC reading of less than two-hundredths (< 0.02) the test is recorded as negative. If the initial test result is greater than or equal to two-hundredths ( $\geq 0.02$ ), then a confirmatory test will be done. The alcohol testing will be done at a site that affords privacy to the driver being tested. This site could be a room, van, or a partitioned-off area. Only one (1) breath test will be done at one (1) time. The person giving the test will not leave the testing site during the test.
2. The first part of the EBT testing process is to make sure that the EBT is operating properly. In the driver’s presence the technician runs an “air blank” test to make sure the EBT is working correctly and the reading is zero (0). Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least six (6) seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The technician will immediately read the results of the test. Printed results are not required for the initial test, which may or may not use an EBT.
3. When the initial test result shows a reading of greater than or equal to two-hundredths ( $\geq 0.02$ ) BAC on a saliva test, a confirmation test is necessary. Before the confirmation test, a fifteen (15) minute waiting period will be observed. The purpose of the fifteen (15) minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The testing procedures for the EBT confirmation test are as described in the above paragraph. The driver will receive a copy of the printed result of the confirmation test.
4. When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences for the driver.

**4.4.10 Consequences of a Positive Test Result**

**THE CONSEQUENCES SET FORTH BELOW ARE THE MINIMUM CONSEQUENCES UNDER THE FEDERAL REGULATIONS. THE OJRSA’S POLICY IS MUCH MORE STRINGENT. A DRIVER WHO TESTS POSITIVE ON A DRUG OR ALCOHOL TEST WILL BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION.**

Positive Drug Test: Under Federal regulations a driver who tests positive for drugs or who has adulterated or substituted a test specimen:

- A. Cannot report for duty or perform safety sensitive functions;
- B. Must be evaluated by a qualified Substance Abuse Professional;
- C. Must comply with treatment recommendations; and
- D. Must undergo a return-to-duty drug test.

Positive Alcohol Test:

- A. Under the regulations, a driver with a BAC greater than two-hundredths ( $> 0.02$ ) but less than four-hundredths ( $< 0.04$ ) shall not perform safety sensitive functions until the later of twenty-four (24) hours following

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the test or the start of his next scheduled duty shift.

- B. A driver with a BAC greater than or equal to four-hundredths ( $\geq 0.04$ ):
1. Cannot perform safety sensitive functions;
  2. Will be told of resources for solving alcohol problems;
  3. Must be evaluated by a qualified Substance Abuse Professional;
  4. Must comply with treatment recommendations; and
  5. Must undergo a return-to-duty test.

Mandatory Reporting:

- A. South Carolina law requires the OJRSA to report to the South Carolina Department of Motor Vehicles (“SCDMV”) the following information:
1. Applicants or employees for CDL positions who refuse to submit to a drug or alcohol screen;
  2. Applicants or employees whose sample is confirmed positive; and
  3. Applicants or employees who submit altered, diluted, or substituted specimens.
- B. Drivers who are reported to the SCDMV pursuant to the law may be disqualified from driving a CMV until the driver is evaluated by a qualified Substance Abuse Professional (“SAP”) and has received from the SAP a certification of completion of an alcohol or drug treatment program. Further, a driver who is reported more than three (3) times in a five (5) year period may be disqualified from operating a CMV for life.
- C. In addition, OJRSA is required to respond to requests for information from prospective employers concerning an employee’s drug and alcohol tests during the two (2) years before the date of date of application with the prospective employer. The response will include any positive results.

#### 4.4.11 The Effects of Alcohol and Drugs on Health, Work, and Personal Life

The abuse and misuse of alcohol and illegal drugs is a very serious problem which threatens our nation’s collective health, safety, and welfare. Further, alcohol and illegal drugs reduce driver productivity and increase safety risks on the nation’s roadways. Increases in medical costs affect both the employer and other employees who do not misuse alcohol or illegal drugs. The potential damage to the user’s health, both mental and physical, is well chronicled. Alcohol remains the most abused substance in the United States and even low dosages of drugs and alcohol can impair judgment and coordination and can cause aggressiveness. Higher dosages interfere with an individual’s ability to recognize, learn, and remember. Extremely high dosages can lead to respiratory failure and death. Various mixtures of drugs and alcohol, even in small quantities, can cause the same result. Prolonged consumption can lead to permanent damage to vital organs such as the brain and the liver. The person who misuses or abuses alcohol or illegal drugs harms not only himself but also his family, friends, and co-workers.

#### 4.4.12 Signs and Symptoms of an Alcohol or Drug Problem

Drugs and alcohol affect the user in a variety of ways. The effects are both physical and behavioral. Use of multiple substances both magnifies and increases the symptoms. Some of the noticeable symptoms of alcohol or drug misuse and abuse are:

- A. Drowsiness
- B. Loss of balance
- C. Confusion
- D. Constricted or dilated pupils
- E. Watery eyes
- F. Slurred speech
- G. Hyperactivity
- H. Memory loss
- I. Vomiting
- J. Sweats and chills
- K. Loss of appetite
- L. Odor of an alcoholic beverage
- M. Relaxed inhibitions
- N. Nausea

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O. Poor perception of time or space

#### 4.4.13 Drug, Alcohol, and Other Treatment Services

Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. For more information on awareness and treatment services, see SECTION 4.3.14.

### 4.5 VIOLENCE IN THE WORKPLACE

All employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay,” making threats including joking threats, or other conduct that may be dangerous—or construed as being dangerous—to others. Conduct that threatens, intimidates or coerces another employee, customer, vendor, or business associate will not be tolerated. OJRSA resources may not be used to threaten, stalk, or harass anyone at or outside the workplace and the agency treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible, generally no later than three (3) calendar days after the incident occurred, to a supervisor, the Office Manager, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident, except to call emergency authorities for help (call 911).

Employees should promptly inform the Office Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. OJRSA will not retaliate against employees making good-faith reports.

OJRSA is committed to supporting victims of intimate partner violence by providing referrals to the company’s employee assistance program and community resources and providing time off for reasons related to intimate partner violence. Time off may be using paid leave such as vacation or pursuant to OJRSA’s Leave Without Pay policy (7.2.9).

Investigations to all allegations or incidents of threats and violence shall be promptly and thoroughly investigated as stated in SECTION 2.4.2.

### 4.6 CONFIDENTIALITY

OJRSA does create and maintain information that is considered confidential as defined in the Confidentiality Agreement provided to every employee as a condition of employment. Employees must not disclose any data or information that OJRSA considers to be Confidential Information unless they are expressly authorized by appropriate agency management to do so. Confidential Information consists of all OJRSA non-public confidential and proprietary information such as, without limitation, the following (note that this list is not all inclusive):

- A. Any information, regardless of form, that OJRSA deems proprietary or commercially sensitive, which may include, without limitation, feasibility, planning, and marketing studies and evaluations;
- B. Personal information, where the public disclosure of such information would constitute an unreasonable invasion of personal privacy;
- C. Documents related to OJRSA’s proposed contractual arrangements and proposed sales or purchases of property;
- D. Confidential proprietary information provided to OJRSA for the purposes of economic development or contract negotiations;
- E. Attorney-client privileged communications, correspondence, and work product of OJRSA legal counsel, and any other materials the disclosure of which would violate the attorney-client relationship;
- F. Certain materials gathered by the OJRSA for any job applicant, current employee, or former employee including, without limitation, income tax returns, medical records, social security numbers, and any other protected

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- personally identifying information;
- G. Items discussed in executive session portion of commission meetings;
- H. In certain circumstances, the identity, or information tending to reveal the identity, of any individual who makes a good faith complaint regarding a violation or potential violation of applicable law;
- I. Information relating to security plans and devices proposed, adopted, installed, or utilized by OJRSA;
- J. Certain information related to OJRSA water reclamation facilities; and
- K. Any and all notes, analyses, compilations, reports, summaries, interpretations, and other materials that contain, are based on, or otherwise reflect or are derived, in whole or in part, from any of the foregoing items within this Section.

#### **4.7 TOBACCO AND ELECTRONIC CIGARETTE USE**

No use of tobacco products, including cigarettes, e-cigarettes (“vapes”), and smokeless tobacco (e.g., chewing tobacco, dip, etc.) will be allowed in any OJRSA building, work area, vehicle, or piece of equipment at any time. Smoking or tobacco use shall be permitted only during designated breaks during the workday and in selected areas located at least twenty-five (25) feet outside the building entrance, operable windows, loading bay, rollup doors, and ventilation systems of enclosed areas to prevent smoke and exhalants from entering those areas. Smoking and tobacco use must also take place greater than twenty-five (25) feet away from confined spaces.

All materials used for smoking in designated smoking areas, including cigarette butts, matches, and cartridges, will be extinguished and disposed of in appropriate containers.

#### **4.8 OUTSIDE EMPLOYMENT**

All outside employment must be reported to, and be approved by, the Executive Director, on an OJRSA Outside Employment Form. Outside employment must in no way conflict with or be detrimental to the employee’s work for the agency in order to be approved. Approval may be withdrawn at any time for any or no reason.

The following activities are examples of employment which are deemed inconsistent, incompatible, and in conflict with employment by OJRSA and which will not be approved:

- A. Any employment activity or enterprise which involves the use of OJRSA time, facilities, equipment supplies, prestige, or influence of agency employment or office for private gain or advantage.
- B. Receipt or acceptance by any employee of any money or other consideration from anyone other than OJRSA for the performance of an act which the employee would be required or expected to render in the regular course of his or her duties as an OJRSA employee.
- C. Employment or activities which impair the attendance or efficiency in the performance of his or her duties.

#### **4.9 FACILITY APPEARANCE**

OJRSA establishes this policy on office appearance in accord with its values of efficiency and professionalism. As an expression of those values, all areas, including employee work areas, common areas, maintenance and storage areas, and grounds should be kept neat and orderly.

Employees should keep their individual work areas as neat as possible during the regular workday. Before leaving the work area at the end of the workday, the OJRSA requires employees to organize their areas to secure work materials and to present an orderly and professional image.

In order to accomplish the goals set forth by this policy, the following requirements apply:

- A. Any picture or item hung directly on the walls of the building must be approved in advance by the director of administrative services.
- B. Posters, pictures, notes, etc., are not permitted on the outside of workstations (e.g., offices, cubicles, etc.).
- C. Posters, pictures, notes, etc., are permitted on the inside of workstation panels as long as they are appropriate for workplace display, are not offensive to other employees, and are not permanently attached to a wall (see Item A above). The OJRSA consistently enforces its policies prohibiting workplace discrimination and har-

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assessment of any kind, including images, graphics, political information, or other visual displays, that may constitute offensive or inappropriate workplace conduct.

- D. Boxes and other storage items should remain out of sight within a workstation or placed in other appropriate onsite or offsite storage areas.
- E. Employees should leave public areas, such as the library, training rooms, copy room, break areas, conference rooms, and restrooms in a clean and orderly condition for other employees and guests.

Employees in violation of this policy will be subject to appropriate disciplinary procedures, up to and including termination of employment, for repeated or egregious violations.

#### **4.10 SPEAKING ON BEHALF OF THE AGENCY**

Only the Board Chair and Executive Director are authorized to speak on behalf of OJRSA. Employees should direct all inquiries from outside entities, including the media, to the Executive Director and the Board Chair, and notify the Executive Director and Board Chair of the inquiry including who made it and that person or entity's contact information, if known.

#### **4.11 GIFTS AND SOLICITATIONS**

##### **4.11.1 Selling Items for Personal Profit**

OJRSA prohibits employees from selling products of any kind on OJRSA properties to any person, whether an employee, vendor, visitor, etc. regardless of whether the selling is during work time or in work areas

##### **4.11.2 Distribution and Solicitation of Employees**

No one, whether employee or non-employee, and regardless of whether affiliated with an organization may solicit employees during work time or distribute anything during work time or in work areas. The Executive Director may occasionally permit solicitation and/or distribution for charitable purposes.

##### **4.11.3 Gifts to Employees**

No employee may directly or indirectly solicit, accept, or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege or thing of value. A gift includes, but is not limited to, meals, trips, money, loans, rewards, gift cards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by OJRSA suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in OJRSA's sole discretion.

##### **4.11.4 Gifts from Employees to Employees**

Individual employees generally should refrain from giving gifts to employees who exercise any administrative or supervisory jurisdiction over them, be it directly or indirectly. The agency also discourages the collection of money for group gifts except in special circumstances such as bereavement, serious illness, or for mementos at retirement.

## **SECTION 5 – HOURS OF WORK**

### **5.1 WORK WEEK AND WORK HOURS**

The official work week begins at midnight Saturday (12:00 a.m.) and ends on Friday at 11:59 p.m.

Normal work hours are listed below based on position. It should be noted that employee schedules may be changed at any time for any operational reason.

- A. Water Reclamation Operator ("Operator") hours are 7:00 a.m. until 6:00 p.m. Monday through Friday and

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7:00 a.m. until 12:00 p.m. (noon) on Saturdays, Sundays, and holidays (These Operators are on a ten (10) hour per day schedule during weekdays and five (5) hours per day on weekends and holidays) The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.

- B. Maintenance and Conveyance System staff's normal working hours are from 8:00 a.m. until 5:00 p.m. These staff are on an eight (8) hour per day schedule. The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.
- C. Other staff's normal work hours are from 8:00 a.m. until 5:00 p.m. Monday through Friday. These positions are on an eight (8) hour per day schedule.

#### Breaks

- A. All employees are authorized to take one (1) hour for lunch at a time designated by the Executive Director. Some employees (Operations, Maintenance, etc.) are more likely to have changes to their regular schedule because of the unusual responsibilities of their tasks. In those departments, the supervisor concerned will prescribe the work schedule for employees under his/her supervision.
- B. Workload permitting, staff may take one (1) ten (10) minute break midmorning and one (1) ten (10) minute break during midafternoon. Tobacco (including smokeless tobacco) and electronic cigarette use, as defined in SECTION 4.7, shall be limited to use only during these two (2) break periods.

Non-exempt employees should not begin work more than seven (7) minutes prior to his/her shift and should not end work later than seven (7) minutes after their shift without prior approval by their division director (or designee) or the Executive Director. All hours worked must be documented. Non-exempt employees are prohibited from working when not clocked in, including during meal breaks. If a non-exempt employee works when not clocked in, such as during a meal break, the employee must report that work to his/her supervisor as soon as possible, and at least during the same work-week.

Employees are generally prohibited from working when not on shift unless called back into work. Non-exempt employees are generally prohibited from working remotely, but if they must work remotely, for example if traveling for work, they must record all time worked and are subject to the same overtime authorization requirements as if they were present at OJRSA.

Commuting: Any time an employee must report to work, whether for the employee's normal work schedule, for an emergency, inclement weather, or for any other reason, the employee's time commuting to, and home from, work, is not compensable time, except that OJRSA will compensate for the commute when an employee is called in for on-call duty or to assist on-call staff.

## **5.2 REMOTE WORK**

OJRSA does not allow remote work (also known as "work from home" or "telecommuting"), except when extraordinary circumstances warrant remote work as determined by OJRSA in its sole discretion. Remote work that would prevent an employee from performing his/her essential job functions will not be allowed. Even if extraordinary circumstances warrant a remote work schedule, remote work will typically be approved only on a hybrid schedule where the employee reports to OJRSA's worksite in person a majority of the time, and remote work will only be approved for a temporary period of time. Further, Non-Exempt Employees and those in safety-sensitive positions are less likely to be able to perform their essential job duties from home or remotely. Any approved remote work will include terms and conditions, which OJRSA will communicate at the time of approval and with which the employee must comply, subject to discipline.

Employees are subject to all the Personnel Manual policies while working remotely.

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Employees seeking a reasonable accommodation for a disability should follow the REASONABLE ACCOMMODATION POLICY (2.2). Employees who wish to request remote work due to extraordinary circumstances should make that request in writing to the Director and must provide any information requested by the Director to support the request and for its full consideration. Failure to comply with requests for information or to cooperate in the process may result in denial of the request and further discipline.

### **5.3 ON-CALL DUTY AND CALL-IN**

#### **5.3.1 Response Time**

While scheduled for on-call duty, employees must be able to respond to the OJRSA Coneross Creek Water Reclamation Facility (“WRF”) within a forty-five (45) minute reporting time in order to respond to emergencies. Employees on-call are otherwise free to use their time outside of their regular shift schedule for their own benefit and enjoyment.

#### **5.3.2 On-Call Personnel**

Operations and Maintenance staff are designated to respond to abnormal conditions outside of normal hours at all OJRSA facilities. OJRSA endeavors to provide a schedule for on-call personnel no later than December 15th prior to the year the schedule will take effect, but will provide as much notice as possible of the on-call schedule, subject to the need for the schedule to change based on personnel and operational factors.

On-Call Response Compensation: Staff that are called in during their on-call work week are to be compensated in accordance with sections 6.4, 6.5 and 6.7 of this Policy.

#### **5.3.3 On-Call Period**

The on-call period begins at 5:00 p.m. on Friday and ends at 4:59 p.m. the following Friday. Typically, employees will be on call for one (1) week increments with at least one (1) week between on-call periods, subject to change based on personnel and operational factors.

### **5.4 AFTER-HOURS RETURN TO FACILITIES**

Employees are prohibited from returning to any OJRSA facility between their shifts unless it is necessary in carrying out their duties, such as during emergency situations that require immediate attention.

### **5.5 INCLEMENT WEATHER AND OTHER EMERGENCY SITUATIONS**

Due to the critical services that the OJRSA provides in protecting health and the environment, the Coneross Creek WRF is to be staffed as necessary in order to comply with all state and federal requirements.

#### **5.5.1 Reporting to Work**

Staff designated by the Executive Director or his/her designee(s) are to report to work as expected during all weather conditions. Due to the nature of the event, it may be necessary for employee work schedules to be altered in order to maintain continuity of operations during an emergency or abnormal operational event. If non-essential Employees<sup>3</sup> are scheduled to work but do not feel comfortable driving to work, they may use paid vacation time or take unpaid leave. However, the Executive Director may require that a Nonessential Employee<sup>4</sup> report to work if weather conditions reasonably allow in the Executive Director’s discretion. If it is critical that an employee report to work during inclement weather and they are not able to drive themselves, OJRSA will arrange for transportation for Essential Employees only.

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<sup>3</sup> Essential Employee shall mean those as identified for the various types of emergency events by the Executive Director and Leadership Team as stated within the current version of the OJRSA Emergency Action Plan. Nonessential Employees means all employees other than Essential Employees.

<sup>4</sup> An employee that is not serving as an Essential Employee per Footnote 3.

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### 5.5.2 Sheltering at Work

Inclement weather and/or other emergency may require certain staff to stay at OJRSA facilities or other designated locations (e.g., county emergency operations center), to ensure continuity of operations during an emergency or abnormal operational event. An employee who is required to shelter at work for less than twenty-four (24) hours will be compensated for all time on duty. An employee who is on duty for twenty-four (24) or more agrees to be compensated for all hours on duty except for a sleeping period not to exceed eight (8) hours, as long as a sleeping period of at least five (5) hours is provided by OJRSA.

## **SECTION 6 – COMPENSATION**

### **6.1 WAGES**

Employees are paid bi-weekly no later than 12:00 p.m. (noon) on Friday. Employees should examine their paychecks and pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made.

Salary Deduction Safe Harbor: OJRSA intends to pay all Exempt Employees their regular salary by only making proper deductions from their regular salaries. If an Exempt Employee believes that OJRSA has improperly deducted from employee's salary, the Employee should immediately contact the Executive Director, or the Office Manager or other position delegated with the Human Resources function, who will review the deductions in question, and will correct any deductions found to be improper by providing for compensation for the improper deductions and taking steps to prevent them in the future.

The OJRSA deducts from employees' gross pay all taxes and withholdings as required by the taxing authorities, as well as other mandatory deductions such as retirement contributions. The agency may also deduct from pay the employees' share of any premiums or plan contributions for insurance, optional retirement accounts (e.g., 401(k)), and similar plans that are elected by the employee. The agency may make other deductions as required by law or court order. The agency does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.

Debts owed to OJRSA, including advanced wages and payments of fringe benefit premiums are loans to employees and are due immediately upon separation of employment and may be deducted from wages owed or otherwise demanded for immediate repayment. Other amounts owed upon separation of employment, including payments for uniforms, tools, equipment, vehicles, instruction manuals, keys, identification cards, and other items belonging to OJRSA that are advanced or issued to an employee but not repaid or returned by the time of termination may be deducted from wages owed to the Employee pursuant to applicable law and may be demanded for immediate repayment if not repaid through wages owed. OJRSA may use a debt collection service to recover amounts owed by a former employee. This policy does not prevent OJRSA from demanding and recovering debts owed by current employees.

### **6.2 POSITION CLASSIFICATION**

Each position has been assigned or allocated to an appropriate classification as exempt from federal minimum wage and overtime requirements, or non-exempt meaning subject to minimum wage and overtime requirements, depending on applicable factors including the kind and level of its duties and responsibilities. The salary threshold as identified by an independent and qualified classification/compensation/benefits consultant and approved by the Board of Commissioners for exempt status of each position may be based on the minimum salary for that position's pay band so that all employees in the same position have the same classification, subject to exceptions at the discretion of the Executive Director.



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The classification plan may be amended from time to time by OJRSA. Such changes may result from the need of creating new positions, changes in organizational structure, or changes in assigned duties and responsibilities, or other applicable factors.

The OJRSA shall review all requests for creation of new positions, the abolition or consolidation of present positions, reclassification of positions to different job classes, or the reallocation of positions to new salary ranges. In such review, they shall study the current duties and responsibilities of the position concerned and take appropriate action necessary to insure the correct classification and allocation of the position.

Each manager and/or supervisor, as appropriate, shall report to the Executive Director changes in the organization or assignment of duties and responsibilities to a given employee which result in changes in the position classification plan or in the classification of any of the positions in their respective department. Periodically, the Executive Director will review all job descriptions of all employees and may report any recommended changes to the OJRSA Board of Commissioners for appropriate action if necessary.

An employee may submit a request in writing to the Executive Director at any time for a review of the duties and responsibilities of their position. Such a request shall be submitted through his/her supervisor and shall include the employee's own description of their current duties and responsibilities. The Executive Director shall then make an investigation of the position to determine its correct allocation report the finding to the OJRSA Board of Commissioners and furnish a copy to the employee requesting the review and to the employee's supervisor.

### **6.3 WORK WEEK AND OVERTIME**

The work week of the OJRSA is defined as Saturday at 12:00 a.m. (midnight) through the following Friday at 11:59 p.m.

**ALL OVERTIME MUST BE APPROVED BY THE OPERATIONS DIRECTOR OR THE EXECUTIVE DIRECTOR IN ADVANCE OF PERFORMING THE WORK, WHICH MUST BE DEEMED NECESSARY IN ORDER TO SUPPORT THE MISSION OF THE AGENCY.** The Operations Director and/or Executive Director may schedule an employee off during normal working hours during the same work week in lieu of accruing overtime, which is preferred whenever possible.

Time worked by non-exempt employees in excess of forty (40) hours in one (1) work week is considered to be overtime. Employees will receive pay for overtime at a rate of one-and-one-half (1.5) hours for each hour of overtime and will be paid the first pay day after the work period in which earned. OJRSA does not offer compensatory time.

See SECTION 6.5 for information on leave and holiday compensation.

### **6.4 EMERGENCY RESPONSE FOR NON-EXEMPT EMPLOYEES**

Returning to Work for Response: Call-back pay for emergencies shall be computed at a rate of one-and-one-half (1.5) times the regular pay rate for actual time worked during a call-in that lasts longer than one (1) hour. If less than one (1) hour is required for all calls in a single workday, personnel will receive one (1) hour pay times their regular hourly rate, unless the call back results in overtime during the work week. To be eligible for call-back pay at one-and-one-half (1.5) times the regular rate under this policy, an employee must have already been relieved of work for the day and must have left work. If an emergency arises while an employee is still at the workplace or before having been relieved of work for the day, even if the employee is working outside of his/her regular work hours at the time of the emergency or other work need, then the employee will receive his/her regular rate of pay for the hours worked unless or until those hours exceed forty (40) in the workweek at which time the overtime rate will apply.

Although the OJRSA is not obligated by law to do so, the agency currently reimburses non-exempt employees who use their personal vehicles in order to respond to an Emergency Call-In for reasonable mileage incurred at the standard IRS reimbursement rate, provided the employee completes and submits the Travel Expense Reimburse-

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ment Request form within five (5) working days of incurring the mileage to their supervisor for signature and, subsequently, to the Office Manager for processing. The OJRSA will only reimburse employees for Emergency Call-In mileage from the employee's home to and from the on-call site back to the employee's home. However, in the event an employee simply reports to work for his/her regularly scheduled shift or work hours immediately or shortly after working an Emergency Call-In, the employee will only receive mileage for the trip from the employee's home to the Emergency Call-In site. OJRSA reimburses for mileage as soon as administratively feasible following the timely reimbursement submission. The agency reserves the right to decline to reimburse employees for mileage in the event a mileage reimbursement request is not timely submitted in accordance with this policy. Employees should be aware that, in certain instances prescribed by the IRS, the OJRSA must deduct taxes from mileage reimbursements.

Response Not Requiring a Return to Work: When an employee must work to handle an issue that does not require the employee to return to the workplace, the employee will be paid for the actual time worked except that OJRSA will pay a minimum of fifteen (15) minutes for any issue that requires less time.

### **6.5 LEAVE AND HOLIDAY COMPENSATION**

**FOR COMPENSATION PURPOSES, VACATION, SICK, OTHER LEAVE INCLUDED IN SECTION 7.2 IS NOT CONSIDERED AS TIME WORKED.** Leave Compensation shall be granted in accordance with the appropriate subsection within SECTION 7.

An employee must work the last scheduled workday before and the first scheduled workday after a holiday to be paid for the holiday unless the absence is pre-approved or if they have a physician's statement for the workday(s) immediately preceding or following the holiday.

#### **6.5.1 Non-Operator Holiday Compensation**

- A. Holiday compensation is paid at a regular rate (no overtime) for the number of the employee's normal working hours (e.g., an employee that normally works eight (8) hours a day shall receive holiday compensation for eight (8) hours while a ten (10) hour a day employee receives ten (10) hours of holiday compensation).
- B. On-Call Response Compensation: If a non-exempt employee must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., respond to alarm at pump station or overflow, etc.), then they receive holiday pay as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

#### **6.5.2 Operator Holiday Compensation**

- A. Non-exempt regular full-time Operators who are scheduled to and do work on a holiday observed by OJRSA will be paid one and one half (1.5) times their regular hourly rate of pay for their actual hours worked on the observed holiday, in addition to holiday pay of the number of normal work hours for their position at a rate if hour-for-hour (non-overtime rate).<sup>5</sup> Regular full-time non-exempt Operators who do not work on an observed holiday will receive the holiday pay equal to the number of hours of their normal work day. Typically, the on-call Operator will work a schedule of 7:00 a.m. to 12:00 p.m. (noon) on a holiday; however, this is subject to change based on organizational need. If an emergency such as high flow, equipment failure, or a power outage at the treatment plant occurs, the Operator will notify the supervisor immediately. The supervisor may assign a Maintenance Technician or other resource to assist and/or replace the Operator.
- B. On-Call Response Compensation: If a non-exempt Operator must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., perform daily check of WRF), then they receive holiday pay as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate.

<sup>5</sup> Example—If Operators normally work a ten (10) hour workday, then they will receive holiday pay for ten (10) hours.

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- C. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6 OJRSA will pay non-exempt Operators who are called in during their on-call week at the overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

### **6.6 EXEMPT EMPLOYEE EMERGENCY AND DISASTER PAY**

OJRSA shall pay exempt employees that are required to work beyond their traditional hours at an hour-for-hour rate due to a declared emergency or disaster by the federal government, which is normally issued by the Federal Emergency Management Agency (FEMA). Pay shall only be issued once the disaster is officially declared by the federal government; a federal declaration is not to be assumed.

Exempt staff whose function is determined to be necessary for emergency mitigation and administrative functions must accurately account for their hours, which is to include normal working hours as defined in SECTION 5.1.

Pay shall abide by all OJRSA policies governing overtime and emergency call-back pay for non-exempt staff with the exception of the multiplier (1.0x the hourly wage for exempt employees versus 1.5x for non-exempt staff).

Exempt staff do not receive on-call pay.

### **6.7 ON-CALL AVAILABILITY PAY**

Non-exempt employees who serve in an on-call capacity for emergencies will receive fifteen dollars (\$15) each day, including workdays, weekends, and holidays. They are paid this amount whether called into work or not. If, on occasion it is necessary to split this pay between two (2) or more individuals, then the per-day rate shall be divided proportionately based on the percent of the day each employee had to serve in standby capacity.<sup>6</sup>

### **6.8 ERRORS IN PAY AND TAX DOCUMENTS**

It is OJRSA's policy and practice to accurately compensate employees and to do so in compliance with applicable state and federal laws. To ensure that employees are properly paid for all time worked and that no improper deductions are made, non-exempt employees must accurately record all time worked, and all employees must review their paychecks and all tax documents (e.g., Form W-2) promptly upon receipt in order to identify and report all errors to the agency as soon as possible but within the same work week, if possible. Employees must report all errors in pay including any deductions from pay they believe to be improper to the Executive Director, or the Office Manager or person delegated with the Human Resources function. Employees will not be retaliated against for reporting errors in pay and must immediately report any concerns about retaliation to the Executive Director or the Chair of the Board of Commissioners.

### **6.9 WORKING FROM HOME OR OFFSITE**

Unless specific, advance written authorization from the Executive Director is obtained, which is only granted in rare circumstances where compelling business-related or other justifications exist in OJRSA's sole discretion, no non-exempt employee may work from home. Any employee who is granted permission in this regard must accurately record and report to OJRSA all hours worked so that OJRSA can pay the employee appropriately. Any permitted work from home will be temporary and will not amend job requirements to be present in the workplace or regarding attendance. Employees are subject to all the Personnel Manual policies while working remotely.

### **6.10 MERIT INCREASES**

An employee may be eligible for a merit increase upon satisfactory evaluation on a schedule approved by the OJRSA Board of Commissioners. The OJRSA does not guarantee merit or any other increases nor does it guarantee evaluations.

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<sup>6</sup> Example—Employee A served in the standby role for the first 10 hours of a day and Employee B served in the role for 14 hours. Based on a 24 hour day, Employee A covered 41.67% of the day and Employee B covered the remaining 58.33%, so by multiplying the \$15 per day standby pay by the appropriate percentage and rounding to the nearest cent, Employee A shall receive \$6.25 and Employee B \$8.75 in standby pay for this day.

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### **6.11 NEW APPOINTMENTS**

A new employee shall be paid at least the minimum of the approved salary grade for the position to which he/she is appointed. In exceptional cases, the person may be appointed above the minimum based on qualifications and experience by the approval of the Executive Director within parameters granted by the OJRSA Board of Commissioners.

### **6.12 TEMPORARY APPOINTMENTS**

When a vacancy is filled by a temporary appointment, the employee shall be paid at the minimum step of the applicable salary grade for the position or at their current rate, whichever is higher.

### **6.13 DEMOTIONS**

An employee demoted for disciplinary reasons to a classification having a lower salary grade shall receive such salary within the lower salary grade as the OJRSA shall specify.

## **SECTION 7 – EMPLOYEE BENEFITS**

### **7.1 HEALTH INSURANCE**

#### **7.1.1 Eligibility**

Employees will become eligible for insurance in accordance with OJRSA's group health insurer requirements and other applicable OJRSA policies as defined by the *OJRSA Personnel Policy Manual*.

#### **7.1.2 Insurance Plans and Costs**

The group health insurance provider for the OJRSA is the South Carolina Public Employee Benefit Administration ("PEBA") and the agency follows all policies and requirements of PEBA. The agency provides the State Health Plan's Standard Plan, Vision, and Dental/Dental Plus, Long-Term Disability, and a \$3,000 life insurance policy for the Regular Full-Time Employees at no additional cost. Insurance is available to family members as allowed by PEBA; however, the OJRSA does not subsidize the employee portion of these expenses.<sup>7</sup>

#### **7.1.3 Coverage for Employees on Leave Without Pay**

The OJRSA shall follow all PEBA and other requirements regarding Consolidated Omnibus Budget Reconciliation Act ("COBRA").

As a matter of general policy, OJRSA will continue to pay an employee's health insurance (employee only) for a period not to exceed six (6) months in duration after an employee uses accrued Sick Leave and Vacation Leave and is placed on Leave Without Pay, after which the employee shall have the option to pay his/her insurance premium through OJRSA for the duration of the Leave Without Pay. OJRSA reserves the right to require employees to reimburse these health insurance premiums paid on their behalf.

### **7.2 LEAVE**

#### **7.2.1 General Leave Policy**

Unless noted within SECTION 7.2, all employees shall earn leave based on an eight (8) hour workday.

#### **7.2.2 Vacation Leave**

Vacation Leave is earned in accordance with the following policies:

##### **A. Rate of Accrual**

1. Full-Time Employees: All full-time employees shall earn paid Vacation Leave according to Table 6.

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<sup>7</sup> Eligible employees may also elect to participate in other plans offered by PEBA to potentially save on the costs they will pay to cover eligible family members.

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Table 6: Vacation Leave accrual rate

Continuous Service	Total Vacation Time Accrued Per Year	Annual Vacation Accrual Rate
Less than 1 year	60 hours total earned during first year	Accrue 5.00 hours per month starting the first day of the month following the employee's first day of employment
1 Year	80 hours	Employees begin accruing 6.67 hours per month starting the first day of the month following their 1st anniversary date
2-5 Years	96 hours	Employees begin accruing 8.00 hours per month starting the first day of the month following their 2nd anniversary date
6-9 Years	112 hours	Employees begin accruing 9.33 hours per month starting the first day of the month following their 6th anniversary date
10-13 Years	120 hours	Employees begin accruing 10.00 hours per month starting the first day of the month following their 10th anniversary date
14-17 Years	136 hours	Employees begin accruing 11.33 hours per month starting the first day of the month following their 14th anniversary date
18+ Years	176 hours	Employees begin accruing 14.67 hours per month starting the first day of the month following their 18th anniversary date

2. Part-Time, Seasonal, and Other Employees: Part-time employees and/or Other Employees shall not accrue, nor be paid for, any Vacation Leave.
3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) consecutive workdays do not accrue paid Vacation Leave.
4. If an employee is using Donated Sick Leave, then they are not eligible to accrue Vacation Leave.

**B. Use of Vacation Leave**

1. Vacation Leave cannot be taken before it is accrued.
2. Vacation Leave, subject to the approval of the Operations Director or Executive Director, may be taken in quarter hour, half hour, hour, and full day increments.
3. Except in the case of an emergency, all vacation must be approved in advance by the Supervisors, Division Managers/Directors, or Executive Director. Whenever possible, an employee wishing to take more than eight (8) hours of Vacation Leave should request approval at least one (1) week in advance.
4. Whenever possible, employees will be allowed to take Vacation Leave at times most convenient to them. However, in order to ensure continuous operation and maintain a high level of quality in the delivery of services to the users of the OJRSA, the agency reserves the right to limit the number of employees that may be absent from a given department or unit at any time. When there is conflict in the vacation choices of two (2) or more employees who cannot be spared at the same time, the Executive Director will make the determination.
5. Employees cannot take more than two (2) weeks of leave concurrently without the approval of the Executive Director, which includes any combination of Vacation Leave and observed Holidays.
6. When a paid holiday is observed by OJRSA during the period an employee is on Vacation Leave, the employee shall receive their regular holiday pay, and that day shall not be charged against the employee's vacation earnings.

**C. Payment and Accumulation of Vacation Leave**

1. Up to three hundred sixty (360) hours of Vacation Leave may be carried over from one calendar year to another. Vacation Leave that accumulates in excess of three hundred sixty (360) hours must be used by the end of the calendar year or it will be forfeited so that only three hundred sixty (360) hours will carry over to the following calendar year (starting January 1)..
2. At the time of separation from service for non-disciplinary reasons, an employee shall be entitled to any Vacation Leave pay accumulated and not previously used, provided the employee gives and works a two (2) week notice. The requirement for this two (2) week notice may be waived by the Executive Director, in his/her discretion, based upon the needs of the organization.

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- D. Transfer of Vacation Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Vacation Leave.

### 7.2.3 Sick Leave

Sick Leave is earned in accordance with the following policies:

- A. It is the policy of OJRSA to provide reasonable time off with pay, up to the amount of unused Sick Leave, to employees who are unable to work due to personal illness or injury.
- B. Rate of Accrual
1. Regular Employees: Starting on the first day of the first full month of employment, Employees will earn eight (8) hours of paid sick leave and will be eligible to use accrued sick leave immediately after it first accrues.
  2. Part-Time, Seasonal, and Other Employees: Part-time employees and/or Other Employees shall not accrue, nor be paid for, any Sick Leave.
  3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) consecutive workdays do not accrue credits for paid Sick Leave while in Leave Without Pay status. If an employee is using Donated Sick Leave, then they are not eligible to accrue Sick Leave.
- C. Use of Sick Leave
1. Sick Leave will be charged in quarter hour, half hour, hour, and full day increments.
  2. Sick Leave may be taken for personal medical, eye care, and dental appointments.
  3. Sick Leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health or safety of fellow workers.
  4. Employees who exhibit symptoms of illness may be required to leave work. In such cases, Sick Leave must be used. (See SECTION 3.4 for more information).
  5. When a paid holiday occurs during the period an employee is on Sick Leave with pay, the employee shall receive only their regular holiday pay provided they have prior approval from their supervisor for the time off or a written doctor's excuse (See SECTION 6.5), and that day shall not be charged against their Sick Leave earnings.
- D. Payment and Accumulation of Sick Leave:
1. In order to be eligible to use Sick Leave, an employee must:
    - a. Report to their supervisor at least thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor at least one (1) hour before beginning of shift. An employee who fails to notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.
    - b. If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised of his/her condition and anticipated date of return.
    - c. Submit a statement from the attending healthcare provider as to the nature and duration of the illness, if requested. Such certification is required for absences of three (3) consecutive work days or longer. A healthcare provider's statement is also required whenever a given individual has already utilized over forty-eight (48) hours of Sick Leave, which includes Family Sick Leave, during the last rolling backward twelve (12) month period, or for any other reason the agency determines such certification is warranted. At the employee's request, OJRSA, at its discretion, may allow up to one (1) additional day of Sick Leave beyond the return-to-work date as stated on the physician's statement without requiring an additional doctor's note with a new date listed.
    - d. Upon leaving OJRSA employment for whatever reason other than retirement, an employee will not be paid for unused accrued Sick Leave.
    - e. If an employee retires from OJRSA, they may be eligible to use Sick Leave as a credit toward retirement in accordance with PEBA requirements.
  2. Sick Leave may be accrued and carried over from year-to-year, but Sick Leave accumulated in excess of seven hundred twenty (720) hours shall be forfeited following close of business on the last calendar day of each anniversary year for the employee.

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**E. Family Sick Leave**

1. Employees earning Sick Leave, as stated in the section of the *OJRSA Personnel Policy Manual* titled "SICK LEAVE," (7.2.3) may use up to forty (40) hours of Sick Leave annually (based on the calendar year) to care for ill members of their immediate families. For purposes of this policy, the employee's "immediate family" means the employee's spouse, children, parent, brother, sister, grandparent, legal guardian, or grandchild.
2. In order for staff to use Family Sick Leave, the following requirements must be observed:
  - a. Report to their supervisor thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor one (1) hour before beginning of shift. An employee who fails to notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.
  - b. If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised of their anticipated date of return.
  - c. Proof from the Immediate Family Member's attending healthcare provider, which states the member was under the provider's care, must be submitted to the Office Manager in cases involving Family Sick Leave absences of three (3) consecutive work days or longer or if employee has used more than forty-eight (48) sick hours in a rolling backward twelve (12) month period.

**F. Parental Leave and Lactation Support**

1. OJRSA supports employees who are pregnant, during and after their pregnancies by providing leave for the prenatal needs, birth, recovery, and bonding with their child, as well as employees adopting or beginning foster care relationships with children, by providing Parental Leave.
2. To be eligible for this policy, employees must have been employed on a full-time basis for at least six (6) consecutive months.
3. OJRSA provides eligible employees with up to eight (8) weeks of unpaid leave that can be used for prenatal care and needs, the birth and recovery from birth, and bonding. Employees can, but are not required to, use accrued Vacation and/or Sick Leave for any portion of the Parental Leave Period. Employees can apply for short-term disability and any other health and welfare benefits in which they may be enrolled through their employment. Employees must give OJRSA as much advanced notice of the need for Parental Leave as possible and work with their supervisor and the Office Manager (or other position delegated with the Human Resources function) to plan for the leave, subject to changes to the plan as necessary for unexpected needs. Employees must communicate with OJRSA during leave as requested and must update OJRSA in changes to the plan during the leave as promptly as possible. Parental Leave is job-protected as long as employees can return to work as planned or within a reasonable time thereafter. OJRSA's other leave policies may apply to a need for extended leave beyond the Parental Leave.
4. OJRSA provides reasonable time for employees to express breast milk. Employees should use their regular break time and/or their meal break for this purpose, where possible. If not possible, then OJRSA will provide reasonable additional unpaid time for expressing breast milk. Employees who need lactation support should notify the Office Manager (or other position delegated with the Human Resources function) to agree on a reasonable schedule for expressing breast milk. OJRSA will provide a private, secure location other than a bathroom for this purpose.

**G. Absence Due to Illness or Exposure or Exposure to Diseases**

1. An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (for example, the flu, measles) must report this exposure to his supervisor prior to reporting to work, even if the employee is not experiencing symptoms. OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.
2. Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor. If in OJRSA's sole opinion, it does not appear that the employee can safely perform his job or is a risk to others, he/she will be sent home.

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#### H. Long Term Illness

1. General: After an employee who has completed at least one (1) year of satisfactory service has used all accrued Sick Leave, he/she must use all accrued vacation before being placed on leave without pay. Such Leave Without Pay may be up to six (6) months from the last day worked, with special written permission by the Executive Director. However, there is no guarantee of the length of the Leave Without Pay, nor is there a guarantee that OJRSA will be able to hold the employee's position for the duration of the leave. Decisions will be made on a case-by-case basis.
2. Returning to Work: The position held by an employee may be held open while they are on an extended medical leave by redistributing the work among the other employees in the department, or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a permanent basis, the employee shall be notified immediately, and OJRSA will attempt to place the employee in a position of like status and pay for which he/she is qualified when able to return to work.
3. If an employee is unable to return to work on the date established for his/her return to duty, they shall notify their supervisor as soon as possible. An employee who fails to return to work on the date established, and fails to notify their supervisor in advance, will be considered to have resigned.
4. The agency reserves the right to require a statement from the employee's attending healthcare provider that the employee is able to resume his/her normal duties and schedule before allowing the employee to return to work.

I. Transfer of Sick Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Sick Leave.

#### J. Transfer of Sick Leave to Co-Worker

1. Employees are authorized to transfer accumulated Sick Leave to another employee who has exhausted his/her Sick Leave, Vacation Leave, and other paid leave, and who is personally experiencing a catastrophic injury, long-term illness, pregnancy-related disability, or delivery of a baby and maternity leave to care for the child (collectively "Catastrophic Illness") which will require absences in excess of twenty (20) days. This policy excludes elective surgery. A panel consisting of the Executive Director, Office Manager, and Board Chair will determine whether the illness or injury is catastrophic based on information presented, the extent of impairment to an employee's ability to perform his/her job, and other circumstances.
2. In order to be eligible to receive days to be used from other employees, the employee who meets the catastrophic illness criteria must:
  - a. Be a full-time non-probationary OJRSA employee; and
  - b. Must be scheduled by a physician to be out of work for twenty (20) or more consecutive days as a result of illness or accident (an exception may be made for intermittent catastrophic illnesses as defined herein).
3. A Catastrophic Illness may also be intermittent in nature, meaning that it could be an "on-going" illness to the employee that would require him/her to use sick leave at intermittent times due to the type of illness and treatment. For intermittent Catastrophic Illness, an employee may be able to return to work for a period but must take leave occasionally due to special treatment or therapy.
4. A staff member who meets the eligibility criteria as described in this policy may apply to draw from a co-worker's donated Sick Leave using an Application for Use of Donated Sick Leave form. This application must be accompanied by a Physician's Confirmation containing the nature and expected duration of the disabling condition. An employee is only eligible to receive donated sick leave for one (1) event per calendar year, and the maximum number of days which may be used from donations shall be thirty (30) days per calendar year.
5. Members who have been approved for Workers' Compensation due to a job-related injury, or who have been approved for, and are receiving disability benefits, are not eligible to apply for Donated Sick Leave days.
6. The employee who transfers Sick Leave time to another employee shall lose the number of days of accumulated leave that is transferred. The transfer of leave time shall be done on a volunteer basis. A



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Sick Leave Transferal Request form must be filled out authorizing the transfer of time.

#### 7.2.4 Compensatory Leave

Compensatory Leave, commonly referred to as “comp time,” is not awarded by OJRSA. Eligible staff that work overtime shall receive compensation in accordance with SECTION 6.3 and other applicable sections of the *OJRSA Personnel Policy Manual*.

#### 7.2.5 Bereavement Leave

In the event of a death in the employee’s immediate family, the employee may take leave with pay, not to exceed three (3) days. The term “immediate family,” for the purpose of this subsection, shall include:

- A. The employee’s spouse, child, parent, brother, sister, grandparent, grandchild, or legal guardian.
- B. The child, parent, brother, or sister of his/her spouse.

The OJRSA may require proof of relationship to the deceased to confirm they are immediate family as defined in this policy.

The number of hours of Bereavement Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

#### 7.2.6 Civil Leave

The number of hours of Civil Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

**Jury Duty:** All OJRSA fulltime employees selected for jury duty shall be entitled to Civil Leave with pay for the period of absence required up to a maximum of ten (10) days per year. Such leave shall not be charged to Vacation or Sick Leave balances, except that on any day when such employee is excused from service on a jury, he/she will be expected to report for duty at their regular place of work, if within reasonable commuting distance, or be charged Vacation Leave for time excused from jury duty. Likewise, any period for which an employee is excused from jury duty, because of illness, shall be charged to Sick Leave. An employee shall be entitled to all fees received as a juror.

**Official Court Attendance:** All employees subpoenaed or ordered to attend court to appear as a witness, or to testify in their OJRSA official capacity, shall be entitled to Civil Leave with pay for such period as his/her court attendance may require.

**Private Litigation:** A leave of absence of an OJRSA employee to appear in private litigation in which they are a party or witness shall be charged to Vacation Leave or to Leave Without Pay at the employee’s choice.

#### 7.2.7 Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law.

Employees on Military Leave will receive paid leave for up to fifteen (15) days per rolling backward twelve (12) month period (looking back twelve (12) months from the day the leave is to begin to determine the balance of the paid leave used in that twelve (12) month period) year for training or call-up. In addition, if an employee is called upon to serve during an emergency, the employee will receive paid leave of absence not exceeding thirty (30) additional days for a total of forty-five (45) days per military fiscal year.

The number of hours of Military Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

#### 7.2.8 Educational Leave

This policy is provided to encourage all regular employees to continue their education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities

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in the future. The Executive Director has the authority to determine whether classes meet this requirement. Classes should be scheduled during off-duty hours and should not regularly interfere with the employee's normal working hours. Employees should notify their department manager and the Executive Director at the time they register for classes if taking classes that might interfere with their normal working hours.

If classes interfere with an employee's work schedule, then upon request, the Executive Director may approve unpaid leave to accommodate the occasional or unexpected need for leave for class requirements.

This policy applies to employees' elective education, not to mandatory continuing education required for the employee's position with OJRSA.

### 7.2.9 Leave Without Pay

Full-time employees may be granted Leave Without Pay for personal reasons. Normally, it is granted only when the employee has used their accumulated Sick and Vacation Leave in the case of illness, or Vacation Leave if Leave Without Pay is requested for reasons other than illness. Written request for Leave Without Pay must be initiated by the employee, favorably endorsed by his/her supervisor, and approved by the Executive Director before becoming effective. Such leave shall not be approved for a period longer than twelve (12) weeks of combined leave (Sick Leave, Vacation Leave, and Leave Without Pay) within a rolling backward twelve (12) month period (as defined in the Military Leave policy above)..

## **7.3 HOLIDAYS**

The eleven (11) holidays below are observed by OJRSA. Each day is paid with the employee's normal working hours per SECTION 5.1.

- A. New Year's Day
- B. Martin Luther King, Jr. Day
- C. Memorial Day
- D. Independence Day
- E. Labor Day
- F. Veteran's Day
- G. Thanksgiving Day
- H. Day After Thanksgiving
- I. Christmas Eve
- J. Christmas Day
- K. Day After Christmas

If a holiday falls on a Sunday, it shall be observed on the following Monday; and if a holiday falls on a Saturday, it shall be observed on the preceding Friday.

Where it is necessary to maintain service requiring a regular employee to work on an official holiday, such employees shall be paid for all hours worked in addition to receiving holiday pay.

Pay for holidays is defined in SECTION 6.5 of the *OJRSA Personnel Policy Manual*.

## **7.4 TUITION REIMBURSEMENT**

### 7.4.1 Eligibility

Employees that are interested in continuing their education must meet the following criteria:

- A. Be a Regular Full-Time Employee with at least one (1) year of continuous service.
- B. Courses must be directly related to and of assistance to the employee in their work with OJRSA.
- C. Courses must be taken through an accredited institution.
- D. The curriculum must be presented to the department manager in advance in order for the manager to determine if the employee's work responsibilities and academic load are compatible.

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7.4.2 Covered Expenses

An employee may be reimbursed for the cost of tuition, all course-related fees, and one-half (1/2) the cost of required books. All other costs, such as activity fees, graduation fees, shall be paid by the employee.

7.4.3 Applying for Reimbursement

Within ten (10) days after receiving grades, the employee shall submit an Application for Tuition Reimbursement form to the Administrative Office with the following attachments:

- A. Receipts showing the amounts paid for tuition fees and books.
- B. A copy of the employee's official transcript, grade sheet, or other proof of satisfactory completion, as appropriate. Payment may be made only for those courses in which the employee earns a grade of "C" or better for the course. Proof of satisfactory completion will be required for those courses for which grades are not given. After approving the application, the Executive Director will forward the form for payment.

7.4.4 Conditions

- A. Managers must inform the Executive Director prior to April of each year in order for the expense to be placed into the agency's budget.
- B. The OJRSA's obligation to pay education assistance expenses is voided if an employee voluntarily terminates their employment or is terminated involuntarily before completing an approved course. In such cases, any costs already incurred by the OJRSA will be deducted from the employee's final paycheck.

7.4.5 Required Courses

From time to time, it may be necessary for OJRSA to require certain employees to take one (1) or more courses. When this occurs, the agency will pay all of the costs of the course, including tuition, fees, book, and reasonable transportation costs as well as the employee's compensation for the time in the required course.

7.4.6 Advancement of Wages for Tuition Purposes

When an employee's position with OJRSA requires continuing education or training in order to obtain or maintain a certification or license, OJRSA may approve an advance of the employee's wages for some or all of the cost. An employee must request the advance of wages to the Executive Director, who must approve that the education or training qualifies, and who approves the amount to be advanced. In order to receive an advance of wages for this purpose, the employee must sign an agreement with OJRSA containing additional terms and conditions of the advanced wages, including that the employee will repay the wages through payroll deductions or otherwise as specified in the agreement.

**7.5 RETIREMENT BENEFITS**7.5.1 Pension

OJRSA participates in the South Carolina Retirement System, which is administered by PEBA. Membership in the retirement programs offered by PEBA is mandatory as a condition of employment. OJRSA employees are subject to the laws, rules, regulations, and policies of PEBA.

7.5.2 Insurance

OJRSA offers health insurance coverage to retirees that meet the eligibility qualifications as required by PEBA for local subdivisions of the state. The terms of this coverage are dictated by PEBA and may change from time-to-time without notice from OJRSA. Currently, the employee shall be responsible for zero percent (0%) of the associated employer expenses and zero percent (0%) of the employee expenses.

**7.6 OPTIONAL BENEFITS**

OJRSA may offer employees and their eligible family members other optional benefits through PEBA and other agencies, such as life insurance, supplemental insurance (e.g., Aflac), tax-favored medical and dependent care account programs (e.g., MoneyPlu\$), and supplemental long-term disability insurance. All such benefits are subject to the rules, policies, and rates of the agencies providing the benefits, and may change from time-to-time without notice from OJRSA. OJRSA does not subsidize these costs and the employee is entirely responsible for all associated rates for products they elect to procure.

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## **7.7 EXAMINATIONS, MEMBERSHIPS, LICENSES, AND CERTIFICATIONS**

### **7.7.1 Responsibilities**

Below are the employee's responsibilities regarding examinations, licenses, and other such matters:

- A. Employees must commit to obtaining the necessary Continuing Education Units ("CEU") or Professional Development Hours ("PDH") to maintain their license or certification. While the OJRSA will attempt to make these opportunities available to staff, it is ultimately the responsibility of the employee to ensure they have the necessary CEUs and PDHs necessary to maintain their license or certification.
- B. It is the responsibility of the employee to keep track of their CEUs and PDHs.
- C. The employee must remain in good standing with the licensing and certification agencies at all times.
- D. Employees must provide a copy of the current license or certification to the Office Manager. A copy of the documents will be placed in the employee's personnel file.

### **7.7.2 Reimbursement Criteria and Conditions**

The OJRSA will either pay for or reimburse eligible employees for certain fees associated with job-related requirements and memberships as stated in, Table 7, Table 8, and Table 9. In order for an employee to be considered eligible, the exams, professional memberships, and licenses must either be required by the employee's current position description or is considered beneficial or advantageous to the agency. In order for an employee to have the agency pay for these items through reimbursement or direct pay, the following conditions shall apply:

- A. The employee must have the approval of his/her supervisor prior to scheduling an exam or joining a professional organization as a member.
- B. The employee must provide the Office Manager with a copy of the invoice and certification, membership, or license in order to receive reimbursement or direct pay by the agency. If an employee prefers to be reimbursed, payment shall be made to the employee via check during the following pay period after providing the necessary documentation to the Office Manager.
- C. If an examination is failed or must be rescheduled after the cancelation or reschedule date, the OJRSA will pay for the missed exam only if it was the fault of the OJRSA; otherwise, the employee shall be responsible for paying for the text.
- D. The OJRSA is not responsible for fees associated with late payments, whether it is due to the employee failing to submit payment in a timely manner or providing payment to the Office Manager for payment and processing too close to the deadline for timely delivery. If the delay is due to the OJRSA, the agency shall pay the late fees.

*Table 7: Exams eligible to be reimbursed for by OJRSA*

<b>Exam</b>	<b>Reimbursement Conditions</b>
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for each level or type of exam <u>once</u> .
South Carolina Department of Environmental Services ("SCDES") Backflow Prevention Certification	The OJRSA will pay for the exam <u>once</u> .
SCDES Certified Erosion Prevention and Sediment Control Inspector ("CEPSCI")	The OJRSA will pay for the exam <u>once</u> .
Municipal Association of South Carolina ("MASC") Electrical Certification	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
SC Professional Engineer or Surveyor	The OJRSA will pay for the exam <u>once</u> .
South Carolina Department of Motor Vehicles ("SCDMV") Commercial Driver's License Permit	The OJRSA will pay for the exam <u>once</u> .
SCDMV Commercial Driver's License Skills Test ("permanent" license) – Only valid for SC Class "A" (with Z restrictions)	The OJRSA will pay for the exam <u>twice</u> — once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.

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or “B” CDL, tanker endorsement is also required	
SCDMV Commercial Driver’s License Tanker Endorsement	The OJRSA will pay for the exam <u>once</u> .
South Carolina Labor, License, and Regulation (“SCLLR”) Biological Wastewater Treatment Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Water Environment Association of South Carolina (“WEASC”) Voluntary Collection System (“VCC”) Collection System Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

Table 8: Memberships eligible for reimbursement by OJRSA

<b>Membership</b>	<b>Reimbursement Conditions</b>
American Water Works Association (“AWWA”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Society for Human Resource Management (“SHRM”) for Office Manager or Director	The OJRSA will pay for once per year.
Water Environment Association of South Carolina for licensed Water Reclamation Operators and Collection System staff	The OJRSA will pay for once per year.
Water Environment Federation (“WEF”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

Table 9: Licenses and certifications eligible for reimbursement by OJRSA

<b>License and Certification</b>	<b>Reimbursement Conditions</b>
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for once per year.
SCDES Backflow Prevention Certification	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
SCDES CEPSCI	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
MASC Electrical Certification	The OJRSA will pay for once per year.
SC Professional Engineer or Surveyor	The OJRSA will pay for once per year.
SCDMV Commercial Driver’s License new and renewal	The OJRSA will pay for as required by SCDMV but in no case more frequently than once per year.
SCLLR Biological Wastewater Treatment Operator	The OJRSA will pay for once per year.
SCLLR Physical/Chemical Treatment Operator	The OJRSA will pay for once per year.
WEASC VCC Collection System Operator	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

**7.8 HAND TOOL PURCHASING POLICY**

Employees in the Conveyance System, Maintenance, and Water Reclamation Facility Operations departments are required to provide their own hand tools in order to perform OJRSA-required tasks. Hand tools are considered commonly used tools such as wrenches, power saws, drills, impact drivers, etc. Hand tools do not include specialty tools like welders, rotary hammers, generators, or safety equipment, which will be provided by OJRSA.

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Employees are expected to have and use their own tools and maintain them in good working order.

OJRSA will assist employees with purchasing tools through payroll deduction under the following conditions:

- A. **ANY MONEY PROVIDED TO EMPLOYEES TO PURCHASE HAND TOOLS IS CONSIDERED AN ADVANCEMENT OF WAGES, THE VALUE OF WHICH CAN BE DEDUCTED FROM THE EMPLOYEE'S FINAL PAYCHECK, INCLUDING FROM ACCRUED LEAVE.** (See SECTION 6.1 for more information)
- B. The OJRSA will advance wages not to exceed five hundred dollars (\$500) every six (6) or twelve (12) month period, whichever the employee chooses when completing the Payroll Deduction Purchase Agreement form. This period cannot be modified once the form is submitted to the Office Manager for processing; however, employee can elect to reimburse the OJRSA earlier than the date stated on the form.
- C. Employee can only have one (1) advancement of wages for hand tool purchases at a time.
- D. The hand tools are kept in good, safe working condition. **DAMAGED OR UNSAFE TOOLS ARE NOT TO BE USED FOR OJRSA TASKS. FAILURE TO COMPLY WITH THIS CONDITION COULD LEAD TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.**

The OJRSA is not responsible for the replacement of lost, stolen, or damaged tools. If an employee is currently paying on a hand tool(s) that was purchased using this policy and it is lost, stolen, or damaged, then they are still responsible for reimbursing the OJRSA in accordance with this policy and the employee remains ineligible to receive an additional advancement of wages until reimbursement is complete.

## **SECTION 8 – OTHER PERSONNEL POLICIES**

### **8.1 RESPONDING TO EMERGENCIES, ALARMS, AND OTHER ABNORMAL CONDITIONS**

The following protocols must be adhered to by staff members who respond to emergencies, alarms, and other abnormal operational situations:

- A. A cellphone or other such communication device is provided by OJRSA to assure constant communication from the plant with the person on-call. This device must be kept in the on-call employee's possession at all times while on-call and must be in good working condition.
- B. On-call personnel are required to respond immediately to calls, correct problems, and restore operation as safely and efficiently as possible. If additional help or personnel are needed, the Maintenance Supervisor, Operations Director, and Executive Director must be notified as soon as reasonably possible.
- C. On-call personnel shall be able to respond to the Coneross Creek Water Reclamation Facility within forty-five (45) minutes at all times when serving in an on-call role.
- D. Any on-call personnel that receives an alarm or notification must acknowledge the condition in accordance with agency protocols.
- E. Documentation of Response: The Documentation of Response Procedure is as follows (subject to change from time-to-time):
  - 1. If a physical response to the condition is necessary at any time, including if it is performed at a later date and/or time during normal work hours, then a work order must be completed for each situation and the Standby Call-In Log must be completed.
  - 2. If a situation can be appropriately addressed without a physical response, then it is not necessary to complete a work order; however, the Standby Call-In Log must be completed during the next scheduled work day.

### **8.2 DRESS CODE**

#### **8.2.1 Objective**

OJRSA strives to maintain a workplace environment that is safe, well-functioning, and free from unnecessary distractions and annoyances. As part of that effort, the company requires employees to maintain a neat and clean

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appearance that is appropriate for the workplace setting and the work being performed. To that end, the Executive Director may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

### 8.2.2 Procedures

All agency staff members are expected to present a professional, businesslike image to visitors, customers, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods with special emphasis on the requirement of staff to wear PPE as necessary. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

All staff members must carry or wear the OJRSA identification badge at all times while working.

### 8.2.3 Specific Requirements

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or PPE, depending on the nature of their job. Below is a list of expectations for staff:

- A. **Uniformed Employees:** Uniforms and protective clothing may be required for certain positions and will be provided to employees by the agency. Those positions that are provided with a uniform shall wear their uniform at all times while performing work for the agency and should keep the uniform in good condition. Because of the potential exposure by staff to bloodborne pathogens at the workplace, OJRSA provides laundry services for uniforms and employees are expected to use this service unless a Laundry Service Waiver form has been read and signed by the employee.
- B. Employees are prohibited from wearing OJRSA uniforms during non-work time.
- C. **Non-Uniformed Employees:** Non-uniform staff members are expected to present a professional appearance and are not permitted to wear ripped, frayed, or disheveled clothing or athletic wear. Likewise, tight, revealing, or otherwise workplace-inappropriate dress is not permitted. Shirts should be tucked in. While professional open-toe shoes are generally acceptable by administrative staff while working in offices, flip-flops are not.
- D. **Jewelry and Tattoos:**
  1. Front-line staff must wear jewelry, including implements such as piercings and ear gauges, in compliance with all applicable safety requirements.
  2. Visible tattoos are allowed as long as they are not considered offensive in nature (e.g., sexual, racist, etc.). If such "offensive" tattoos exist, they must remain covered at all times while on the job. Office staff should not have body art (e.g., surgically implanted ball bearings, spikes, etc.).
- E. **Facial Hair:** Employees who are required to wear a respirator as a part of their job description must be clean shaven in order for their respirator to fit properly.

### 8.2.4 Corrective Action

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate attire or does not meet the grooming standards, the employee will be subject to corrective action and will be required to go home, change into conforming attire or properly groom, and return to work. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

## **8.3 WORKPLACE PRIVACY AND COMPUTER, SOCIAL MEDIA, AND ELECTRONIC DEVICE ABUSE**

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work twenty-four (24) hours a day, seven (7) days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces.

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Personal items and personal communications received or stored on OJRSA premises are not entitled to a guarantee of privacy.

Management may search OJRSA property and documents in OJRSA-owned vehicles, employee desks, lockers, file cabinets, etc. **EMPLOYEES HAVE NO REASONABLE EXPECTATION OF PRIVACY IN ANY OJRSA PROPERTY, WHICH MAY BE SUBJECT TO SEARCH BY THE AGENCY AT ANY TIME WITHOUT FURTHER NOTICE TO THE EMPLOYEE. CONTINUANCE OF EMPLOYMENT FOLLOWING RECEIPT OF THIS POLICY, AS WELL AS YOUR SIGNATURE ON THE ACKNOWLEDGEMENT OF RECEIPT, DISCLAIMER, AND CONSENT LOCATED ON THE FRONT COVER OF THIS HANDBOOK, CONSTITUTE YOUR CONSENT TO THIS POLICY AS WELL AS ANY SEARCHES CONDUCTED PURSUANT TO THIS POLICY.**

Electronic media raise similar issues. OJRSA provides electronic and telephonic communication devices and, when necessary, computers and mobile devices, to employees for use in performing their job duties. Although assigned to the employee, these items still belong to OJRSA. Similarly, any computer files created or software downloaded on an OJRSA computer belong to OJRSA.

Employees are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else, including software and program licensing rights. Software, programs, games, and any other downloads may not be installed on OJRSA computers without the written permission of OJRSA.

Employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing databases containing employees' personal information. Employees who have received appropriate authorization to access and/or view databases containing employees' personal information are prohibited from using or discussing information in those databases except as required for their job duties or directed by management.

OJRSA consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of OJRSA. The only sure way to avoid violating OJRSA's policy on personal use is not to use OJRSA's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

- A. Accessing any material which would tend to violate OJRSA's discrimination and harassment policies, or that OJRSA considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in OJRSA's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or other protected category;
- B. Conducting business for outside employment or a side-business;
- C. Purchasing any goods or services, even if charged to the employee's personal credit card.

Although employees may use OJRSA-owned communication devices, computers and network for limited personal use, all files and data created or transmitted using a computer (including desktop, laptop, tablet, etc.), telephone, pager, smart phone, or any other electronic device provided to the employee by OJRSA belong to OJRSA and may be accessed by OJRSA during transmission of the communication or while in storage on OJRSA's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text messages, multi-media messages, instant messages, and the content of internet websites.

**BY ACCEPTING EMPLOYMENT WITH OJRSA, YOU CONSENT TO MONITORING, INCLUDING "REAL TIME" MONITORING AS PERMITTED BY LAW, OF ALL COMMUNICATIONS DESCRIBED IN THIS POLICY AND AUTHORIZE OJRSA TO ACCESS ALL DATA STORED ON COMMUNICATION DEVICES PROVIDED BY OJRSA.** OJRSA also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on an OJRSA communication device includes data, such as personal third-party e-mail accounts (e.g., Yahoo, Gmail, Hotmail, etc.) and websites,



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that is accessed with a password where the data was accessed using OJRSA's communication device. Thus, if you do not want OJRSA to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using OJRSA-owned communication devices. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that OJRSA cannot do so. It is also possible to generate a report of every Internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using OJRSA-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected OJRSA-owned communication device. OJRSA is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using OJRSA-owned equipment.

OJRSA employees may not use their own personal electronic equipment (including, but not limited to, personal laptop computers, cellular phones, and smart phones) on OJRSA property or at OJRSA work sites to engage in conduct which would be prohibited if using OJRSA equipment.

### 8.3.1 Use of Technology During Work Hours

During work hours, employees should only participate in business pertaining to OJRSA. However, the agency consents to incidental personal use of personal computer systems and telecommunications devices during work hours as defined in the HOURS OF WORK policy (SECTION 5). The term incidental as used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Executive Director. The only sure way to avoid violating this policy is to refrain from any personal activity during work hours.

Participating in social media, games, technology-supported games, or other recreational uses of technology during work hours is strictly prohibited.

### 8.3.2 Prohibited Activities

Below are activities that are prohibited by the OJRSA:

- A. Employees may not display of any kind of sexually explicit image or document on any OJRSA system. Sexually explicit material may not be archived, stored, distributed, edited, or recorded using the agency's network of technology resources.
- B. Employees may not engage in any activity that violates the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations.
- C. Employees may not engage in any activity that violates the rights to privacy of protected healthcare information or other confidential OJRSA information.
- D. Employees may not engage in any activity to introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses, etc.).
- E. Employees may not circumvent or attempt to avoid the user authentication or security of workstations or accounts. Employees may not access or try to access electronic data for which they are not authorized nor log into an account that they are not authorized to access.
- F. Streaming video and music for personal use are not allowed on OJRSA computers.
- G. When using OJRSA-owned telecommunications devices, employees are prohibited from calling 1-900, 1-976 or other similar "pay per minute" services or making personal long distance calls on office telephones ("land lines"). In addition, directory assistance (411) calls should be kept to a minimum.
- H. Employees may not connect to the OJRSA's wireless network for Internet access from a personal device.

### 8.3.3 Use of OJRSA Email Addresses

Employees must not use OJRSA email addresses to create or manage personal accounts (e.g. shopping websites, personal bank accounts, social media accounts). OJRSA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

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### 8.3.4 Privacy of Communications

Employee communications, both business and personal, on the OJRSA's computer and telecommunications systems are not private. Users should be aware that their activity and the data they create on the OJRSA's systems is the property of the OJRSA and usually can be recovered even though deleted by the user.

All communications on OJRSA equipment as well as business-related communications on equipment and accounts not owned by OJRSA (e.g., personal email accounts, cell phone text messages, etc.) is subject to Freedom of Information Act ("FOIA") requirements. There should be no expectation of privacy by OJRSA staff for work-related items contained on personal devices.

### 8.3.5 Monitoring

The OJRSA reserves the right to monitor all employee usage of OJRSA-owned technology systems to ensure proper working order, appropriate use by employees and the security of the agency's data. OJRSA reserves the right to access and inspect any or all user files, for any purpose, including but not limited to, archived material of present and former employees without the user's consent.

### 8.3.6 Software and Applications

All software and applications on OJRSA systems are owned or licensed by the OJRSA. No OJRSA-owned or licensed software or applications may be copied, deleted, distributed, or used on any systems other than those owned by the agency without notification of and written consent from the Executive Director. No software or applications may be downloaded, installed, distributed from or copied to OJRSA systems without the approval of the Executive Director.

### 8.3.7 Remote Access

When accessing the OJRSA's systems remotely using OJRSA or personal devices, employees must follow security guidelines. Remote access is restricted to business use.

Non-exempt staff may occasionally need to access OJRSA's technology systems remotely when staffing the receptionist desk or working at an off-site work function.

### 8.3.8 Security

Although OJRSA does everything possible to protect the agency's systems and the confidentiality and integrity of the agency's information stored on its computer systems, employees are responsible for all activities that originate from their computer accounts, systems, or telecommunications devices and are responsible for protecting data and information stored on the OJRSA's electronic equipment from unauthorized access and disclosure. In addition to sensitive information such as Social Security and credit card numbers, OJRSA processes data which must remain confidential because of governmental rules and regulations.

Employees are required to lock their computers when not in use and must log off at the end of each work day.

Employees must not share their technology passwords with anyone other than the Executive Director, or anyone designated by the Executive Director (typical example being Information Technology vendors), whether by phone, print, in-person, electronically, or any other means. Employees may not use passwords other than those issued by OJRSA.

Employees must immediately report loss or theft of any technology device to the Executive Director.

### 8.3.9 Archiving and Backup of Systems

Employees are responsible for ensuring that data is stored in the proper location to allow centralized data backups. No OJRSA data should be stored on the employee's local hard drive or an external hard drive. An employee with questions about the proper location and storage of OJRSA data should contact their supervisor or manager.

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### 8.3.10 Social Media Sites

Social media sites such as Facebook, Instagram, and X/Twitter may be used strategically as part of OJRSA's communication and outreach efforts. Only employees designated by the Executive Director are authorized to post on OJRSA's social media sites.

## **8.4 EQUIPMENT USE**

**OJRSA WILL NOT BE LIABLE FOR ANY LEGAL CONSEQUENCES ASSOCIATED WITH AN EMPLOYEE VIOLATING THIS POLICY, INCLUDING BUT NOT LIMITED TO ANY CONSEQUENCES ASSOCIATED WITH A VEHICULAR OR OTHER ACCIDENT OCCURRING WHILE AN EMPLOYEE IS IN BREACH OF THIS POLICY AND/OR ANY FINE, PENALTY OR DAMAGES ARISING FROM A VIOLATION OF THIS POLICY BY AN EMPLOYEE. IF AN OJRSA EMPLOYEE VIOLATES THIS POLICY, THEY ARE ACTING OUTSIDE OF THE SCOPE OF THEIR EMPLOYMENT WITH THE OJRSA AND THE EMPLOYEE WILL BEAR FULL PERSONAL RESPONSIBILITY FOR ANY AND ALL DAMAGES RESULTING THEREFROM, WHICH RESPONSIBILITY OJRSA EXPRESSLY DISCLAIMS.**

### 8.4.1 OJRSA Equipment Use

It is prohibited for any person to utilize any piece of OJRSA equipment on private and/or public property in any way other than conducting OJRSA business. Personal use is prohibited unless specifically allowed by another policy herein.

### 8.4.2 Passengers, Riders, and Insurance

OJRSA provides automobile insurance coverage on its motor vehicles during normal operating hours and during other authorized business.

Persons not employed by OJRSA are prohibited from operating or being a passenger in any agency-owned vehicle at any time. Exceptions to the passenger rule include OJRSA Commission members, government officials, contractors, and others who are directly employed, appointed, or elected by OJRSA and who may be involved in agency business.

### 8.4.3 Vehicle Use

Vehicles are provided as necessary in conducting work related business during normal operating hours and times when responding to properly documented emergency calls. Vehicles also may be used for meetings and gatherings for official agency business.

### 8.4.4 On-Call Vehicle Use

OJRSA will provide a vehicle necessary for convenience and efficiency in responding to and correcting mechanical and electrical problems. Two (2) methods to accomplish this are as follows:

- A. Method 1: An on-call employee may drive the maintenance vehicle directly to his/her place of residence at the close of normal operating hours. (This applies only to those who reside within twenty-five (25) miles of the Coneross Creek WRF.) The vehicle would remain parked at his/her residence until either a problem (call-in) occurred or the next regular scheduled work day arrived.
- B. Method 2: A maintenance vehicle and related tools would be available at the Coneross Creek WRF. In responding to an emergency call, the Standby personnel would be required to drive his/her personal vehicle to the plant, change into the maintenance vehicle, and respond to the problem or problems. After corrections are completed, personnel would return the vehicle to the plant and return home in his/her personal vehicle.

The Executive Director will make the final decision of which method will be utilized. Regardless of the method used, on-call employees are required to adhere to the policy covering the use of OJRSA equipment.

### 8.4.5 Personal Use of Vehicle

OJRSA vehicles are not to be used by employees for personal reasons at any time. If an employee is working in the field directly before and/or directly after lunch, the employee may use the company vehicle to go to lunch so long as the lunch location is not unreasonably far from the next work location after lunch (because of the time saved by not having to travel to the office for a personal vehicle); however, if an employee is at the WRF or Operations

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& Administration Building when leaving for lunch, then a personal vehicle must be used.

### **8.5 VEHICLE AND EQUIPMENT MONITORING POLICY**

Subject to certain OJRSA-imposed requirements, the agency generally makes vehicles available to its employees for their use in conducting official OJRSA business. OJRSA reserves the right to monitor and collect data related to the OJRSA vehicles for business and other legitimate purposes as determined by OJRSA in its sole discretion, including, without limitation, by using location monitoring technology. This location monitoring technology may include, but is not limited to, global position satellite (“GPS”) devices or technology. Features pertaining to the agency vehicles and equipment which may be monitored include, without limitation, their locations, the drivers’ identity, route history, harsh driving (e.g. hard starts, stops, cornering, etc.), speed, idling time, and geofence alerts and history which indicate the presence of the vehicle or equipment either inside or outside of designated perimeter lines.

Unless otherwise authorized jointly by the OJRSA Board Chair and Executive Director, only the Executive Director and designated agency Safety Officer are permitted to access monitoring information. If there is reason for another employee in a supervisory role to review the location of staff, they must provide sufficient reason to both the Executive Director and Safety Officer prior to gaining information. In the absence of one (1) of these individuals, they must receive authorization from a member of the OJRSA Board of Commissioners Executive Committee (“Executive Committee”). If both the Executive Director and Safety Officer are not available, then two (2) Executive Committee members must authorize written approval<sup>8</sup> prior to accessing information.

The monitoring information is gathered for safety, security, and productivity-related concerns, including but not limited to, the following:

- A. Logistics. Increasing efficiency, such as determining the closest employee(s) to promptly respond to a business-related matter including, without limitation, a customer need or complaint; assisting employees who are off-course and need directions; and locating employees who fail to respond to an OJRSA call or other communication.
- B. Emergency. Locating employees in the event of emergency.
- C. Security. Keeping unauthorized personnel out of secure areas.
- D. Time Keeping. Ensuring the accuracy of time records.
- E. Theft. Locating a vehicle or equipment in the event of theft.
- F. Workplace Conduct. Ensuring employee compliance with OJRSA policies and procedures including, without limitation, those pertaining to employee use of vehicles and equipment.
- G. Investigations. Conducting various investigations into matters as deemed necessary by OJRSA.

Remember that OJRSA vehicles and equipment are the property of the OJRSA. As such, the monitoring described above may take place twenty-four (24) hours a day, seven (7) days a week, even during off hours including, without limitation, in order to verify the proper use, security, and location.

### **8.6 POLITICAL ACTIVITIES**

All employees of the OJRSA have a civic responsibility to support good government. Employees may engage in political activities, except as follows:

- A. Employees shall not be required to contribute any money or anything of value to any candidate for nomination or election to any office.
- B. Employees shall not campaign or solicit contributions for any candidate or slate of candidates during working hours, nor shall they wear any articles of clothing, buttons, or the like that supports any candidate or a political position.
- C. Employees shall not campaign in OJRSA vehicles or using uniforms, nor should they use any equipment provided by the agency.

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<sup>8</sup> Can be in writing or by email. Both the Executive Director and Safety Officer shall receive copies of such approval.

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## **8.7 VISITOR POLICY**

The term “Visitor” shall apply to everyone other than current OJRSA employees or Commissioners. Visitors will be allowed at the Coneross Creek WRF for scheduled tours or other purposes during normal work hours, excluding holidays. Visitors may be permitted at the plant at times other than as listed above only when prior approval for such visits has been given to the Operator-On-Duty who will be on duty at the time of the visit.

All visitors must check in and out at the front desk prior to reporting to any location at the OJRSA Coneross Creek WRF or Administration Building.

## **8.8 TRAVEL AND REIMBURSEMENTS FOR TRAVEL**

### **8.8.1 General**

OJRSA personnel traveling out of town on authorized business shall be paid a per diem for qualifying meals while away and a mileage rate, if applicable. Meal costs on a per diem basis is preferred over a receipt reimbursement basis due to the inherent costs associated with management’s review and approval of receipts.

### **8.8.2 Request**

The employee will complete a Travel Advance Request form request as soon as the employee becomes aware of the necessary travel. The request must be completed stating the dates of travel, the destination, the purpose of the trip, and the times and dates of departure and return. The form must be signed and dated by the employee. The employee shall submit the completed form to their supervisor for review and an agenda for the meeting or training must be provided if one is available. The supervisor shall ensure that the request is accurate and complete and will sign and date the form attesting to the authorization of the employee to travel and that the expenses qualify for per diem and/or mileage. Additionally, the supervisor should indicate on the form the appropriate account number where the expense should be charged. A copy of all forms associated with travel can be obtained from the supervisor or Office Manager.

### **8.8.3 Qualifying Conditions**

Below are the conditions for what qualifies for per diem pay:

#### **A. Meals**

1. A qualifying meal is one that:
  - a. Is associated with authorized travel; and
  - b. Is not provided by:
    - i. The hotel (other than if the only option is a “continental breakfast”);
    - ii. Consultant or other persons who has business purposes for providing a meal; or
    - iii. Sponsor of the meeting, training session, or seminar.
2. The OJRSA will not furnish the employee’s:
  - a. Breakfast unless the employee must depart prior to 6:00 a.m. in order to arrive at their destination by the stated meeting time.
  - b. Lunch if travel is for one (1) day only unless staff depart prior to 6:00 a.m. and return later than 8:00 p.m.
  - c. Supper unless the employee arrives home from their travel after 8:00 p.m.

**B. Mileage:** Mileage will only be paid if there is not an OJRSA vehicle available for the employee to use. If a vehicle is available but the employee chooses to use their privately-owned vehicle (“POV”), mileage will not be paid.

### **8.8.4 Rates**

**Per Diem:** Per diem rates shall be paid based on the US General Services Administration’s (GSA) Meals & Incidentals rates as posted at [www.gsa.gov](http://www.gsa.gov).

**Mileage:** Mileage paid for the use of POVs will be based upon the round-trip miles from the Coneross Creek WRF to the meeting location using the Internet site, [Google Maps](http://Google Maps). Ten (10) miles per meeting day will be added to the

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total to cover any commuting between the meeting location and the place of lodging. The payment for mileage is based on the GSA's current stated rate using the "Modes of Transportation—If use of privately owned automobile is authorized or if no Government-furnished automobile is available" scale and should be placed in the appropriate rows on the Travel Advance Request form. See [www.gsa.gov](http://www.gsa.gov) for current POV rates.

Reimbursement for Other Expenses: Employee-paid costs for tolls, parking fees, etc. may be reimbursed with the completion of a Travel Expense Reimbursement Request form. Receipts for these types of expenses must be submitted and will be paid to the employee the following week after documents have been submitted. Failure to submit receipts will rule the reimbursement request as invalid.

#### 8.8.5 Deadline for Submitting Requests

Employees are responsible for submitting any requests that they may have for approved work-related travel. Whenever an employee files for their per diem and/or mileage after-the-fact, employees must do so within five (5) working days of returning from their travel. Where an employee makes repeated short business-related travel (e.g., post office, etc.), with their supervisor's prior approval mileage may be accumulated for one (1) monthly submittal. In no case shall the mileage be accumulated beyond one (1) month. Requests submitted beyond this time limitation will be ruled as invalid.

#### 8.8.6 Lodging

This section addresses occasions when employees may be traveling out of town on authorized business that involves overnight lodging:

- A. Selection of Lodging Accommodations: Employees are expected to make prudent and cost-effective decisions when selecting lodging. There are occasions when the meeting sponsor handles all lodging reservations. Where meeting attendees are not given options and room assignments are automatic, employees may stay where they are assigned. However, when employees are responsible for making their own reservations, an OJRSA staff designee will make the reservations for the traveling employee and the staff designee will request the least-cost option regarding the type, size, and location of the rooms that are available.
  - B. Number of Nights Authorized
    1. The OJRSA will pay for lodging that is necessary without creating unrealistic travel for the employee. Employees will be allowed to leave work in order to travel to the location of their meeting.
    2. For travel to the meeting, the travel time allowed will be based upon the [Google Maps](https://www.google.com/maps) travel time plus one (1) hour. The additional hour is to accommodate traffic, parking, meeting check-in, hotel check-in, etc. Employees needing to leave prior to the normal work day in order to avoid arriving late for the meeting may travel the day before and use lodging at the OJRSA's expense if they must leave prior to 6:00 a.m. on the scheduled meeting date. Otherwise, the employee must travel on the day of the meeting.
    3. For travel returning home from the meeting, the travel time allowed will be based upon the [Google Maps](https://www.google.com/maps) travel time plus one (1) hour. Employees may stay an additional night and use lodging at the OJRSA's expense if the travel time after the meeting adjournment may result in their returning home after 9:00 p.m.; otherwise, the employee must travel home after the meeting adjournment.
  - C. Extended Length of Stay: Employees may opt to leave earlier than necessary or stay longer than necessary but must do so using their accrued Vacation Leave and pay for the lodging, meals, and/or rental car at their own expense. The amount of Vacation Leave needed will be the difference between the allowed time and the actual time of leaving for the meeting or returning from the meeting.
- A.

**DISCLAIMER**

**ALL EMPLOYEES OF OCONEE JOINT REGIONAL SEWER AUTHORITY (OJRSA) ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF OJRSA’S RULES, POLICIES, HANDBOOKS, PROCEDURES, OR OTHER DOCUMENTS, INCLUDING THIS PERSONNEL POLICY MANUAL, CREATES ANY EXPRESS OR IMPLIED CONTRACT. THIS MANUAL REPLACES ANY PREVIOUSLY ISSUED POLICIES, PRACTICES, AND UNDERSTANDINGS, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NOTHING CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS IN THIS PARAGRAPH CREATES ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE IN WRITING; 2) THE DOCUMENT IS LABELED “CONTRACT”; 3) THE DOCUMENT STATES THE TERM-DURATION OF EMPLOYMENT FOR FIXED TERM; AND 4) THE DOCUMENT IS SIGNED BY THE OJRSA BOARD OF COMMISSIONERS.**

The *OJRSA Personnel Policy Manual* was APPROVED and ADOPTED by the Oconee Joint Regional Sewer Authority Board of Commissioners on [redacted] with an effective date of [redacted].

I hereby acknowledge receipt of this OJRSA Personnel Policy Manual. I understand that it is my continuing responsibility to read and know its contents.

I have read, understand, and have the continuing opportunity to ask questions about the *OJRSA Personnel Policy Manual*.

Acknowledgement:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name





**OJRSA Personnel Policy Manual**FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~**DISCLAIMER**

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## OJRSA Personnel Policy Manual

FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~**SECTION 1– DECLARATION OF POLICY**

The Oconee Joint Regional Sewer Authority (also referred to as “OJRSA”) does hereby declare the following principles ~~to constitute to guide~~ the personnel policies of the Oconee Joint Regional Sewer Authority:

- A. Employment with the OJRSA shall be based on merit, qualifications, and fitness, and free of personal and political considerations.
- B. Equitable incentives and conditions ~~shall~~ may be established and maintained in order to promote efficiency and economy in the operation of OJRSA facilities.
- C. The OJRSA strives to stimulate high morale by fair administration and by consideration of the rights and interests of employees, consistent with the best interests of the public and the OJRSA.
- D. Continuity of employment shall be subject to good behavior, satisfactory work performance, necessity for the work, and availability of funds.

The *OJRSA Personnel Policy Manual* (“Policy”) shall become effective in accordance with OJRSA Resolution 2024-  
          . All resolutions or policies (including former personnel policies, employee handbooks, etc.) that are in conflict with the provisions of this Resolution or Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

The OJRSA also has other policies that are applicable to its employees. All OJRSA policies are intended to complement and be guided by the above-listed principles, and ~~These and other policies shall be considered extensions of this Policy and violations of these any OJRSA policy could result in disciplinary action, up to and including termination.~~ Some of OJRSA’s freestanding ~~uch~~ policies include, but are not limited to:

- A. Ethics Policy
- B. Procurement and Property Disposal Policy
- C. Purchasing Card Policy

**SECTION 2 – CORE POLICIES****2.1 EQUAL EMPLOYMENT OPPORTUNITY AND THE LAW**

The OJRSA provides equal opportunity to all applicants for employment and administers hiring, and all conditions and privileges of employment, such as compensation, training, promotions, transfer, and discipline without discrimination because of race, color, religion, gender, disability, genetic information, pregnancy including pregnancy related medical conditions, childbirth, or related medical conditions (including but not limited to lactation), age, military service, veteran status, or national origin. The OJRSA also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he/she has been discriminated or retaliated against in violation of this policy should report the matter to either the Office Manager or other position delegated with the Human Resources function, the Executive Director, or if necessary, the OJRSA Board Chairperson (or “Chair”).

Employment posters are located in the OJRSA Administrative and Operations Building near the timeclock.

**2.2 REASONABLE ACCOMMODATIONS**

The OJRSA is committed to full compliance with the Americans with Disabilities Act (“ADA”), as amended, and ensures that disabled applicants and employees receive equal employment opportunities with respect to all phases, terms, conditions, and privileges of employment. In addition, the agency makes reasonable accommodations for qualified individuals with disabilities in accordance with and as required by applicable law. If you believe that you need a workplace accommodation as the result of a disability, ~~which accommodation would enable you in order~~

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for you to be able to perform the essential functions of your job, please notify the Office Manager, or other position delegated with the Human Resources function, or the Executive Director.

OJRSA also fully complies with and will respond to requests for reasonable accommodation for pregnancy, child-birth and related medical conditions, ~~made~~ pursuant to the federal Pregnant Worker Fairness Act and the South Carolina Pregnancy Accommodations Act. ~~Please see the Office Manager for details.~~

### 2.3 ANTI-HARASSMENT

#### 2.3.1 General

Various laws and regulations generally prohibit employment decisions from being made based on race, gender, religion, national origin, color, age, genetic information, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), disability, or similar distinctionscategories. In addition, it is our OJRSA desires to provide a working environment in which employees are free from discomfort or pressure resulting from comments, electronic communications, jokes, ridicule, slurs, threats and all other harassing conductment either relating to such distinctionscategories or simply resulting from a lack of consideration for a fellow human being.

#### THE OJRSA DOES NOT TOLERATE HARASSMENT OF ANY KIND AND FORBIDS RETALIATION AGAINST ANYONE WHO HAS REPORTED HARASSMENT IN GOOD FAITH.

#### 2.3.2 Sexual Harassment

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, electronic, or visual conduct based on sex constitute sexual harassment when:

- A. Submission to the conduct is an explicit or implicit term or condition of employment; or
- B. Submission to or rejection of the conduct is used as the basis for an employment decision; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

### 2.4 COMPLAINT PROCEDURE AND INVESTIGATIONS

#### 2.4.1 Procedure

If an employees believes their rights as a workers have been violated by anyone with whom they have come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, they should must report the incident(s) immediately, but generally no later than three (3) calendar days after the incident occurred. This can be done by either of the following methods:

- A. Reporting to the supervisor or to a higher level in the "chain of command." Any potential violation of the OJRSA personnel policies made by the Executive Director should be made to the Chair of the OJRSA Board of Commissioners.
- B. Report to the OJRSA Office Manager or other position delegated with the Human Resources function, who serves the role as Human Resources Manager of the agency.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the OJRSA Office Manager or Executive Director as soon as possible.



**OJRSA Personnel Policy Manual****FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024**~~December 21, 2020~~**2.4.2 Investigations**

All complaints and harassment allegations, whether they originate from internal or external source of the OJRSA, will be investigated, and the investigatory process may vary from case to case. The investigation is begun as promptly as possible and conducted as expeditiously as is practical. Investigations will be conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy and the law. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the victim of the complaint, or a witness. Persons who are interviewed are requested not to discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not complain to civil rights agencies make their own complaints to government agencies who enforce employee rights.

Complaints made pursuant to this policy are incredibly serious. While employees should raise legitimate good-faith concerns and complaints hereunder, employees are prohibited from making complaints or reports under this policy that the employee knows to be false.

Employees may be asked to submit to a polygraph (lie detector) examination.

To avoid misunderstandings, OJRSA may complaints require complainants and witnesses to make a written statement the completion of a complaint report either by the victim or by someone assisting the victim summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of the report.

These procedures have been established to enable the victim to get relief. The US Supreme Court has stated that as a general rule you may not sue a governmental agency for a violation of your rights unless you first give the entity notice and an opportunity to end the harassment. The reporting procedures developed are intended to establish a clear record of what has been reported.

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**2-32.5 RECRUITMENT**

Only the Executive Director or OJRSA Board Chair shall be authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants. All supervisors shall notify the Executive Director immediately upon learning that a vacancy will occur. The Administrative Office will then take those steps as may be necessary to attract qualified applicants. ~~The Administrative Office will eliminate those applicants who do not meet the minimum training and experience requirements before forwarding the remaining applications to the Executive Director for further consideration.~~

**2-42.6 NEPOTISM**

Definition of "Family Member" for this Policy shall include spouse, mother, father, sister, brother, daughter, son, nephew, niece, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, aunt, uncle, and first cousins. A Family Member is also considered to include step-parents, step-children, step-brothers and step-sisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant, or significant other) are treated as being within the immediate family of each other for the purposes of this policy.

Two (2) or more Family Members shall not be employed by the OJRSA if such employment will result in one (1) Family Member family being under the supervision of another member, or where one (1) member occupies a position which has direct influence and control of the other's employment, promotion, salary administration, and other related management or personnel consideration.

In emergency situations where other qualified applicants are not available for an essential task, employment of close relatives may be permitted for temporary periods not to exceed thirty (30) calendar days, with the approval

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of the Chair of the OJRSA Board of Commissioners. Nothing herein shall prevent the OJRSA Chair from authorizing employment of a close relative under a temporary federal manpower or similar program designed to provide work on OJRSA projects by the unemployed or disadvantaged.

The OJRSA generally will not permit two (2) employees who become involved in a romantic relationship, sexual relationship, or who establish an immediate familial relationship through marriage, to have a direct or indirect reporting relationship to one another within the OJRSA, nor will the agency permit either of the two (2) employees to impact or influence OJRSA decision-making regarding the other employee. OJRSA reserves its right to ask that the employees decide between themselves which of the two (2) will resign from employment with the agency should such become necessary in OJRSA's sole discretion. If, upon request, the employees fail to make and communicate this decision to the OJRSA, the agency will generally take additional steps to resolve the issue including, without limitation, separating one (1) or both of the employees from employment.

Situations not specifically addressed in this policy that, in OJRSA's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at OJRSA's discretion.

### **2-52.7 APPLICATION FOR APPOINTMENT**

Applicants for OJRSA employment shall apply on forms provided by the agency. OJRSA does not hold applications after the position applied for is filled. Applicants must re-apply with a new application for a subsequent position even if it is the same position that became open again after applicants' original application for that position.

### **2-62.8 APPLICATION PROCESS**

As determined by the Executive Director and/or OJRSA Board of Commissioners, the selection process may include one (1) or more, or all, of the following: oral interviews, evaluation of experience and training, reference checks, written examinations, performance tests or non-assembled examinations. Physical examinations and drug analysis, ~~and polygraph~~ may be required after a conditional offer of employment for such classifications as may be determined necessary.

### **2-72.9 BACKGROUND CHECKS**

All offers of employment at the OJRSA are contingent upon clear results of a thorough background check. Background checks ~~may will~~ be conducted on ~~all final~~ any applicants for employment candidates and on ~~all any~~ employees who are promoted, as deemed necessary. Background checks typically will be conducted on all final candidates for a job offer.

Background checks ~~may will~~ include but are not limited to:

- A. Social Security Verification: Validates the applicant's Social Security number, date of birth, and former addresses.
- B. Prior Employment Verification: Confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire.
- C. Personal and Professional References: Calls will be placed to individuals listed as references by the applicant.
- D. Educational Verification: Confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- E. Criminal History: Includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
  1. The nature of the crime and its relationship to the position.
  2. The time since the conviction.
  3. The number (if more than one (1)) of convictions.
  4. Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches ~~will may~~ be required ~~if applicable to the position~~:

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- A. Motor Vehicle Records: Provides a report on an individual's driving history in the state requested. This search will be run when driving is a requirement of the position.
- B. Credit History: Confirms candidate's credit history. This search may generally ~~will~~ be run for positions that involve management of OJRSA funds and/or handling of cash or credit cards.

~~Final~~ Any candidates for whom the OJRSA requires a background check must complete a Background Check Authorization Form and return it to the Office Manager, who will then order the background check upon receipt of the signed release form. Either internal OJRSA Administrative staff or an employment screening service will conduct the checks. A designated OJRSA representative will review all results.

The Office Manager will notify the hiring department manager regarding the results of the check. In instances where negative or incomplete information is obtained, the department manager and appropriate OJRSA administrative staff will assess the application of that information ~~potential risks and liabilities related~~ to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by the Office Manager in conjunction with the employment screening service, if applicable.

### **2.82.10 SELECTION OF NEW EMPLOYEES**

Original appointments to vacancies of the OJRSA shall be based upon merit and suitability for the position. In determining the most suitable applicant, the OJRSA considers such factors as education, experience, aptitude, knowledge, character, and physical and mental fitness.

The final selection of the person to fill each vacancy shall be made by the appropriate department head, with the approval of the Director. The Director must approve the selection of OJRSA employees regardless of whether such employees are regular status, part-time, temporary, and regardless of sources of funds (local, state, federal) for payment. When final selection has been made to fill a vacancy, an employee's orientation checklist shall be completed by the Administrative Office and a file copy retained in the personnel folder of the employee.

### **2.92.11 EMPLOYEE CLASSIFICATIONS**

#### **2.11.1 Regular Full-Time Employees**

Regular Full-Time Employees are those OJRSA employees who are regularly scheduled to work at least thirty (30) hours in a given work week. Regular Full-Time Employees may generally become eligible for the various benefits that OJRSA provides its employees, subject to and in accordance with the applicable benefits policies, as well as applicable law. Below are the two (2) types of Regular Full-Time Employees of the OJRSA. NOTE: Other OJRSA Employees are not considered regular, full-time employees. Regular Full-Time Employees include:

#### **2.9.1 Non-exempt**

- A. Non-~~Exempt~~ Employees: ~~These are OJRSA full-time employees who are those~~ who are not exempt from, and therefore subject to, the recordkeeping, overtime, and minimum wage requirements of the federal Fair Labor Standards Act ("FLSA"). Non-exempt employees are paid based on criteria as stated in SECTION 6. **NON-EXEMPT EMPLOYEES MUST NEVER WORK OFF THE CLOCK.**

#### **2.9.2 Exempt**

- B. Exempt Employees: ~~OJRSA full-time employees who are those~~ who are exempt from and, therefore, not subject to, the overtime and minimum wage requirements of the FLSA. However, there is an OJRSA exemption to this as stated in SECTION 6.6.

#### **2.11.2 Other OJRSA Employees**

Below are the categories of Other OJRSA Employees, who are not considered to be Regular Full-Time Employees. These employees are generally ineligible for benefits the OJRSA offers to its Regular Full-Time Employees except as may be required by applicable laws (e.g., overtime) unless or otherwise indicated. Other OJRSA Employees include:

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- A. Part-Time Employees:** ~~These~~ are ~~those~~ OJRSA employees who are regularly scheduled to work less than thirty (30) hours during a given work week. Part-time employees are typically ineligible for the various benefits that OJRSA provides to its employees, subject to and in accordance with the applicable policies, as well as applicable law. Part-time employees are not eligible for vacation, sick, or other paid leave.
- B. Seasonal Employees:** OJRSA employees ~~are those~~ who work for the agency for a limited period of time during the calendar year and, when employed, generally work forty (40) hours during a given work week are considered Seasonal Employees. Most seasonal employees hold non-exempt positions. ~~Seasonal employees are generally ineligible for benefits the OJRSA offers to its regular full-time employees except as required by applicable law.~~ In addition, some seasonal employees are currently eligible to receive holiday pay; however, they do not accrue vacation, sick, or other paid leave.
- C. Apprentices, Cooperative Education (“Co-op”) Workers, Employees, and Interns:** ~~These workers-employee Co-Ops are,~~ generally, employed with the OJRSA to work during designated educational semester rotations while also enrolled in college and receiving course credit, educational credit, or fulfilling a training requirement.
1. Apprentices typically shall not work more than thirty (30) hours a week.
  2. Some Co-Ops may work forty (40) hours a week or more. Co-Ops and Interns are generally ineligible for benefits the OJRSA offers to its regular full-time employees Regular Full-Time Employees except as may be required by applicable law (e.g., overtime).

**2.102.12 TEMPORARY APPOINTMENTS**

In the absence of an appropriate list for filling of temporary or seasonal positions and temporarily in the case of emergencies, vacancies may be filled by temporary appointments by the agency. Such temporary appointments shall have a maximum duration of twelve (12) months. No temporary appointment shall be construed to confer tenure of regular status of employment upon the temporary employee, and any temporary appointment may be terminated at any time by the Executive Director and/or OJRSA Board of Commissioners.

**2.112.13 PROBATIONARY PERIOD**

All new employees, including former employees who have been rehired, are considered to be on probation for the first six (6) months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is suited for the job. This period is not a guarantee of employment for six (6) months. If the department head concludes at any time that the employee is not suited for the position, the employee may be terminated or may be placed on extended probation if approved by the Executive Director. The probation period ends successfully when the department head, not sooner than six (6) months after the employee was hired, evaluates the new employee in writing and authorizes the classification change to regular status.

**2.122.14 REGULAR STATUS**

Employees who have satisfactorily completed at least six (6) months of continuous service with OJRSA shall be granted regular status. Regular status employees are entitled to all benefits and privileges provided by the OJRSA for its employees.

**2.132.15 PERFORMANCE EVALUATIONS**

The OJRSA may conduct performance evaluations at any time it deems necessary or beneficial. Performance evaluations may be done annually an annual evaluation on or around an employee’s anniversary date the end of the organization’s Fiscal Year, and may be done at any other time including but not limited to at the end of the employee’s probationary period and as a result of disciplinary action. A performance evaluation may include a performance improvement plan. (Fiscal Year shall mean the definition as stated in the current version of the OJRSA Financial and Accounting Policy.)

If an employee is out for more than thirty (30) days during the year, their evaluation will be advanced.

**2.142.16 SEPARATION FROM EMPLOYMENT**

To resign in good standing, an employee must submit written notice of resignation at least two (2) weeks in advance of the date of such resignation to his/her Department Manager. An employee must work during the notice

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period. The failure to do so will normally result in a denial of re-employment and denial of payment for accrued leave. However, upon determination by the Executive Director that exceptional circumstances existed which warranted the failure to provide such notice, the Department Manager may nevertheless enter such resignation as one in good standing. Department Managers, immediately upon receipt of notices of resignation, will forward the notice to the OJRSA Office Manager.

The requirement for this two (2) week notice may be waived by the ~~OJRSA~~ Executive Director, in his/her discretion, based upon the needs of the organization.

**2.152.17 ABOLISHMENT OF POSITION**

A position may be abolished, or the number of personnel reduced by the OJRSA for reasons of economy, reorganization, or other reasons. The OJRSA may reassign any affected regular employees to another position within the agency for which the employee may be qualified. If no such position is available immediately, the name of the affected employee shall be kept on file and he/she may be offered employment should a vacancy occur in a position for which they are qualified.

**2.162.18 EXIT INTERVIEWS**

All departing, regular employees will be asked to participate in an exit interview. Exit interviews may also be conducted with employees who are transferring between departments.

Employees ~~will~~ may be asked to complete a written questionnaire and given the opportunity to take part in a face-to-face interview, lasting approximately thirty (30) minutes.

The interview ~~is typically should be~~ conducted during the final week of employment. The ~~OJRSA~~ Office Manager or Executive Director will conduct all exit interviews with departing employees. Another individual may attend (to take notes or provide support to the interviewer), but the employee's direct supervisor typically will not be present. Generally, at least one (1) of the interviewers will take notes during the session, and the exit interview questionnaire will be used to guide the interview in order to ensure consistency of information gathered in each interview.

There may be instances where individuals who should be invited to participate in an exit interview are overlooked. Managers and the agency's Administrative Department will need to be vigilant to ensure that these opportunities to gain valuable information are not missed.

**2.172.19 GRIEVANCE AND APPEALS**

When an employee feels they have not been treated fairly or consistently related to their employment, he/she may ask for a grievance or appeals meeting with the Executive Director. The request for a meeting shall be made in writing to the Director within ten (10) working days of when the incident giving rise to the grievance occurred.

Grievances and appeals can include, but are not necessarily limited to dismissal, promotion of others, and demotions. Compensation (including merit pay), evaluations, and oral reprimands are not grounds for consideration under the Grievance and Appeals policy.

If a meeting is granted, the Executive Director will hear the case from the employee. He/she will also listen to the counter arguments from others involved, such as supervisors and witnesses. Following the conclusion of the meeting, the Director will issue a decision, which will be binding and cannot be further appealed.

**SECTION 3 – SAFETY AND GENERAL MEDICAL****3.1 SAFETY**

Safety is a core value of the OJRSA and the agency firmly believes that all workplace incidents are preventable. It

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is essential that employees follow safety directives to provide for their safety as well as that of others. Failure to abide by these rules and guidelines may result in the disciplinary actions up to and including termination.

Most safety, security, and injury-related items can be found in the current versions of the following manuals (if applicable):

A. *OJRSA Safety Manual*

B. *OJRSA Emergency Action Plan*

C. *OJRSA Process Safety Management Program*

C.D. *OJRSA Risk Management Plan Safety Manual For Hazardous Materials*

### **3.2 NON-WORK INJURIES AND ILLNESSES**

If an employee is placed on work restrictions from an incident that did not occur ~~while working at work~~, the Work Status/Return to Work Form provided by the physician should be provided to the employee's supervisor and Office Manager prior to beginning work. The supervisor and Executive Director will ~~consider~~decide if the noted restrictions can be accommodated for the duration noted on the form.

### **3.3 WORKING WHILE UNDER MEDICAL CARE**

Once treated by a physician, the injured employee will receive a Work Status/Return to Work Form from the healthcare provider~~d~~. Employees are prohibited from returning to work ~~prior to~~before they are released by a ~~healthcare provider~~physician. The form must be provided to the Office Manager in order to be cleared to return to work.

If restrictions are noted, the ~~employee's department directors~~supervisor, Office Manager, and/or Executive Director must decide if those restrictions can be accommodated to allow the employee to perform his/her essential job functions for the duration noted on the form. OJRSA will attempt to work with the employee to accommodate the restrictions in the employee's current position, if possible, but the agency will not create work in order to accommodate the restrictions.

It is the responsibility of the injured employee to attend all re-examinations and treatments as prescribed by the applicable healthcare provider~~the agency's Primary Health Care Provider~~.

If the restrictions can be accommodated, the supervisor shall ensure the employee understands they are responsible for complying with all restrictions.

If it is not possible to accommodate the restrictions in the employee's position, OJRSA will attempt to find other work for the employee, so long as such work is available and the employee is qualified to perform the work, before considering alternative accommodations when required by applicable law.

If the restrictions cannot be reasonably accommodated, the employee must not return to work until restrictions have been lifted by the healthcare provider. A doctor's statement must be provided to OJRSA excusing him/her ~~from~~ work.

### **3.4 ILLNESSES, INJURY, OR EXPOSURE TO CONTAGIOUS DISEASES**

An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (e.g., flu, measles, etc.) must report this exposure to his/her supervisor prior to reporting to work, even if the employee is not experiencing symptoms and should follow any instructions from his/her healthcare provider regarding returning to work. In the absence of advice or direction from the employee's healthcare provider, OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.

Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor in accordance with SECTION 3.3. If in OJRSA's sole opinion, it does not

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appear that the employee can safely perform his job, he/she will be sent home pending further determination. See SECTION 7.2.3 for agency’s Sick Leave policy.

**IF AN EMPLOYEE SHOWS OBVIOUS SIGNS OF ILLNESS OR INJURY WHILE AT WORK, THEN THE OJRSA RESERVES THE RIGHT AND MAINTAINS THE AUTHORITY TO:**

- A. Send the employee home using the appropriate leave for which they are entitled, and
- B. In certain cases, require the employee to see a qualified ~~physician~~ healthcare provider prior to returning to work.

**3.5 CONCEALED AND OTHER WEAPONS**

Concealable weapons are not allowed on OJRSA property, vehicles, or work sites, regardless of whether the person holds a valid permit to carry (open or concealed) firearms. In addition, employees may not bring tasers, pepper spray, explosives (including fireworks), or similar weapons to the workplaces. Knives, other than pocketknives, are also prohibited.

**3.6 PERSONAL PROTECTIVE EQUIPMENT**

The best way to reduce hazards is through engineering, work practices, and controls at the source; however, it is not always possible to control risks through these methods. When it is necessary for staff to wear personal protective equipment (“PPE”), it will be provided by the agency through one of two means by either: (1) Issuance of PPE by OJRSA or (2) PPE Allowance and Reimbursement Program, both of which are described within this section.

**3.6.1 Issuance of PPE by OJRSA**

The OJRSA stocks and issues most PPE that is necessary for employee safety. Items such as gloves, air-purifying respirators, hearing protection, safety glasses, hard hats, and high-visibility clothing are issued on an as-needed or as requested basis by the OJRSA. When an employee realizes they need an article of PPE that is stocked, he/she Employees can obtain PPE these from the supply room, supervisor, Pretreatment & Safety Coordinator Regulatory Services Coordinator, or Office Manager, as appropriate. More information about PPE can be found in the *OJRSA Safety Manual*.

**3.6.2 PPE Allowance and Reimbursement Program**

For PPE that is necessary (or in some cases not necessary but encouraged) but requires a custom fit or prescription, the agency will provide an allowance for such equipment. Staff that work in safety sensitive positions as defined in the OJRSA Safety Manual are eligible for reimbursement on purchases for items that qualify for the PPE Allowance and Reimbursement Program. Table 1 details the items covered by this program, the amount that is provided, and any notes or restrictions. The amount stated is the maximum amount the OJRSA will cover for expenses. If employees spend less than the maximum amount, they will only be reimbursed for the actual cost of the covered items.

Table 1: PPE items eligible for reimbursement by OJRSA

PPE Item	Maximum Amount	Frequency	Notes or Restrictions
Safety Boots/Shoes	<del>\$125</del> 160	Annually based on employee’s date of hire	Must meet OSHA requirements as defined in 29 CFR 1910.136 (Personal Protective Equipment—Foot Protection). The employee must provide the Office Manager with a receipt and proof the safety boots/shoes meet the minimum OSHA requirements in order to receive reimbursement.
Prescription Safety Glasses	\$200	Biennially based on employee’s date of hire	<u>The OJRSA will not pay for the eye exam.</u> Must meet OSHA requirements as defined in 29 CFR 1910.133 (Personal Protective Equipment—Eye and Face Protection). The employee must provide the Office Manager with a receipt, proof the prescription safety glasses meet minimum OSHA requirements, and a copy of the prescription in order to receive reimbursement. <del>The OJRSA will not pay for the eye exam.</del>

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All reimbursements shall be made to the employee via check ~~during the following pay period~~ after providing documentation to the Office Manager.

## **SECTION 4 – STANDARDS OF EMPLOYEE CONDUCT**

### **4.1 EMPLOYEE CONDUCT**

#### **4.1.1 General**

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline that may be imposed includes but is not limited to oral reprimand, written warning, probation, reduction of leave balances, suspension without pay, demotion and discharge. In addition, OJRSA may procedurally suspend an employee without pay pending investigation to determine if disciplinary action is appropriate. If OJRSA determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, OJRSA may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE OJRSA AND MAY INCLUDE ANY LEVEL OF DISCIPLINE FOR A FIRST OFFENSE INCLUDING TERMINATION OF EMPLOYMENT.** NOTHING IN ANY OF THE OJRSA'S POLICIES OR BY ANY PAST PRACTICE OF OJRSA REQUIRES OJRSA TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE. Supervisors and department ~~heads~~ directors must submit terminations to the Executive Director for review prior to administrating to the employee.

Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. If an employee refuses to sign the document, he/she will be relieved of duty without pay. If he/she does not sign the document by 5:00 p.m. at the end of his/her next scheduled workday, he/she will be presumed to have resigned.

#### **4.1.2 Examples of Conduct Warranting Disciplinary Action**

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any misconduct is at the sole discretion of the OJRSA. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including discharge.

**OJRSA RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD ~~TO~~ FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

Examples include, but are not limited to:

A. Failure to act professionally, reasonably, or responsibly, or conduct that could reflect negatively on OJRSA

B. Failure to follow legal and regulatory requirements, including reporting requirements

~~A-C.~~ C. Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the OJRSA's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the OJRSA's determination on continued employment.

~~B-D.~~ D. Incompetence

~~C-E.~~ E. Unauthorized absence or tardiness or a pattern of absenteeism or tardiness

~~D-F.~~ F. Insubordination, including disrespect for authority, or other conduct that tends to undermine authority

~~E-G.~~ G. Failure or refusal to carry out instructions

~~F-H.~~ H. Unauthorized possession or removal, misappropriation, misuse, destruction, theft, or conversion of OJRSA property or the property of others

~~G-I.~~ I. Violation of safety rules, neglect, or engaging in unsafe practices

~~H-J.~~ J. Interference with the work of others

~~I-K.~~ K. Threatening, coercing, or intimidating fellow employees, including "joking" threats

~~J-L.~~ L. Dishonesty

~~K-M.~~ M. Failure to provide information, falsifying OJRSA records, or providing falsified records to OJRSA for any



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purpose

~~L.N.~~ Failure to report personal injury, incident, accident, near miss, or property damage

~~M.O.~~ Failure to report a moving violation while operating OJRSA vehicle or equipment or while operating personal vehicles on OJRSA time and/or property

~~N.P.~~ Failure to secure OJRSA property, vehicles, or other sites

~~O.Q.~~ Neglect or carelessness

~~P.R.~~ Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on OJRSA property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is "under the influence" if he/she has any detectable amount of any such substance in his system.

~~Q.S.~~ Unsatisfactory performance

~~R.T.~~ Violation of OJRSA policies

~~S.U.~~ Lack of good judgment

~~T.V.~~ Any other reason that, in the OJRSA's sole determination, warrants discipline

#### ~~4.21.1 ANTI-HARASSMENT~~

##### ~~4.2.11.1.1 General~~

~~Various laws and regulations generally prohibit employment decisions from being made based on race, gender, religion, national origin, color, age, genetic information, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), disability, or similar distinctions. In addition, it is our desire to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.~~

#### ~~THE OJRSA DOES NOT TOLERATE HARASSMENT OF ANY KIND AND FORBIDS RETALIATION AGAINST ANYONE WHO HAS REPORTED HARASSMENT IN GOOD FAITH.~~

##### ~~4.2.21.1.1 Sexual Harassment~~

~~Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:~~

~~A. Submission to the conduct is an explicit or implicit term or condition of employment; or~~

~~B. A. Submission to or rejection of the conduct is used as the basis for an employment decision; or~~

~~C. A. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.~~

~~Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, "put-downs" or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.~~

~~Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.~~

#### ~~4.31.1 COMPLAINT PROCEDURE AND INVESTIGATIONS~~

##### ~~4.3.11.1.1 Procedure~~

~~If an employee believes their rights as a worker have been violated by anyone with whom they have come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the public, they should report the incident(s) generally no later than three (3) calendar days after the incident occurred. This can be done by either of the following methods:~~

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~~A. Reporting to the supervisor or to a higher level in the "chain of command." Any potential violation of the OJRSA personnel policies made by the Executive Director should be made to the Chair of the OJRSA Board of Commissioners.~~

~~B. A. Report to the OJRSA Office Manager, who serves the role as Human Resources Manager of the agency.~~

~~Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the OJRSA Office Manager or Executive Director as soon as possible.~~

#### ~~4.3.21.1.1 Investigations~~

~~All complaints and harassment allegations, whether they originate from internal or external of the OJRSA, will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy and the law. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the victim of the complaint, or a witness. Persons who are interviewed are requested not discuss the matter with co-workers, friends, or management. This does not mean, however, that employees may not complain to civil rights agencies.~~

~~Complaints made pursuant to this policy are incredibly serious. While employees should raise legitimate good-faith concerns and complaints hereunder, employees are prohibited from making complaints or reports under this policy that the employee knows to be false.~~

~~Employees may be asked to submit to a polygraph (lie detector) examination.~~

~~To avoid misunderstandings, complaints require the completion of a complaint report either by the victim or by someone assisting the victim summarizing the allegations and listing any witnesses to the alleged harassment. You should be sure to get a copy of the report.~~

~~These procedures have been established to enable the victim to get relief. The U.S. Supreme Court has stated that as a general rule you may not sue a governmental agency for a violation of your rights unless you first give the entity notice and an opportunity to end the harassment. The reporting procedures developed are intended to establish a clear record of what has been reported.~~

#### **4.44.2: DRUG-FREE WORKPLACE**

Employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the influence of alcohol, illegal drugs, or improperly used controlled substances. For purposes of this policy, "under the influence" means having any detectable amount of any such substance in the employee's system.

Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors and the OJRSA Leadership Team will determine whether an employee may continue to work while using the medication.

#### **4.54.3 EMPLOYEE SUBSTANCE ABUSE AND TESTING**

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, ~~on~~ morale, and ~~on~~ productivity. Furthermore, it is the policy of ~~the~~ OJRSA to comply with the state and federal Drug Free Workplace Acts, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and the use of controlled substances on or off the job.

For these reasons, OJRSA adopts the following policy:

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All employees of ~~the~~ OJRSA are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. This prohibition applies to use at any time, both on the job and off the job. OJRSA employees are permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Similarly, employees are prohibited from reporting to work, using or being anywhere on OJRSA property while under the influence of alcohol, illegal drugs, legal substances that cause cognitive impairment, or improperly used controlled substances. For purposes of this policy, "under the influence" means having any detectable amount of any such substance in the employee's system. Employees who are informed by their healthcare provider or pharmacist that a drug they are using may impair their ability to safely perform work must report that to their supervisors. OJRSA will determine whether an employee may continue to work.

~~OJRSA may test employees for drug or alcohol use in violation of this policy any time the OJRSA has reasonable suspicion of a violation of the policy.~~

All employees of OJRSA are prohibited from using or possessing alcoholic beverages on OJRSA premises or time. (The term "OJRSA premises or time" includes: OJRSA vehicles and private vehicles on OJRSA premises; parking lots and recreation areas; and any circumstances in which an employee is representing OJRSA, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The Executive Director may approve moderate alcohol use at designated social or business functions.

~~All employees of OJRSA are prohibited from reporting to or being at work while under the influence of alcohol. (An employee is considered to be "under the influence of alcohol" if he/she has any detectable amount of alcohol in his system.)~~

~~These prohibitions also apply to all persons employed by OJRSA, those persons working on OJRSA's behalf but employed by another entity, and those persons working on OJRSA property.~~

4.5.24.3.2 Prescribed Medication Use

An employee taking prescribed medication which may affect his/her ability to perform their job is required to advise their supervisor. OJRSA will determine whether and how the employee may continue to work ~~or they could without posing a safety risks~~ to themselves, their co-workers, or others.

~~These prohibitions also apply to leased all persons employed by OJRSA, those persons working on OJRSA's behalf but employed by another entity, and those persons employees and contractors employed by the OJRSA or working on OJRSA property.~~

4.5.34.3.3 Applicants for Employment

~~Applicants tentatively selected for All offers of employment employment are conditioned upon the applicant passing a must undergo a pre-employment drug test. OJRSA does will not hire applicants tentatively selected for employment anyone~~ who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances or the illegal use of authorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he/she can demonstrate that they are no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant's expense. ~~(This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result on a more thorough drug test.)~~

4.5.44.3.4 Current Employees

Department of Transportation ("DOT") regulated employees (those with a Commercial Driver's License, or "CDL"

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~~Drivers) are subject to special rules for post-accident testing and will be tested following an accident in accordance with DOT regulation for Substance Abuses and Testing addressed in a separate section within this Policy.~~

All OJRSA employees are subject to drug and alcohol testing by ~~urinalysis or other acceptable~~ any method (e.g. urinalysis, hair, blood, breathalyzer) ~~means recognized by OJRSA~~ where “particularized suspicion” of drug or alcohol use in violation of this policy exists ~~or under other lawful conditions~~.

#### 4.3.5 Particularized Suspicion and Post-Accident Testing

Particularized suspicion testing is conducted upon the approval of the Executive Director or his/her designee.

Particularized suspicion is deemed to exist when:

- A. Information that an employee has used drugs, alcohol, or substances in violation of this policy is provided by a reliable ~~informant~~ source;
- B. An accident occurs. “Accident” is defined as:
  1. an accident involving a fatality;
  2. an accident causing personal injury; or
  3. an accident involving property damage.
- C. An employee exhibits any behaviors or other indicators of being under the influence of drugs or alcohol, including ~~of~~ the following:
  1. extreme mood swings;
  2. slurred speech;
  3. unusual clumsiness;
  4. staggering;
  5. dilation of pupils or bloodshot eyes;
  6. sleeping on the job or lethargy;
  7. excessive unexplained sweating;
  8. other aberrational behavior;
  9. odors;
  - 8-10. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.;
  - 9-11. an employee has been arrested for or convicted of a violation of drug laws; or
  12. an employee has tested positive for drugs or otherwise violated this policy within the past five (5) years.

D. An employee has admitted violating OJRSA’s Substance Abuse and Testing Policy;

E. An employee is arrested for or convicted of a drug or alcohol related offense;

F. An employee has tested positive in violation of this policy, or otherwise violated this policy, within the past five (5) years.

~~All OJRSA employees are subject to alcohol testing where “particularized suspicion” of alcohol use in violation of this policy exists.~~

~~Particularized suspicion is deemed to exist when:~~

- ~~A. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant~~ source;
- ~~B. an accident occurs. “Accident” is defined in the same manner as it is in section (III) A of this policy.~~
- ~~C. an employee exhibits behavior consistent with alcohol use such as but not limited to:~~
  - ~~1. erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);~~
  - ~~2. the apparent odor of an alcoholic beverage on an employee’s breath;~~
  - ~~3. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.~~

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- ~~D.—an employee has admitted violating OJRSA’s alcohol policy;~~
- ~~E.—an employee is arrested for or convicted of an alcohol related offense;~~
- ~~F.—an employee has tested positive for alcohol in violation of this policy, or otherwise violated this policy, within the past five (5) years.~~

~~Particularized suspicion testing is conducted upon the approval of OJRSA Executive Director or designee.~~

All employees who are required by their jobs to possess a ~~Commercial Driver’s License~~ CDL or employees whose jobs OJRSA regards as “safety-sensitive” are subject to random testing to determine compliance with this policy. A list of safety sensitive positions is listed in SECTION 4.3.15 Table 3 on page 19. Random selection testing is unannounced.

Employees may be tested ~~for the use of controlled substances under this policy~~ as part of any “fitness for duty” physical examination mandated by federal/state law or by OJRSA, for follow-up testing after violation of this policy for up to twenty-four (24) months, or as otherwise allowed by law. The OJRSA may administer the types of tests as stated in Table 2.

Table 2: Current employee drug and alcohol testing circumstances

<u>Type of Test</u>	<u>Drugs</u>	<u>Alcohol</u>
<u>Pre-employment</u>	<u>Yes</u>	<u>Optional with employer</u>
<u>Random</u>	<u>Safety Sensitive Positions</u>	<u>Safety Sensitive Positions</u>
<u>Reasonable Suspicion</u>	<u>Yes</u>	<u>Yes</u>
<u>Post-Accident</u>	<u>Yes</u>	<u>Yes</u>
<u>Return to Duty</u>	<u>At OJRSA’s discretion</u>	<u>At OJRSA’s discretion</u>
<u>Follow-up</u>	<u>Yes</u>	<u>Yes</u>

Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate or substitute test samples, or interfere with the testing procedures, are in violation of this policy and subject to disciplinary action, up to and including discharge/termination. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount ~~of urine, saliva or breath~~, the needed specimen, failure to undergo a medical examination to evaluate your ability to provide an adequate ~~urine, saliva or breath amount of~~ specimen, or failure to sign a required certification form.

4.5.54.3.6 Testing Procedures

Testing will be performed as follows:

A. Drug testing

1. Drug testing will be by urinalysis, hair sample, or other generally accepted means.
2. The collection of urine samples is performed under reasonable and sanitary conditions.
3. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule. In addition, direct observation will be used in DOT-mandated testing for DOT-regulated employees when allowed or required by DOT regulations.
4. Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
5. Specimens ~~are may be~~ checked for ~~at least~~ the following six (6) ~~drugs~~ substances and possibly others:
  - a. Amphetamines
  - b. Barbiturates

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- c. Cocaine
  - d. Marijuana/Cannabinoids
  - e. Opiates
  - f. Phencyclidine
6. Other possible drugs that may be tested for include, but are not limited to: Benzodiazepines, Propoxyphene, Methadone, and Oxycodone
  7. NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.
  8. Applicants and employees are provided an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
  9. Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (“GCMS”) or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer is conclusive for all employment-related purposes.
  10. OJRSA’s Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies OJRSA.
  11. A positive-dilute result is treated as positive. A negative-dilute result will result in a retest. Absent satisfactory explanation, a second negative-dilute result may result in the test being considered adulterated. Dilute test results in DOT-mandated tests will be handled according to DOT regulations.
- B. Alcohol Testing
1. A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by OJRSA, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. OJRSA uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. OJRSA reserves the right to utilize blood testing for non-DOT alcohol tests.
  2. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
  3. The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)
  4. A confirmatory test result generated through the use of an EBT or blood test which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

4.5.64.3.7 Notice to Employees

OJRSA attempts to distribute to all employees a copy of this [Employee Substance Abuse and Testing Policy](#). Additional copies of this ~~policy~~ are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

4.5.74.3.8 Notice to Employer, State and Federal Grantor/Contracting Agencies, and Law Enforcement Authorities

As a condition of employment, employees agree to notify OJRSA within five (5) calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee’s use. OJRSA will notify all state and federal grantors/contracting agencies of such employee convictions within ten (10) days, or as the requirements by the state and federal Drug Free Workplace Acts, which may change from time-to-time. (“Conviction” means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.)

OJRSA will notify law enforcement authorities whenever illegal drugs are found in the workplace.

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**EMPLOYEES WHO VIOLATE THIS POLICY ARE SUBJECT TO IMMEDIATE TERMINATION OF EMPLOYMENT.** In lieu of terminating an employee, OJRSA may in its sole discretion condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of an alcohol or drug counseling/rehabilitation program.

If the OJRSA, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:

- A. Referral of the employee for alcohol or drug abuse counseling;
- B. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;
- C. Requiring the employee to authorize any rehabilitation facility to report periodically to OJRSA during the course of treatment/counseling;
- D. Placing the employee on probation for at least six (6) months following the employee's return to duty; *and*
- E. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five (5) years.

An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is in violation of this policy and subject to immediate termination.

An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to immediate termination.

4.5.94.3.10 Coming Forward with Substance Abuse Problems

Employees, other than sworn law enforcement officers, who have substance abuse problems and report them to OJRSA before being selected for testing, and before the occurrence of an event which normally would result in testing, in OJRSA's sole discretion may ~~be~~ upon the first violation be subject to Parts (B) through (E) of [SECTION 4.3.9 the "Consequences of Violating the Substance Abuse Policy" section](#) of this [Policy \(CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY\)](#) document in lieu of termination.

An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of OJRSA, is subject to immediate termination if he /she again either admits to or is otherwise found to be in violation of this policy.

4.5.104.3.11 Confidentiality

Any alcohol or drug test results or information supplied by employees and applicants as part of OJRSA's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy.

4.5.114.3.12 Testing Costs

OJRSA is responsible for the costs of all drug tests to which OJRSA requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Parts (B) through (E) of [SECTION 4.3.9 of this Policy \(CONSEQUENCES OF VIOLATING THE SUBSTANCE ABUSE POLICY\)](#) ~~the "Consequences of Violating the Substance Abuse Policy"~~ and is solely responsible for the cost of all follow-up tests.

4.5.124.3.13 Notification of Test Results

Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within sixty (60) days of being notified of the disposition of the employment application.

Employees are notified of the results (including the drug(s) discovered) of all positive drug tests.

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4.5.134.3.14 Drug, Alcohol, and Other Treatment Services

The use of illegal drugs and similar substances is a serious threat to our nation’s collective health, safety, and welfare. Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, OJRSA has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

The OJRSA has also made available to its employees an Employee Assistance Program (“EAP”). The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. OJRSA’s Employee Assistance Program EAP is coordinated through the Office Manager ~~at the OJRSA~~, who also has information available about the program.

The South Carolina Department of Alcohol and Other Drug Abuse Services (“DAODAS”) is a state government agency that assists with local substance abuse organizations that provide prevention, treatment, and recovery services. Contact information for DAODAS and others are listed in Table 3.

Table 3: Employee assistance contacts

S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS)	<u>864-882-7563 Oconee Office</u> 803-896-5555 ( <u>8am-5pm 24 hours</u> )	<a href="http://www.daodas.sc.gov">www.daodas.sc.gov</a>
Alcoholics Anonymous	864-233-6446 (24 hours)	<a href="http://www.upstateintergroup.org">www.upstateintergroup.org</a> <a href="http://www.aa.org">www.aa.org</a>
Narcotics Anonymous	864-282-0109 (24 hours) 818-773-9999	<a href="http://www.crna.org">www.crna.org</a> <a href="http://www.na.org">www.na.org</a>
U.S. Substance Abuse and Mental Health Services Administration	800-662- <del>HELP</del> (4357)- <del>(HELP)</del> (24 hours)	<a href="http://www.samhsa.gov">www.samhsa.gov</a>
National Council on Alcoholism and Drug Dependence	800-622-2255 (24 hours)	<a href="http://www.ncadd.org">www.ncadd.org</a>
<u>S.C. Department of Mental Health Mobile Crisis Hotline</u>	<u>833-364-2274 (24 hours)</u>	<a href="http://osp.scdmh.org">osp.scdmh.org</a>
National Suicide <del>Prevention &amp; Crisis</del> Lifeline	<u>988 (call or text 24 hours a day)</u> 800-273- <del>TALK</del> (8255)- <del>(TALK)</del> (24 hours)	<a href="http://www.988lifeline.org">www.988lifeline.org</a> <a href="http://www.suicidepreventionlifeline.org">www.suicidepreventionlifeline.org</a>

Periodically, OJRSA may make information regarding substance abuse available to employees. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

4.5.144.3.15 Safety Sensitive Positions Subject to Random Testing

Below is a list of the current positions at ~~the~~ OJRSA that are considered ~~as~~ safety sensitive, but OJRSA may designate existing or new positions as safety-sensitive for purposes of this policy in its sole discretion:

- A. Individuals whose position requires them to hold a commercial driver’s license (CDL)
- B. Fire suppression or rescue personnel
- C. Equipment operators
- D. Wastewater and water treatment operators
- E. Mechanics, electricians, and maintenance personnel
- F. Individuals whose position requires them to enter confined spaces, work with chemicals, perform hot work, and other OSHA-regulated tasks
- G. Laboratory technicians
- H. Sample collectors

**4.64.4 DRUG AND ALCOHOL TESTING FOR CDL DRIVERS**

The United States Department of Transportation’s (“DOT”) Federal Motor Carrier Safety Act Regulations require



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regulated employers to provide covered employees with information about OJRSA's drug and alcohol testing program for operators of Commercial Motor Vehicles ("CMV"). This policy is intended to follow, at a minimum, the DOT's drug and alcohol testing requirements, and is supplemented by the DOT's testing procedures that are not fully included in this policy. This policy will automatically change to conform to any changes in the DOT's requirements that may occur from time to time or pursuant to any third-party vendor's recommendations as to testing best practices.

~~The United States Department of Transportation's Federal Motor Carrier Safety Regulations require regulated employers to provide covered employees with information about the Safety Regulations and about the employers' Drug and Alcohol Testing programs. For these reasons, the OJRSA adopts the following policy.~~

#### 4.6.14.4.1 Acronyms

BAC	Blood Alcohol Concentration
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
DOT	United States Department of Transportation
EBT	Evidential Breath Testing
GVW	Gross Vehicle Weight
MRO	Medical Review Officer
SCDMV	South Carolina Department of Motor Vehicles

#### 4.6.24.4.2 Contact Person

If employees have any questions about this information or the agency's drug and alcohol policies, the OJRSA Board of Commissioners has designated the ~~OJRSA~~ Office Manager to answer any questions.

#### 4.6.34.4.3 Affected Employees

All employees who are required to have a Commercial Driver's License ("CDL") and who may operate a CMV on behalf of OJRSA are subject to this policy. A CMV is any motor vehicle meeting any one of the following conditions:~~All employees who are required to have a Commercial Driver's License (CDL) to perform their jobs are subject to the Federal Motor Carrier Safety Regulations. This includes drivers who operate a motor vehicle with any of the following conditions:~~

- A. A gross combinations weight rating of twenty-six thousand and one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight (GVW) of more than ten thousand (10,000) pounds;
- B. A GVW rating of twenty-six thousand and one (26,001) or more pounds;
- C. Is designed to transport sixteen (16) or more passengers; or
- D. Is designed to carry hazardous materials which require the vehicle to display a hazardous materials placard.

There are limited exemptions to the testing requirements. The designated OJRSA Contact Person as stated in this document can provide a list of these exemptions and provide the determination as to whether an employee meets the exemptions listed in 49 CFR 382.103 of the law.

#### 4.6.44.4.4 Safety Sensitive Functions

A driver of a CMV is performing a safety sensitive function at all times ~~during the~~ while conducting the following:

- A. At an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier (waiting to be dispatched);
- B. Inspecting equipment relating to the operation of the CMV or servicing or conditioning any CMV;
- C. Driving the CMV;
- D. In or on a CMV;
- E. Loading or unloading a CMV;
- F. Repairing, obtaining assistance, or attending to a disabled vehicle.

#### 4.6.54.4.5 Prohibited Conduct

A driver shall not:

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- A. Report for or remain on duty with a Blood Alcohol Concentration ("BAC") of greater than or equal to four-hundredths ( $\geq 0.04$ );
- B. Perform functions defined within SECTION 4.3.15 (~~the SAFETY SENSITIVE FUNCTIONS~~) ~~section of this Policy~~ with a BAC of greater than or equal to two-hundredths ( $\geq 0.02$ ) or higher;
- C. Use alcohol while on duty;
- D. Perform functions defined within the "Safety Sensitive Functions" section of this policy within four (4) hours of using alcohol;
- E. Use alcohol within eight (8) hours following an accident requiring a test or until a post-accident test is completed (whichever occurs first);
- F. Use controlled substances except when the use is pursuant to the instructions of a trained medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. (This prohibition applies at any time, whether the employee is on or off the job.); and
- G. Report for or remain on duty if the driver tests positive for drugs.

4.6.64.4.6 Mandatory Inquiries

The OJRSA is required by Federal Regulations to request information from previous ~~United States Department of Transportation (DOT)~~ regulated employers who have employed a driver during any period during the two (2) years before the date of a driver's application with the OJRSA. The agency must request the following:

- A. Alcohol tests with a BAC result of four-hundredths (0.04) or higher;
- B. Verified positive drug tests;
- C. Refusals to be tested (including verified adulterated or substituted drug test results);
- D. Other violations of DOT drug and alcohol testing regulations; and
- E. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the successful completion of DOT return-to-duty requirements as found in 49 CFR 382.309 (including follow-up tests). If the previous employer does not have information about the return-to-duty process, we must seek to obtain this information from the driver.

The OJRSA must also ask the applicant if he/~~she or she~~ tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer for whom the employee applied for and did not obtain safety sensitive DOT-covered work during the past two (2) years. Applicants who respond in the affirmative may not be employed in safety sensitive duties until the completion of a successful return-to-duty process.

4.6.74.4.7 Testing

The Federal Motor Carrier Safety Regulations require a driver to submit to drug and alcohol tests under the circumstances as listed in Table 4.

Table 4: CDL drug and alcohol testing circumstances

Type of Test	Drugs (urine)	Alcohol (breath)
Pre-employment	Yes	Optional with employer
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-accident	Yes	Yes
Return to Duty	Yes	Yes
Follow-up	Yes <sup>1</sup>	Yes <sup>1+</sup>

Testing will be performed as follows:

- A. Pre-employment Testing: Employees hired to fill positions which require a CDL will submit to a drug test prior to commencing work in the position.
- B. Random Testing

<sup>1</sup> As required by a qualified Substance Abuse Professional.

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1. Regulations require random testing of CDL holders at a twenty-five percent (25%) annualized rate for drugs and a ten percent (10%) annualized rate for alcohol. (Unless a different rate for the year is published by the Federal Motor Carrier Safety Administration.) Thus, an employer with forty (40) CDL holders is required to conduct at least ten (10) random drug tests and four (4) random alcohol tests annually. These tests will be spread throughout the year. Random alcohol tests are conducted just before, during, or just after an employee performs safety-sensitive function.
  2. The OJRSA participates in a CDL drug testing consortium administered by a third-party.
- C. Reasonable Suspicion Testing: A driver must submit to a drug and/or alcohol test if the employer has reason to believe he/~~she or she~~ has violated the prohibitions set forth in the section entitled "Prohibited Conduct" within this policy. The regulations provide that a reasonable suspicion determination must be based on specific, contemporaneous observation of the driver's appearance or behavior by a supervisor trained in the detection of probable alcohol and/or drug use. However, independent authority permits employers to test in other circumstances which create reasonable suspicion.
- D. Post-Accident Testing: A driver must submit to both drug and alcohol tests when he/~~she or she~~ is involved in an accident involving a CMV where:
1. There is a fatality; or
  2. The driver received a citation [within eight (8) hours (for alcohol) or thirty-two (32) hours (for drugs)] for a moving violation arising from an accident including a commercial vehicle and including either of the following:
    - i. Bodily injury to any person necessitating immediate medical treatment away from the scene of the accident; or
    - ii. One (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  3. *NOTE: The above two (2) circumstances are the minimum regulatory requirements; however, ~~the~~ OJRSA may require post-accident testing in other circumstances as stated in the current version of the OJRSA Personnel Policy Manual.*
- E. Return-to-Duty and Follow-up Testing: A return-to-duty test will be required when a driver who has been determined to have engaged in prohibited conduct is permitted to return to duty after complying with education and/or treatment prescribed by the qualified Substance Abuse Professional. Follow-up testing shall normally be at the direction of a qualified Substance Abuse Professional.

4.6.84.4.8 Refusal to Submit to a Test

Federal Regulations provide that a driver who refuses to submit to a test must, at a minimum, be removed from performing safety sensitive functions. Refusal to submit to an alcohol or controlled substance test includes:

- A. Failure to appear for the test;
- B. Failure to remain at the test site until the testing process is complete;
- C. Failure to provide a urine, breath, or saliva specimen;
- D. Failure to permit observation or monitoring of the driver's provision of a sample for a directly observed or monitored collection;
- E. Failure to provide a sufficient amount of breath or urine where the employer-provided physician or Medical Review Officer ("~~MRO~~") decides there is no adequate medical explanation for the failure;
- F. Failing or declining to take a second test when directed by the employer or collector;
- G. Failure to undergo a medical examination or evaluation as part of the verification process when directed by the MRO or employer;
- H. Failure to cooperate with any part of the testing process; or
- I. Being reported by the MRO as having a verified adulterated or substituted test result.

**OJRSA POLICY TREATS A REFUSAL TO SUBMIT TO A TEST AS INSUBORDINATE CONDUCT WHICH IS SUBJECT TO IMMEDIATE TERMINATION.**

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FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~4.6.94.4.9 Testing ProceduresTesting will be performed as follows:

## A. Drug Testing Procedures

1. The testing program required by the regulations is limited to five (5) drug types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines and Methamphetamines, and (5) Phencyclidine (“PCP”).
2. NOTE: Independent authority permits testing for other classes of drugs; however, a DOT drug test will screen only for the five (5) classes of drugs listed above.
3. All drug testing must be done from urine specimens collected under controlled conditions, except that alternative methods may be used when authorized by DOT regulations. Specimen collection procedures require:
  - a. A designated collection site;
  - b. Security for the collection site;
  - c. Chain of custody documentation;
  - d. Use of authorized personnel;
  - e. Privacy during collection (with certain exceptions depending upon the circumstances);
  - f. Integrity and identity of the specimen; and
  - g. Transportation to the laboratory.
4. Driver protection is built into the testing procedures. The only laboratories that can be used are those that have been certified by the federal government. The Department of Health and Human Services certifies laboratories under the National Laboratory Certification Program.
5. After the urine specimen has been collected and forwarded to the laboratory it may be tested to determine if it is consistent with normal human urine, and two (2) drug tests may be performed. The initial test determines whether any further testing for the five (5) classes of drugs listed above is necessary. If that test is positive, a more sophisticated test will be conducted to confirm the positive result. In addition, the laboratory will conduct tests to determine if the specimen is valid. Per 49 CFR Part 40 Section 40.87, positive levels for the five (5) classes of drugs are in ~~the~~ Table 5.

Table 5: Drug classifications

Type of Drug or Metabolite	Initial Test (ng/mL) <sup>22</sup>	Confirmation Test (ng/mL) <sup>2</sup>
Marijuana metabolites	50	15
Cocaine metabolites (Benzoylecgonine)	150	100
Hydrocodone / Hydromorphone	300	100 Hydrocodone 100 Hydromorphone
Oxycodone / Oxymorphone	100	100 Oxycodone 100 Oxymorphone
Codeine / Morphine	2,000	2,000 Codeine 2,000 Morphine
6-Acetylmorphine	10	10
Amphetamine / Methamphetamine	500	250 Amphetamine 250 Methamphetamine
MDMA (“Ecstasy”/“Molly”) / MDA (“Sally”)	500	250
Phencyclidine (“PCP”)	25	25

6. 1 ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.
7. If the results of the initial test are negative, the testing laboratory will advise the motor carrier’s MRO that the drug test was negative.

<sup>2</sup> ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter (0.001 L).

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8. Only specimens which are confirmed positive on the confirmatory test are reported positive to the MRO for review and analysis. The laboratory may also advise that a specimen is dilute, adulterated, substituted, or invalid.
9. A split specimen collection will be utilized. That is, the urine is divided into two (2) specimen bottles after the sample is taken. If staff are notified the test result of the primary specimen is positive, or that they have a refusal the test because of adulteration or substitution, they may request that the MRO send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels and/or for adulterants, dilution or substitution. If the result of the test of the split specimen is negative, the MRO shall cancel the test. If the employee wants the split specimen tested, he/~~she or she~~ must advise the MRO within seventy-two (72) hours of being notified of the positive test result of the primary specimen. If employees request a test, the OJRSA may charge them for the cost of the test of the split specimen.
10. Laboratories are required by DOT regulations to conduct specimen validity testing to determine whether the specimen has been adulterated, diluted, or is otherwise invalid. When required by DOT regulations, the MRO will direct a recollection of the urine specimen under direct observation of the employee. In addition, DOT regulations require direct observation of an employee if the drug test is a return-to-duty test or in some types of follow-up tests. DOT regulations require that the observer in a directly observed collection request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist and lower clothing and undergarments to show, by turning around, that they do not have a prosthetic device designed to defeat the test.
11. If the MRO reports that the specimen is positive dilute, then the test is treated as positive and no re-test is conducted. If the MRO reports that the specimen is negative dilute and directs a recollection under direct observation, then the employee must submit another specimen under direct observation. If the MRO reports that the specimen is negative dilute, but a direct observation retest is not required, then the employee must submit another specimen for retesting, but not under direct observation.
12. ~~The~~ OJRSA will keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

## B. Alcohol Testing Procedures

1. Alcohol testing is confirmed by testing breath because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per two-hundred-and-ten liters (210 L) of breath. The confirmatory testing device is called an Evidential Breath Testing ("EBT") device. The EBT device is a scientific instrument which determines the concentration of alcohol expressed as a "percent by weight." It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol is converted to its equivalent value in blood. A Blood Alcohol Concentration (BAC) of "0.10" means one-tenth of a gram of alcohol per two-hundred-and-ten liters of breath (0.10 g alcohol / 210 L breath). The EBT will print three (3) copies of each test result and the test results are numbered. A test may have two (2) separate parts. The first test is the screening test. The initial test will be made using a DOT-approved screening device which may or may not be an EBT. The screening test may utilize a non-evidential screening device which tests saliva. An EBT will always be used to perform a confirmatory test from which a positive result is reported. If the initial test shows a BAC reading of less than two-hundredths (< 0.02) the test is recorded as negative. If the initial test result is greater than or equal to two-hundredths ( $\geq 0.02$ ), then a confirmatory test will be done. The alcohol testing will be done at a site that affords privacy to the driver being tested. This site could be a room, van, or a partitioned-off area. Only one (1) breath test will be done at one (1) time. The person giving the test will not leave the testing site during the test.
2. The first part of the EBT testing process is to make sure that the EBT is operating properly. In the driver's presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero (0). Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a

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sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least six (6) seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The technician will immediately read the results of the test. Printed results are not required for the initial test, which may or may not use an EBT.

3. When the initial test result shows a reading of greater than or equal to two-hundredths ( $\geq 0.02$ ) BAC on a saliva test, a confirmation test is necessary. Before the confirmation test, a fifteen (15) minute waiting period will be observed. The purpose of the fifteen (15) minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The testing procedures for the EBT confirmation test are as described in the above paragraph. The driver will receive a copy of the printed result of the confirmation test.
4. When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences for the driver.

#### ~~4.6.104.4.10~~ Consequences of a Positive Test Result

**THE CONSEQUENCES SET FORTH BELOW ARE THE MINIMUM CONSEQUENCES UNDER THE FEDERAL REGULATIONS. THE OJRSA'S POLICY IS MUCH MORE STRINGENT. A DRIVER WHO TESTS POSITIVE ON A DRUG OR ALCOHOL TEST WILL BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION.**

Positive Drug Test: Under Federal regulations a driver who tests positive for drugs or who has adulterated or substituted a test specimen:

- A. Cannot report for duty or perform safety sensitive functions;
- B. Must be evaluated by a qualified Substance Abuse Professional;
- C. Must comply with treatment recommendations; and
- D. Must undergo a return-to-duty drug test.

Positive Alcohol Test:

- A. Under the regulations, a driver with a BAC greater than two-hundredths ( $> 0.02$ ) but less than four-hundredths ( $< 0.04$ ) shall not perform safety sensitive functions until the later of twenty-four (24) hours following the test or the start of his next scheduled duty shift.
- B. A driver with a BAC greater than or equal to four-hundredths ( $\geq 0.04$ ):
  1. Cannot perform safety sensitive functions;
  2. Will be told of resources for solving alcohol problems;
  3. Must be evaluated by a qualified Substance Abuse Professional;
  4. Must comply with treatment recommendations; and
  5. Must undergo a return-to-duty test.

Mandatory Reporting:

- A. South Carolina law requires the OJRSA to report to the South Carolina Department of Motor Vehicles ("SCDMV") the following information:
  1. Applicants or employees for CDL positions who refuse to submit to a drug or alcohol screen;
  2. Applicants or employees whose sample is confirmed positive; and
  3. Applicants or employees who submit altered, diluted, or substituted specimens.
- B. Drivers who are reported to the SCDMV pursuant to the law may be disqualified from driving a CMV until the driver is evaluated by a qualified Substance Abuse Professional ("SAP") and has received from the SAP a certification of completion of an alcohol or drug treatment program. Further, a driver who is reported more than three (3) times in a five (5) year period may be disqualified from operating a CMV for life.
- C. In addition, ~~the~~ OJRSA is required to respond to requests for information from prospective employers concerning an employee's drug and alcohol tests during the two (2) years before the date of date of application with the prospective employer. The response will include any positive results.

#### ~~4.6.114.4.11~~ The Effects of Alcohol and Drugs on Health, Work, and Personal Life

The abuse and misuse of alcohol and illegal drugs is a very serious problem which threatens our nation's collective

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health, safety, and welfare. Further, alcohol and illegal drugs reduce driver productivity and increase safety risks on the nation's roadways. Increases in medical costs affect both the employer and other employees who do not misuse alcohol or illegal drugs. The potential damage to the user's health, both mental and physical, is well chronicled. Alcohol remains the most abused substance in the United States and even low dosages of drugs and alcohol can impair judgment and coordination and can cause aggressiveness. Higher dosages interfere with an individual's ability to recognize, learn, and remember. Extremely high dosages can lead to respiratory failure and death. Various mixtures of drugs and alcohol, even in small quantities, can cause the same result. Prolonged consumption can lead to permanent damage to vital organs such as the brain and the liver. The person who misuses or abuses alcohol or illegal drugs harms not only himself but also his family, friends, and co-workers.

**4.6.124.4.12 Signs and Symptoms of an Alcohol or Drug Problem**

Drugs and alcohol affect the user in a variety of ways. The effects are both physical and behavioral. Use of multiple substances both magnifies and increases the symptoms. Some of the noticeable symptoms of alcohol or drug misuse and abuse are:

- A. Drowsiness
- B. Loss of balance
- C. Confusion
- D. Constricted or dilated pupils
- E. Watery eyes
- F. Slurred speech
- G. Hyperactivity
- H. Memory loss
- I. Vomiting
- J. Sweats and chills
- K. Loss of appetite
- L. Odor of an alcoholic beverage
- M. Relaxed inhibitions
- N. Nausea
- O. Poor perception of time or space

**4.6.134.4.13 Drug, Alcohol, and Other Treatment Services**

Drug and alcohol abuse in the workplace are dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. For more information on awareness and treatment services, see SECTION 4.3.14.

**4.74.5 VIOLENCE IN THE WORKPLACE**

All employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," making **threats including** joking threats, or other conduct that may be dangerous—or construed as being dangerous—to others. Conduct that threatens, intimidates or coerces another employee, customer, vendor, or business associate will not be tolerated. OJRSA resources may not be used to threaten, stalk, or harass anyone at or outside the workplace and the agency treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible, generally no later than three (3) calendar days after the incident occurred, to a supervisor, the ~~OJRSA~~ Office Manager, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident, **except to call emergency authorities for help (call 911)**.

Employees should promptly inform the ~~OJRSA~~ Office Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns

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with regard to intimate partner violence. OJRSA will not retaliate against employees making good-faith reports.

OJRSA is committed to supporting victims of intimate partner violence by providing referrals to the company's employee assistance program and community resources and providing time off for reasons related to intimate partner violence. Time off may be using paid leave such as vacation or pursuant to OJRSA's Leave Without Pay policy (7.2.9).

Investigations to all allegations or incidents of threats and violence shall be promptly and thoroughly investigated as stated in SECTION 2.4.2.

#### **4.84.6 CONFIDENTIALITY**

~~The~~ OJRSA does create and maintain information that is considered confidential as defined in the Confidentiality Agreement provided to every employee as a condition of employment ("Confidential Information"). Employees must not disclose any data or information that ~~the~~ OJRSA considers to be Confidential Information unless they are expressly authorized by appropriate agency management to do so. ~~All OJRSA employees are required, as a condition of continued employment, to execute a Confidentiality Agreement that will be provided by OJRSA.~~ Confidential Information consists of all OJRSA non-public confidential and proprietary information such as, without limitation, the following (note that this list is not all inclusive):

- A. Any information, regardless of form, that OJRSA deems proprietary or commercially sensitive, which may include, without limitation, feasibility, planning, and marketing studies and evaluations;
- B. Personal information, where the public disclosure of such information would constitute an unreasonable invasion of personal privacy;
- C. Documents related to ~~the~~ OJRSA's proposed contractual arrangements and proposed sales or purchases of property;
- D. Confidential proprietary information provided to OJRSA for the purposes of economic development or contract negotiations;
- E. Attorney-client privileged communications, correspondence, and work product of OJRSA legal counsel, and any other materials the disclosure of which would violate the attorney-client relationship;
- F. Certain materials gathered by the OJRSA for any job applicant, current employee, or former employee during a search to fill an employment position, including, without limitation, income tax returns, medical records, social security numbers, and any other protected personally identifying information;
- F.G. Items discussed in executive session portion of commission meetings;
- ~~G. Personal identifying information of any current or former OJRSA employee, including, without limitation, social security numbers or other personal identification numbers, driver's license numbers, and financial account numbers;~~
- ~~H. Confidential medical files and any protected health information contained therein, of any current or former OJRSA employee;~~
- H. In certain circumstances, the identity, or information tending to reveal the identity, of any individual who makes a good faith complaint regarding a violation or potential violation of applicable law;
- I. Information relating to security plans and devices proposed, adopted, installed, or utilized by ~~the~~ OJRSA;
- ~~K.J. Certain information related to OJRSA water reclamation facilities; and~~
- ~~L.K. Any and all notes, analyses, compilations, reports, summaries, interpretations, and other materials that contain, are based on, or otherwise reflect or are derived, in whole or in part, from any of the foregoing items A through L within this Section.~~

#### **4.94.7 TOBACCO AND ELECTRONIC CIGARETTE USE**

No use of tobacco products, including cigarettes, e-cigarettes ("vapes"), and smokeless tobacco (e.g., chewing tobacco, dip, etc.) will be allowed in any OJRSA building, work area, vehicle, or piece of equipment at any time. Smoking or tobacco use shall be permitted only during designated breaks during the workday and in selected smoking areas located at least twenty-five (25) feet outside the building entrance, operable windows, loading bay, rollup doors, and ventilation systems of enclosed areas to prevent ~~tobacco~~-smoke and exhalants from entering those areas. Smoking and tobacco use must also take place greater than twenty-five (25) feet away from confined



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spaces.

All materials used for smoking in designated smoking areas, including cigarette butts, ~~and~~ matches, and cartridges, will be extinguished and disposed of in appropriate containers.

#### **4.104.8 OUTSIDE EMPLOYMENT**

All outside employment must be reported to, and be approved by, the ~~OJRSA~~-Executive Director, on an OJRSA Outside Employment Form. Outside employment must in no way conflict with or be detrimental to the employee's work for the agency in order to be approved. Approval may be withdrawn at any time for any or no reason.

The following activities are examples of employment which are deemed inconsistent, incompatible, and in conflict with employment by ~~the OJRSA~~ and which will not be approved:

- A. Any employment activity or enterprise which involves the use ~~for private gain or advantage~~ of OJRSA time, facilities, equipment supplies, prestige, or influence of agency employment or office for private gain or advantage.
- B. Receipt or acceptance by any employee of any money or other consideration from anyone other than ~~the~~ OJRSA for the performance of an act which the employee would be required or expected to render in the regular course of his or her duties as an OJRSA employee.
- C. Employment or activities which impair the attendance or efficiency in the performance of his or her duties.

#### **4.114.9 FACILITY APPEARANCE**

OJRSA establishes this policy on office appearance in accord with its values of efficiency and professionalism. As an expression of those values, all areas, including employee work areas, common areas, maintenance and storage areas, and grounds should be kept neat and orderly.

Employees should keep their individual work areas as neat as possible during the regular workday. Before leaving the work area at the end of the workday, the OJRSA requires employees to organize their areas to secure work materials and to present an orderly and professional image.

In order to accomplish the goals set forth by this policy, the following requirements apply:

- A. Any picture or item hung directly on the walls of the building must be approved in advance by the director of administrative services.
- B. Posters, pictures, notes, etc., are not permitted on the outside of workstations (e.g., offices, cubicles, etc.).
- C. Posters, pictures, notes, etc., are permitted on the inside of workstation panels as long as they are appropriate for workplace display, are not offensive to other employees, and are not permanently attached to a wall (see Item A above). The OJRSA consistently enforces its policies prohibiting workplace discrimination and harassment of any kind, including images, graphics, political information, or other visual displays, that may constitute offensive or inappropriate workplace conduct.
- D. Boxes and other storage items should remain out of sight within a workstation or placed in other appropriate onsite or offsite storage areas.
- E. Employees should leave public areas, such as the library, training rooms, copy room, break areas, conference rooms, and restrooms in a clean and orderly condition for other employees and guests.

Employees in violation of this policy will be subject to appropriate disciplinary procedures, up to and including termination of employment, for repeated or egregious violations.

#### **4.124.10 SPEAKING ON BEHALF OF THE AGENCY**

Only the Board Chair and Executive Director are authorized to speak on behalf of ~~the~~ OJRSA. Employees should direct all inquiries from outside entities, including the media, to the Executive Director and the Board Chair, and notify the Executive Director and Board Chair of the inquiry including who made it and that person or entity's contact information, if known.

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FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~**4.134.11 GIFTS AND SOLICITATIONS****4.13.14.11.1 Selling Items for Personal Profit**

~~The~~ OJRSA prohibits employees from selling products of any kind on OJRSA properties to any person, whether an employee, vendor, visitor, etc. and/or during work hours regardless of whether the selling is during work time or in work areas for personal profit products of any kind to other employees, visitors, or others who conduct business with the agency.

**4.13.24.11.2 Distribution and Solicitation of Employees**

No one, whether employee or non-employee, and regardless of whether affiliated with an organization may solicit funds from employees during work time or distribute anything during work time or in work areas. within the agency nor may they distribute flyers or other materials related to fund drives without the approval of the ~~The~~ Executive Director may occasionally permit solicitation and/or distribution for charitable purposes.

**4.13.34.11.3 Gifts to Employees**

No employee may directly or indirectly solicit, accept, or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege or thing of value ~~that could be interpreted as influencing an employee's impartiality.~~ A gift includes, but is not limited to, meals, trips, money, loans, rewards, gift cards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by OJRSA suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in ~~the~~ OJRSA's sole discretion.

**4.13.44.11.4 Gifts from Employees to Employees**

Individual employees generally should refrain from giving gifts to employees who exercise any administrative or supervisory jurisdiction over them, be it directly or indirectly. The agency also discourages the collection of money for group gifts except in special circumstances such as bereavement, serious illness, or for mementos at retirement.

**SECTION 5 – HOURS OF WORK****5.1 WORK WEEK AND WORK HOURS**

The official work week begins at midnight Saturday (12:00 a.m.) and ends seven days later on Friday at 11:59 p.m.

Normal work hours are listed below based on position. It should be noted that employee schedules may be changed at any time for any operational reason. ~~working hours~~

- A. for Water Reclamation Treatment Plant Operator ("Operator") hours are s-are 7:00 a.m. until 6:00 p.m. Monday through Friday and 7:00 a.m. until 12:00 p.m. (noon) on Saturdays, Sundays, and holidays. Normal working hours are from 8:00 a.m. until 5:00 p.m. (These Operators are on a ten (10) hour per day schedule during weekdays and five (5) hours per day on weekends and holidays) The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.
- B. Maintenance and Conveyance System staff's normal working hours are from 8:00 a.m. until 5:00 p.m. These staff are on an eight (8) hour per day schedule. The Executive Director may authorize alternate hours for frontline staff during certain periods of the year due to heat, cold, and other climate-related matters.
- C. Other staff's normal work hours are from 8:00 a.m. until 5:00 p.m. Monday through Friday. These positions are on an eight (8) hour per day schedule.

**Breaks**

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~~A. All employees are authorized to take One (1) hour is authorized for lunch from 12:00 p.m. (noon) until 1:00 p.m. at a time designated by the Executive Director. Some employees (Operations, Maintenance, etc.) are more likely to have changes to their regular schedule because of cannot adhere to the typical working hours and/or work week due to~~ the unusual responsibilities of their tasks. In those departments, the supervisor concerned will prescribe the work schedule for employees under his/her supervision.

~~A.B.~~ Workload permitting, staff may take one (1) ten (10) minute break midmorning and one (1) ten (10) minute break during midafternoon. Tobacco (including smokeless tobacco) and electronic cigarette use, as defined ~~by the Tobacco and Electronic Cigarette Use policy~~ in SECTION 4.7, shall be limited to use only during these two (2) break periods.

~~Non-exempt e~~Employees ~~may not clock in~~ should not begin work ~~more earlier~~ than seven (7) minutes prior to his/her shift and ~~may should~~ not ~~clock out~~ end work later than seven (7) minutes after their shift without prior approval by their ~~department supervisor~~ division director (or designee) or the Executive Director. All hours worked must be documented. Non-exempt employees are prohibited from working when not clocked in, including during meal breaks. If a non-exempt employee works when not clocked in, such as during a meal break, the employee must report that work to his/her supervisor as soon as possible, and at least during the same work-week.

Employees are generally prohibited from working when not on shift unless called back into work. Non-exempt employees are generally prohibited from working remotely, but if they must work remotely, for example if traveling for work, they must record all time worked and are subject to the same overtime authorization requirements as if they were present at OJRSA.

Commuting: Any time an employee must report to work, whether for the employee's normal work schedule, when called in during on-call duty, for an emergency, inclement weather, or for any other reason, the employee's time commuting to, and home from, work, is not compensable time, except that OJRSA will compensate for the commute when an employee is called in for on-call duty or to assist on-call staff.

## **5.2 REMOTE WORK**

OJRSA does not allow remote work (also known as "work from home" or "telecommuting"), except when extraordinary circumstances warrant remote work as determined by OJRSA in its sole discretion. Remote work that would prevent an employee from performing his/her essential job functions will not be allowed. Even if extraordinary circumstances warrant a remote work schedule, remote work will typically be approved only on a hybrid schedule where the employee reports to OJRSA's worksite in person a majority of the time, and remote work will only be approved for a temporary period of time. Further, Non-Exempt Employees and those in safety-sensitive positions are less likely to be able to perform their essential job duties from home or remotely. Any approved remote work will include terms and conditions, which OJRSA will communicate at the time of approval and with which the employee must comply, subject to discipline.

Employees are subject to all the Personnel Manual policies while working remotely.

Employees seeking a reasonable accommodation for a disability should follow the REASONABLE ACCOMMODATION POLICY (2.2). Employees who wish to request remote work due to extraordinary circumstances should make that request in writing to the Director and must provide any information requested by the Director to support the request and for its full consideration. Failure to comply with requests for information or to cooperate in the process may result in denial of the request and further discipline.

### **5.25.3 STANDBY-ON-CALL DUTY AND CALL-IN**

#### **5.2.15.3.1 Response Time**

~~OJRSA staff who are required to serve in a~~ While scheduled for on-call duty ~~standby role~~, employees must be able

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~~to respond to the OJRSA Coneross Creek Water Reclamation Facility ("WRF") within a forty-five (45) minute reporting time in order to respond to emergencies must remain within a forty-five (45) minute reporting time to the OJRSA Coneross Creek WWTP at all times while serving in that capacity. Employees on-call are otherwise free to use their time outside of their regular shift schedule for their own benefit and enjoyment.~~

### 5.2.25.3.2 Standby-On-Call Personnel

~~Operations and Maintenance staff are designated to respond to abnormal conditions outside of normal hours at all OJRSA facilities. OJRSA endeavors to provide a schedule for standby-on-call personnel will be created and distributed to all staff no later than December 15th prior to the year the schedule will take effect, but will provide as much notice as possible of the on-call schedule, subject to the need for the schedule to change based on personnel and operational factors.~~

~~On-Call Response Compensation: Staff that are called in during their on-call work week are to be compensated in accordance with sections 6.4, 6.5 and 6.7 of this Policy.~~

### 5.2.35.3.3 Standby-On-Call Period

~~Standby-The on-call period begins at 5:00 p.m. on Friday and ends at 4:59 p.m. the following Friday. Typically, employees will be on call for one (1) week increments with at least one (1) week between on-call periods, subject to change based on personnel and operational factors.~~

## **5.35.4 AFTER-HOURS RETURN TO FACILITIES**

~~Employees are prohibited from returning to any OJRSA facility between their shifts unless it is necessary in carrying out their duties, such as during emergency situations that require immediate attention. If for any reason any employee or other person returns to the plant after hours, the Operator On-Duty is required to enter in the Operations Log the person's name, the time of arrival, the purpose for being here, and the time of departure.~~

## **5.45.5 INCLEMENT WEATHER AND OTHER EMERGENCY SITUATIONS**

~~Due to the critical services that the OJRSA provides in protecting health and the environment, the Coneross Creek Wastewater Treatment Plant/WRF is to be staffed as necessary in order to comply with all state and federal requirements at all hours of the year.~~

### 5.5.1 Reporting to Work

~~Staff designated by the Executive Director or his/her designee(s) All Operations and Maintenance staff are to report to work as expected during all weather conditions. Due to the nature of the event, it may be necessary for employee work schedules to be altered in order to maintain continuity of operations during an emergency or abnormal operational event. If nonessential Employees<sup>3</sup> other personnel are scheduled to work but do not feel comfortable driving to work, they may use a paid vacation daytime or take unpaid leave take Vacation Leave. However, the Executive Director may require that a Nonessential Employee<sup>4</sup> report to work if weather conditions reasonably allow in the Executive Director's discretion. If it is critical that an employee report to work during inclement weather and they are not able to drive themselves, the OJRSA will arrange for transportation for essential personnel. Essential Employees only.~~

### 5.5.2 Sheltering at Work

~~Inclement weather and/or other emergency may require certain staff to stay at OJRSA facilities or other designated locations (e.g., county emergency operations center), to ensure continuity of operations during an emergency or abnormal operational event. An employee who is required to shelter at work for less than twenty-four (24) hours will be compensated for all time on duty. An employee who is on duty for twenty-four (24) or more agrees to be compensated for all hours on duty except for a sleeping period not to exceed eight (8) hours, as long as a sleeping period of at least five (5) hours is provided by OJRSA.~~

<sup>3</sup> Essential Employee shall mean those as identified for the various types of emergency events by the Executive Director and Leadership Team as stated within the current version of the OJRSA Emergency Action Plan. Nonessential Employees means all employees other than Essential Employees.

<sup>4</sup> An employee that is not serving as an Essential Employee per Footnote 3.

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## **SECTION 6 – COMPENSATION**

### **6.1 WAGES**

Employees are paid bi-weekly no later than 12:00 p.m. (noon) on Friday ~~by direct deposit~~. Employees should examine their paychecks and pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. ~~Any payment errors must be reported to payroll within 14 calendar days.~~

Salary Deduction Safe Harbor: OJRSA intends to pay all Exempt Employees their regular salary by only making proper deductions from their regular salaries. If an Exempt Employee believes that OJRSA has improperly deducted from employee's salary, the Employee should immediately contact the Executive Director, or the Office Manager or other position delegated with the Human Resources function, who will review the deductions in question, and will correct any deductions found to be improper by providing for compensation for the improper deductions and taking steps to prevent them in the future.

The OJRSA deducts from employees' gross pay all taxes and withholdings as required by the taxing authorities, as well as other mandatory deductions such as retirement contributions. The agency may also deduct from pay the employees' share of any premiums or plan contributions for insurance, optional retirement accounts (e.g., 401(k)), and similar plans that are elected by the employee. The agency may make other deductions as required by law or court order. The agency does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently and reported to payroll.

Cash, ~~d~~Debts owed to the OJRSA, including advanced wages and payments of fringe benefit premiums are loans to employees and are due immediately upon separation of employment and may be deducted from wages owed or otherwise demanded for immediate repayment. ~~fringe benefits,~~ Other amounts owed upon separation of employment, including payments for uniforms, tools, equipment, vehicles, instruction manuals, keys, identification cards, and other items belonging to the OJRSA that are advanced or issued to an employee but not repaid or returned by the time of termination may be deducted from wages owed to the Employee pursuant to applicable law ~~are considered advances of wages, the value of which may be deducted from the employee's pay and may be demanded for immediate repayment if not repaid through wages owed. OJRSA may use a debt collection service to recover amounts owed by a former employee. This policy does not prevent OJRSA from demanding and recovering debts owed by current employees.~~

### **6.2 POSITION CLASSIFICATION**

Each position has been assigned or allocated to an appropriate ~~job~~ classification as exempt from federal minimum wage and overtime requirements, or non-exempt meaning subject to minimum wage and overtime requirements, depending on applicable factors including on the basis of the kind and level of its duties and responsibilities. The salary threshold as identified by an independent and qualified classification/compensation/benefits consultant and approved by the Board of Commissioners for exempt status of each position may be based on the minimum salary for that position's pay band so that all employees in the same position have the same classification, subject to exceptions at the discretion of the Executive Director.

The classification plan may be amended from time to time by ~~the~~ OJRSA. Such changes may result from the need of creating new positions, changes in organizational structure, or changes in assigned duties and responsibilities, or other applicable factors.

The OJRSA shall review all requests for creation of new positions, the abolition or consolidation of present positions, reclassification of positions to different job classes, or the reallocation of positions to new salary ranges. In such review, they shall study the current duties and responsibilities of the position concerned and take appropriate action necessary to insure the correct classification and allocation of the position.

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Each manager and/or supervisor, as appropriate, shall report to the Executive Director changes in the organization or assignment of duties and responsibilities to a given employee which result in changes in the position classification plan or in the classification of any of the positions in their respective department. Periodically, the Executive Director will review all job descriptions of all employees and may report any recommended changes to the OJRSA Board of Commissioners for appropriate action if necessary.

An employee may submit a request in writing to the Executive Director at any time for a review of the duties and responsibilities of their position. Such a request shall be submitted through his/her supervisor and shall include the employee's own description of their current duties and responsibilities. The Executive Director shall then make an investigation of the position to determine its correct allocation report the finding to the OJRSA Board of Commissioners and furnish a copy to the employee requesting the review and to the employee's supervisor.

### **6.3 WORK WEEK AND OVERTIME**

The work period-week of the OJRSA is defined as Saturday at 12:00 a.m. (midnight) through the following Friday at 11:59 p.m.

**ALL OVERTIME MUST BE APPROVED BY THE OPERATIONS DIRECTOR OR THE EXECUTIVE DIRECTOR IN ADVANCE OF PERFORMING THE WORK, WHICH MUST BE DEEMED NECESSARY IN ORDER TO SUPPORT THE MISSION OF THE AGENCY.** The Operations Director and/or Executive Director may schedule an employee off during normal working hours during the same work period-week in lieu of accruing overtime, which is preferred whenever possible.

Time worked by non-exempt employees in excess of forty (40) hours in one (1) work period-week is considered to be overtime. Employees will receive pay for overtime at a rate of one-and-one-half (1.5) hours for each hour of overtime and will be paid the first pay day after the work period in which earned. ~~The~~ OJRSA does not offer compensatory time.

See SECTION 6.5 for information on leave and holiday compensation.

### **6.4 EMERGENCY ~~CALL-INS~~ RESPONSE FOR NON-EXEMPT EMPLOYEES**

Returning to Work for Response: Call-back pay for emergencies shall be computed at a rate of one-and-one-half (1.5) times the regular pay rate for actual time worked during a call-in that lasts longer than one (1) hour. If less than one (1) hour is required for all calls in a single workday, personnel will receive one (1) hour pay times their regular hourly rate, unless the call back results in overtime during the work week. To be eligible for call-back pay at one-and-one-half (1.5) times the regular rate under this policy, an employee must have already been relieved of work for the day and must have left work. If an emergency arises while an employee is still at the workplace or before having been relieved of work for the day, even if the employee is working outside of his/her regular work hours at the time of the emergency or other work need, then the employee will receive his/her regular rate of pay for the hours worked unless or until those hours exceed forty (40) in the workweek at which time the overtime rate will apply.

Although the OJRSA is not obligated by law to do so, the agency currently reimburses non-exempt employees who use their personal vehicles in order to respond to an Emergency Call-In for reasonable mileage incurred at the standard IRS reimbursement rate, provided the employee timely (e.g. completes and submits the Travel Expense Reimbursement Request form within five (5) working days ~~a one-week period~~ of incurring the mileage) completes and submits a mileage reimbursement form to their supervisor for signature and, subsequently, to the Office Manager for processing. The OJRSA will only reimburse employees for Emergency Call-In mileage from the employee's home to and from the on-call site back to the employee's home. However, in the event an employee simply reports to work for his/her regularly scheduled shift or work hours immediately or shortly after working an Emergency Call-In, the employee will only receive mileage for the trip from the employee's home to the Emergency Call-In site. OJRSA reimburses for mileage as soon as administratively feasible following the timely reimbursement submission. The agency reserves the right to decline to reimburse employees for mileage in the event

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a mileage reimbursement request is not timely submitted in accordance with this policy. Employees should be aware that, in certain instances prescribed by the IRS, the OJRSA must deduct taxes from mileage reimbursements.

Response Not Requiring a Return to Work: When an employee must work to handle an issue that does not require the employee to return to the workplace, the employee will be paid for the actual time worked except that OJRSA will pay a minimum of fifteen (15) minutes for any issue that requires less time.

## **6.5 LEAVE AND HOLIDAY COMPENSATION**

**FOR COMPENSATION PURPOSES, VACATION, SICK, OTHER LEAVE INCLUDED IN SECTION 7.2 IS NOT CONSIDERED AS TIME WORKED.** Leave Compensation shall be granted in accordance with the appropriate subsection within SECTION 7 ~~SECTION 7.~~

An employee must work the last scheduled workday before and the first scheduled workday after a holiday to be paid for the holiday unless the absence is pre-approved or if they have a physician's statement for the workday(s) immediately preceding or following the holiday.

### 6.5.1 Non-Operator Holiday Compensation

- A. Holiday compensation is paid at a regular rate (no overtime) that is equal to for the number of the employee's normal working hours an employee usually works during a normal day (e.g., an employee that normally works eight (8) hours a day shall receive holiday compensation for eight (8) hours while a ten (10) hour a day employee receives ten (10) hours of holiday compensation) of eight (8) hours at the regular rate (no overtime) for all employees.
- B. On-Call Response Compensation: If a non-exempt employee must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., respond to alarm at pump station or overflow, etc.), then they receive holiday pay of eight (8) hours as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

### 6.5.2 Operator Holiday Compensation

- A. Non-exempt regular full-time Operators who are scheduled to and do work on a holiday observed by OJRSA will be paid one and one half (1.5) times their regular hourly rate of pay for their actual hours worked on the observed holiday, in addition to holiday pay of the number of normal work hours for their position at a rate if hour-for-hour (non-overtime rate).<sup>5</sup> Regular full-time non-exempt Operators who do not work on an observed holiday will receive the holiday pay equal to the number of hours of their normal work day. Typically, the on-call Operator will work a schedule of 7:00 a.m. to 12:00 p.m. (noon) on a holiday; however, this is subject to change based on organizational need. If an emergency such as high flow, equipment failure, or a power outage at the treatment plant occurs, the Operator will notify the supervisor immediately. The supervisor may assign a Maintenance Technician or other resource to assist and/or replace the Operator.
- B. On-Call Response Compensation: If a non-exempt Operator must respond to an emergency or perform scheduled work necessary to comply with regulations (e.g., perform daily check of WRF), then they receive holiday pay as outlined in Paragraph A above at the regular rate plus the hours they work on the holiday at overtime rate.
- C. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6 OJRSA will pay non-exempt Operators who are called in during their on-call week at the overtime rate. Exempt employees do not receive compensation for working on a scheduled holiday unless as defined in SECTION 6.6.

<sup>5</sup> Example—If Operators normally work a ten (10) hour workday, then they will receive holiday pay for ten (10) hours.

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~~The~~ OJRSA shall pay exempt employees that are required to work beyond their traditional hours at an hour-for-hour rate due to a declared emergency or disaster by the federal government, which is normally issued by the Federal Emergency Management Agency (FEMA). Pay shall only be issued once the disaster is officially declared by the federal government; a federal declaration is not to be assumed.

Exempt staff whose function is determined to be necessary for emergency mitigation and administrative functions must accurately account for their hours, which is to include normal working hours as defined in SECTION 5.1.

Pay shall abide by all OJRSA policies governing overtime and emergency call-back pay for non-exempt staff with the exception of the multiplier (1.0x the hourly wage for exempt employees versus 1.5x for non-exempt staff).

Exempt staff do not receive ~~standby-on-call~~ pay.

**6.7 STANDBY-ON-CALL AVAILABILITY PAY**

Non-exempt employees who serve in ~~standby-an on-call~~ capacity for emergencies will receive ~~fifty-five~~fifteen dollars (~~\$55~~15) ~~per each weekday, including workdays, weekends, and holidays~~. They are paid this amount whether called into work or not. If, on occasion it is necessary to split this pay between two (2) or more individuals, then the per-day rate shall be divided proportionately based on the percent of the day each employee had to serve in standby capacity.<sup>6</sup>

**6.8 ERRORS IN PAY, ~~LEAVE,~~ AND TAX DOCUMENTS**

It is ~~the~~ OJRSA's policy and practice to accurately compensate employees and to do so in compliance with applicable state and federal laws. To ensure that employees are properly paid for all time worked and that no improper deductions are made, non-exempt employees must accurately record all time worked, and all employees must review their paychecks and all tax documents (e.g., Form W-2) promptly upon receipt in order to identify and report all errors to the agency ~~within 14 calendar days~~ as soon as possible but within the same work week, if possible. Employees must report all errors in pay including any deductions from pay they believe to be improper to the Executive Director, or the Office Manager or person delegated with the Human Resources function. Employees will not be retaliated against for reporting errors in pay and must immediately report any concerns about retaliation to the Executive Director or the Chair of the Board of Commissioners.

**6.9 WORKING FROM HOME OR OFFSITE**

Unless specific, advance written authorization from the ~~OJRSA~~ Executive Director is obtained, which is only granted in rare circumstances where compelling business-related or other justifications exist in ~~the~~ OJRSA's sole discretion, no non-exempt employee may work from home. Any employee who is granted permission in this regard must accurately record and report to OJRSA all hours worked so that OJRSA can pay the employee appropriately. Any permitted work from home will be temporary and will not amend job requirements to be present in the workplace or regarding attendance. Employees are subject to all the Personnel Manual policies while working remotely.

**6.10 MERIT INCREASES**

An employee may be eligible for a merit increase upon satisfactory evaluation on a schedule approved by the OJRSA Board of Commissioners. The OJRSA does not guarantee merit or any other increases nor does it guarantee evaluations.

**6.11 NEW APPOINTMENTS**

A new employee shall be paid at least the minimum of the approved salary grade for the position to which he/she

<sup>6</sup> Example—Employee A served in the standby role for the first 10 hours of a day and Employee B served in the role for 14 hours. Based on a 24 hour day, Employee A covered 41.67% of the day and Employee B covered the remaining 58.33%, so by multiplying the \$15 per day standby pay by the appropriate percentage and rounding to the nearest cent, Employee A shall receive \$6.25 and Employee B \$8.75 in standby pay for this day.



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is appointed. In exceptional cases, the person may be appointed above the minimum based on qualifications and experience by the approval of the Executive Director within parameters granted by the OJRSA Board of Commissioners.

### **6.12 TEMPORARY APPOINTMENTS**

When a vacancy is filled by a temporary appointment, the employee shall be paid at the minimum step of the applicable salary grade for the position or at their current rate, whichever is higher.

### **6.13 DEMOTIONS**

An employee demoted for disciplinary reasons to a classification having a lower salary grade shall receive such salary within the lower salary grade as the OJRSA shall specify.

## **SECTION 7 – EMPLOYEE BENEFITS**

### **7.1 HEALTH INSURANCE**

#### **7.1.1 Eligibility**

~~Employees will become eligible for insurance in accordance with OJRSA's group health insurer requirements and other applicable OJRSA policies. To be eligible to be covered under OJRSA-paid group health insurance, an employee must be in regular status~~ as defined by the OJRSA Personnel Policy Manual/OJRSA Employee Handbook.

#### **7.1.2 Insurance Plans and Costs**

The group health insurance provider for the OJRSA is the South Carolina Public Employee Benefit Administration ("PEBA") and the agency follows all policies and requirements of PEBA. The agency provides the State Health Plan's Standard Plan, Vision, and Dental/Dental Plus, Long-Term Disability, and a \$3,000 life insurance policy for the Regular Full-Time Employees ~~employees~~ at no additional cost. Insurance is available to family members as allowed by PEBA; however, the OJRSA does not subsidize the employee portion of these expenses.<sup>7</sup>

#### **7.1.3 Coverage for Employees on Leave Without Pay**

The OJRSA shall follow all PEBA and other requirements regarding Consolidated Omnibus Budget Reconciliation Act ("COBRA").

As a matter of general policy, ~~the~~ OJRSA will continue to pay an employee's health insurance (employee only) for a period not to exceed six (6) months in duration after an employee uses accrued Sick Leave and Vacation Leave and is placed on Leave Without Pay, after which the employee shall have the option to pay his/her insurance premium through ~~the~~ OJRSA for the duration of the Leave Without Pay. OJRSA reserves the right to require employees to reimburse these health insurance premiums paid on their behalf.

### **7.2 LEAVE**

#### **7.2.1 General Leave Policy**

~~Unless noted within SECTION 7.2, all employees shall earn leave based on an eight (8) hour workday.~~

#### **7.2.2 Vacation Leave**

Vacation Leave is earned in accordance with the following policies:

##### A. Rate of Accrual

1. Full-Time Employees: All full-time employees ~~assigned to regular positions who have completed six (6) months of satisfactory service~~ shall earn paid Vacation Leave according to Table 6.

<sup>7</sup> Eligible employees may also elect to participate in other plans offered by PEBA to potentially save on the costs they will pay to cover eligible family members.

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Table 6: Vacation Leave accrual rate

Continuous Service	Total Vacation Time Accrued Per Year	Annual Vacation Accrual Rate
<del>Less than 6 months</del>	<del>N/A</del>	<del>Receive 32.00 hours at the beginning of their 7th month's service</del>
<del>Greater than 6 months and Less than 1 year</del>	<del>56.60</del> hours total earned during first year	<del>Accrue 4.805.00 hours per month for the remainder of their first years' service starting the first day of the month following the employee's first day of employment</del>
1 Year	80 hours	Employees begin accruing 6.67 hours per month starting <del>the first day of the month following their 1st on the</del> anniversary date <del>of their 1st years' service</del>
2-5 Years	96 hours	Employees begin accruing 8.00 hours per month starting <del>the first day of the month following their 2nd on the</del> anniversary date <del>of their 2nd years' service</del>
6-9 Years	112 hours	Employees begin accruing 9.33 hours per month starting <del>the first day of the month following their 6th on the</del> anniversary date <del>of their 6th years' service</del>
10-13 Years	120 hours	Employees begin accruing 10.00 hours per month starting <del>the first day of the month following their 10th on the</del> anniversary date <del>of their 10th years' service</del>
14-17 Years	136 hours	Employees begin accruing 11.33 hours per month starting <del>the first day of the month following their 14th on the</del> anniversary date <del>of their 14th years' service</del>
18+ Years	176 hours	Employees begin accruing 14.67 hours per month starting <del>the first day of the month following their 18th on the</del> anniversary date <del>of their 18th years' service</del>

- 2. ~~Part-Time, Seasonal, and Other Employees~~ ~~Part-time and Seasonal Employees~~: Part-time employees and/or ~~Other Employees~~ ~~employees hired to fill temporary or seasonal positions~~ shall not accrue, nor be paid for, any Vacation Leave.
- 3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) ~~consecutive~~ workdays do not accrue ~~credits for~~ paid Vacation Leave.
- 3.4. If an employee is using Donated Sick Leave, then they are not eligible to accrue Vacation Leave.

B. Use of Vacation Leave

- 1. ~~Full-time employees shall not be eligible to take paid Vacation Leave during their first six (6) months of employment at the OJRSA.~~
- 2.1. Vacation Leave cannot be taken before it is accrued.
- 3.2. Vacation Leave, subject to the approval of the Operations Director or Executive Director, may be taken in ~~units of~~ quarter hour, half hour, hour, and full day increments.
- 4.3. Except in the case of an emergency, all vacation must be approved in advance by the ~~Supervisors, Division Managers/Directors, Operations Director~~ or Executive Director. Whenever possible, an employee wishing to take more than eight (8) hours of Vacation Leave should request approval at least one (1) week in advance.
- 5.4. Whenever possible, employees will be allowed to take Vacation Leave at times most convenient to them. However, in order to ensure continuous operation and maintain a high level of quality in the delivery of services to the users of the OJRSA, the agency reserves the right to limit the number of employees that may be absent from a given department or unit at any time. When there is conflict in the vacation choices of two (2) or more employees who cannot be spared at the same time, the Executive Director will make the determination.
- 6.5. Employees cannot take more than two (2) weeks of leave concurrently without the approval of the Executive Director, which includes any combination of Vacation Leave and observed Holidays.
- 7.6. When a paid holiday is observed by ~~the~~ OJRSA during the period an employee is on Vacation Leave, the employee shall receive their regular holiday pay, and that day shall not be charged against the

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employee's vacation earnings.

## C. Payment and Accumulation of Vacation Leave

1. Up to three hundred sixty (360) hours of Vacation Leave may ~~be accrued and be~~ carried over from ~~year to year one calendar year to another, except that but~~ Vacation Leave ~~that accumulates~~ accumulated in excess of three hundred sixty (360) hours ~~must be used by the end of the employee's anniversary calendar year or it will be forfeited so that only three hundred sixty (360) hours will carry over to the following calendar year (starting January 1). shall be forfeited on the beginning of the next years' service based on the employee's date of hire following close of business on the last calendar day of each year.~~
2. At the time of separation from service for non-disciplinary reasons, an employee shall be entitled to any Vacation Leave pay ~~not to exceed three hundred sixty (360) hours~~ accumulated and not previously used, provided the employee gives and works a two (2) week notice. The requirement for this two (2) week notice may be waived by the OJRSA-Executive Director, in his/her discretion, based upon the needs of the organization.

## D. Transfer of Vacation Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Vacation Leave.

7.1.57.2.3 Sick Leave

Sick Leave is earned in accordance with the following policies:

- A. It is the policy of ~~the~~ OJRSA to provide reasonable time off with pay, up to the amount of unused Sick Leave ~~earnings~~, to employees who are unable to work due to personal illness or injury.
- B. Rate of Accrual
  1. Regular Employees: ~~Starting on the first day of the first full month of employment, Employees will earn eight (8) hours of paid sick leave and will be eligible to use accrued sick leave immediately after it first accrues. Upon becoming a regular employee, which is normally six (6) months from date of hire following a probationary period, an employee shall be credited twenty four (24) hours of Sick Leave. All full-time employees assigned to regular positions shall accrue credits for paid Sick Leave at a rate of eight (8) hours per month of continuous service accumulative up to seven hundred twenty (720) hours.~~
  2. Part-time, ~~and~~ Seasonal, ~~and~~ Other Employees: Part-time employees and/or ~~Other Employees~~ employees hired to fill temporary or seasonal positions shall not accrue, nor be paid for, any Sick Leave.
  3. Employees on Leave Without Pay: Employees on Leave Without Pay for more than ten (10) ~~consecutive~~ workdays do not accrue credits for paid Sick Leave while in Leave Without Pay status. If an employee is using Donated Sick Leave, then they are not eligible to accrue Sick Leave.
- C. Use of Sick Leave
  1. Sick Leave will be charged in ~~units of~~ quarter hour, half hour, hour, and full day increments.
  2. Sick Leave may be taken for personal medical, eye care, and dental appointments.
  3. Sick Leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health ~~or safety~~ of fellow workers.
  4. Employees who exhibit symptoms of illness may be required to leave work. In such cases, Sick Leave must be used. ~~(See SECTION 3.4 for more information).~~
  5. When a paid holiday occurs during the period an employee is on Sick Leave with pay, the employee shall receive only their regular holiday pay ~~provided they have prior approval from their supervisor for the time off or a written doctor's excuse (See SECTION 6.5)~~, and that day shall not be charged against their Sick Leave earnings.

## D. Payment and Accumulation of Sick Leave:

~~D.1.~~ In order to be eligible ~~to use for~~ Sick Leave ~~with pay~~, an employee must:

- ~~1.a.~~ Report to their supervisor at least thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor at least one (1) hour before beginning of shift. An employee who fails to ~~so~~ notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.

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- ~~2-b.~~ If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised ~~to of~~ his/her condition and anticipated date of return.
- ~~3-c.~~ Submit a statement from the attending ~~physician~~ healthcare provider as to the nature and duration of the illness, if requested. Such certification is required for absences of three (3) consecutive work days or longer. A ~~physician's healthcare provider's~~ statement is also required whenever a given individual has already utilized over forty-eight (48) hours of Sick Leave, which includes Family Sick Leave, during the last rolling backward twelve (12) month period, or for any other reason the agency determines such certification is warranted. At the employee's request, ~~the~~ OJRSA, at its discretion, may allow up to one (1) additional day of Sick Leave beyond the return-to-work date as stated on the physician's statement without requiring an additional doctor's note with a new date listed.
- ~~4-d.~~ Upon leaving OJRSA employment for whatever reason other than retirement, an employee will not be ~~reimbursed-paid~~ for unused accrued Sick Leave.
- ~~e.~~ If an employee retires from ~~the~~ OJRSA, they may be eligible to use Sick Leave as a credit toward retirement in accordance with PEBA requirements.

~~5-2.~~ Sick Leave may be accrued and carried over from year-to-year, but Sick Leave accumulated in excess of seven hundred twenty (720) hours shall be forfeited following close of business on the last calendar day of each anniversary year for the employee.

## E. Family Sick Leave

1. Employees earning Sick Leave, ~~as provided in "Sick Leave"~~ as stated in ~~this the~~ section of the *OJRSA Personnel Policy Manual* titled "SICK LEAVE," (7.2.3) may use up to forty (40) hours of Sick Leave annually (based on the calendar year) to care for ill members of their immediate families. For purposes of this policy, the employee's "immediate family" means the employee's spouse, children, parent, brother, sister, grandparent, legal guardian, or grandchild.
2. In order for staff to use Family Sick Leave, the following requirements must be observed:
  - a. Report to their supervisor thirty (30) minutes prior to the scheduled shift with reason for the absence. Operators must report to their supervisor one (1) hour before beginning of shift. An employee who fails to ~~so~~ notify their supervisor may not be paid for the time taken prior to notification and is subject to disciplinary action.
  - b. If the absence extends beyond two (2) days, the employee is to keep his/her supervisor advised of their anticipated date of return.
  - c. Proof from the Immediate Family ~~member's~~ Member's attending healthcare provider, which states the member was under the provider's care, must be submitted to the ~~OJRSA~~ Office Manager in cases involving Family Sick Leave absences of three (3) consecutive work days or longer or if employee has used more than forty-eight (48) sick hours in a rolling backward twelve (12) month period.

F. Maternity Parental Leave and Lactation Support

1. OJRSA supports employees who are pregnant, during and after their pregnancies by providing leave for the prenatal needs, birth, recovery, and bonding with their child, as well as employees adopting or beginning foster care relationships with children, by providing Parental Leave.
  2. To be eligible for this policy, employees must have been employed on a full-time basis for at least six (6) consecutive months.
- ~~F.~~ OJRSA provides eligible employees with up to eight (8) weeks of unpaid leave that can be used for prenatal care and needs, the birth and recovery from birth, and bonding. Employees can, but are not required to, use accrued Vacation and/or Sick Leave for any portion of the Parental Leave Period. Employees can apply for short-term disability and any other health and welfare benefits in which they may be enrolled through their employment.
3. Employees must give OJRSA as much advanced notice of the need for Parental Leave as possible and work with their supervisor and the Office Manager (or other position delegated with the Human Resources function) to plan for the leave, subject to changes to the plan as necessary for unexpected needs. Employees must communicate with OJRSA during leave as requested and must update OJRSA in

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changes to the plan during the leave as promptly as possible. Parental Leave is job-protected as long as employees can return to work as planned or within a reasonable time thereafter. OJRSA's other leave policies may apply to a need for extended leave beyond the Parental Leave.

4. OJRSA provides reasonable time for employees to express breast milk. Employees should use their regular break time and/or their meal break for this purpose, where possible. If not possible, then OJRSA will provide reasonable additional unpaid time for expressing breast milk. Employees who need lactation support should notify the Office Manager (or other position delegated with the Human Resources function) to agree on a reasonable schedule for expressing breast milk. OJRSA will provide a private, secure location other than a bathroom for this purpose.

## G. Absence Due to Illness or Exposure or Exposure to Diseases

1. An employee who has a fever or other symptoms of illness must not report to work. An employee who has been exposed to a contagious illness (for example, the flu, measles) must report this exposure to his supervisor prior to reporting to work, even if the employee is not experiencing symptoms. OJRSA will determine if the employee should report to work, see a medical provider before reporting, or other course.
2. Additionally, an employee who is taking medication, prescribed or otherwise, which might affect his ability to perform his job, should advise his supervisor. If in OJRSA's sole opinion, it does not appear that the employee can safely perform his job or is a risk to others, he/she will be sent home.

## H. Long Term Illness

1. General: After an employee who has completed at least one (1) year of satisfactory service has used all accrued Sick Leave ~~credits~~, he/she must use his/all accrued vacation ~~earnings~~ before being placed on leave without pay. Such Leave Without Pay may be up to six (6) months from the last day worked, with special written permission by the ~~OJRSA~~ Executive Director. However, there is no guarantee of the length of ~~a leave of absence~~ the Leave Without Pay, nor is there a guarantee ~~of a return to the job that OJRSA will be able to hold the employee's position for the duration of the leave~~. Decisions will be made on a case-by-case basis.
  2. Returning to Work: The position held by an employee may be held open while they are on an extended medical leave by redistributing the work among the other employees in the department, or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a permanent basis, the employee shall be notified immediately. ~~The, and~~ OJRSA will attempt to place ~~them~~ the employee in a position of like status and pay for which he/she is qualified when ~~they are~~ able to return to work.
  3. If an employee is unable to return to work on the date established for his/her return to duty, they shall notify their supervisor as soon as possible. An employee who fails to return to work on the date established, and fails to notify their supervisor in advance, will be considered to have resigned.
  4. The agency reserves the right to require a statement from the employee's attending ~~physician~~ healthcare provider to the effect that the employee is able to resume his/her normal duties and schedule before allowing the employee to return to work.
- I. Transfer of Sick Leave to New Position: Upon transfer into another classification within the agency, an employee shall not lose any Sick Leave.
- J. Transfer of Sick Leave to Co-Worker
1. Employees are authorized to transfer accumulated Sick Leave to another employee who has exhausted his/her Sick Leave, Vacation Leave, and other paid leave, and who is personally experiencing a catastrophic ~~injury, or~~ long-term illness, pregnancy-related disability, or delivery of a baby and maternity leave to care for the child (collectively "Catastrophic Illness") which will require absences in excess of twenty (20) days. This policy excludes elective surgery ~~and normal pregnancy and delivery~~. A panel consisting of the ~~OJRSA~~ Executive Director, Office Manager, and Board Chair will determine whether the illness or ~~accident~~ injury is catastrophic based on information presented, the extent of impairment to an employee's ability to perform his/her job, and other circumstances.
  2. In order to be eligible to receive days to be used from other employees, the employee who meets the catastrophic illness criteria must:

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- a. Be a full-time non-probationary OJRSA employee; and
  - b. Must be scheduled by a physician to be out of work for twenty (20) or more consecutive days as a result of illness or accident (an exception may be made for intermittent catastrophic illnesses as defined herein).
3. A Catastrophic Illness may also be intermittent in nature, meaning that it could be an “on-going” illness to the employee that would require him/her to use sick leave at intermittent times due to the type of illness and treatment. For intermittent Catastrophic Illness, an employee may be able to return to work for a period but must take leave occasionally due to special treatment or therapy.
  4. A staff member who meets the eligibility criteria as described in this policy may apply to draw from a co-worker’s donated Sick Leave using an Application for Use of Donated Sick Leave form. This application must be accompanied by a Physician’s Confirmation containing the nature and expected duration of the disabling condition. An employee is only eligible to receive donated sick leave for one (1) event per calendar year, and the maximum number of days which may be used from donations shall be thirty (30) days per calendar year.
  5. Members who have been approved for Workers’ Compensation due to a job-related injury, or who have been approved for, and are receiving disability benefits, are not eligible to apply for Donated Sick Leave days.
  6. The employee who transfers Sick Leave time to another employee shall lose the number of days of accumulated leave that is transferred. The transfer of leave time shall be done on a volunteer basis. A Sick Leave Transferal Request form must be filled out authorizing the transfer of time.

~~7.1.6~~7.2.4 Compensatory Leave

Compensatory Leave, commonly referred to as “comp time,” is not awarded by ~~the~~ OJRSA. Eligible staff that work overtime shall receive compensation in accordance with SECTION 6.3 and other applicable sections of the OJRSA Personnel Policy Manual/OJRSA Employee Handbook.

~~7.1.7~~7.2.5 Bereavement Leave

In the event of a death in the employee’s immediate family, the employee may take leave with pay, not to exceed three (3) days. The term “immediate family,” for the purpose of this subsection, shall include:

- A. The employee’s spouse, child, parent, brother, sister, grandparent, grandchild, or legal guardian.
- B. The child, parent, brother, or sister of his/her spouse.

The OJRSA may require proof of relationship to the deceased to confirm they are immediate family as defined in this policy.

The number of hours of Bereavement Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

~~7.1.8~~7.2.6 Civil Leave

The number of hours of Civil Leave for each day is equal to the employee’s normal working hours per SECTION 5.1.

Jury Duty: All OJRSA fulltime employees selected for jury duty shall be entitled to Civil Leave with pay for the period of absence required up to a maximum of ten (10) days per year. Such leave shall not be charged to Vacation or Sick Leave earnings/balances, except that on any day when such employee is excused from service on a jury, he/she will be expected to report for duty at their regular place of work, if within reasonable commuting distance, or be charged Vacation Leave for time excused from jury duty. Likewise, any period for which an employee is excused from jury duty, because of illness, shall be charged to Sick Leave. An employee shall be entitled to all fees received as a juror.

Official Court Attendance: All employees subpoenaed or ordered to attend court to appear as a witness, or to testify ~~in~~ in their OJRSA official capacity, shall be entitled to Civil Leave with pay for such period as his/her court attendance may require.

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Private Litigation: A leave of absence of an OJRSA employee to appear in private litigation in which they are a ~~prin-~~  
~~cipal~~ party or witness shall be charged to Vacation Leave or to Leave Without Pay at the employee's choice.

~~7.1.9~~7.2.7 Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law.

Employees on Military Leave will receive paid leave for up to fifteen (15) days per ~~military fiscal~~ rolling backward twelve (12) month period (looking back twelve (12) months from the day the leave is to begin to determine the balance of the paid leave used in that twelve (12) month period) year for training or call-up. In addition, if an employee is called upon to serve during an emergency, the employee will receive paid leave of absence ~~for~~ not exceeding thirty (30) additional days for a total of forty-five (45) days per military fiscal year.

The number of hours of Military Leave for each day is equal to the employee's normal working hours per SECTION 5.1.

~~7.1.10~~7.2.8 Educational Leave

This policy is provided to encourage all regular employees to continue their education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities in the future. The Executive Director has the authority to determine whether classes meet this requirement. Classes should be scheduled during off-duty hours and should not regularly interfere with the employee's normal working hours. Employees should notify their department manager and the Executive Director at the time they register for classes if taking classes that might interfere with their normal working hours.

If classes interfere with an employee's work schedule, then upon request, the Executive Director may approve unpaid leave to accommodate the occasional or unexpected need for leave for class requirements.

This policy applies to employees' elective education, not to mandatory continuing education required for the employee's position with OJRSA.

~~7.1.11~~7.2.9 Leave Without Pay

Full-time employees may be granted Leave Without Pay for personal reasons. Normally, it is granted only when the employee has used their accumulated Sick and Vacation Leave in the case of illness, or Vacation Leave if Leave Without Pay is requested for reasons other than illness. Written request for Leave Without Pay must be initiated by the employee, favorably endorsed by his/her supervisor, and approved by the Executive Director before becoming effective. Such leave shall not be approved for a period longer than twelve (12) weeks of combined leave (Sick Leave, Vacation Leave, and Leave Without Pay) within a rolling backward twelve (12) month period (as defined in the Military Leave policy above). ~~rolling period.~~

~~7.2~~7.3 HOLIDAYS

The eleven (11) holidays below are observed by ~~the~~ OJRSA. Each day is paid ~~recognized~~ with the employee's normal working hours per SECTION 5.1 ~~normal working hours, typically either eight (8) or 10 hours of pay.~~

- A. New Year's Day
- B. Martin Luther King, Jr. Day
- C. Memorial Day
- D. Independence Day
- E. Labor Day
- F. Veteran's Day
- G. Thanksgiving Day
- H. Day After Thanksgiving
- I. Christmas Eve

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- J. Christmas Day
- K. Day After Christmas

If a holiday falls on a Sunday, it shall be observed on the following Monday; and if a holiday falls on a Saturday, it shall be observed on the preceding Friday.

Where it is necessary to maintain service requiring a regular employee to work on an official holiday, such employees shall be paid for all hours worked in addition to receiving holiday pay.

Pay for holidays is defined in SECTION 6.5 of the OJRSA Personnel Policy Manual ~~OJRSA Employee Handbook~~.

### **7.3.7.4 TUITION REIMBURSEMENT**

#### **7.3.17.4.1 Eligibility**

Employees that are interested in continuing their education must meet the following criteria:

- A. Be a ~~full-time staff member~~ Regular Full-Time Employee with at least one (1) year of continuous service.
- B. Courses must be directly related to and of assistance to the employee in their work with ~~the~~ OJRSA.
- C. Courses must be taken ~~in conjunction with~~ through an accredited institution.
- D. The curriculum must be presented to the department manager in advance in order for the manager to determine if the employee's work responsibilities and academic load are compatible.

#### **7.3.27.4.2 Covered Expenses**

An employee may be reimbursed for the cost of tuition, all course-related fees, and one-half (1/2) the cost of required books. All other costs, such as activity fees, graduation fees, shall be paid by the employee.

#### **7.3.37.4.3 Applying for Reimbursement**

Within ten (10) days after receiving grades, the employee shall submit an Application for Tuition Reimbursement form to the Administrative Office with the following attachments:

- A. Receipts showing the amounts paid for tuition fees and books.
- B. A copy of the employee's official transcript, grade sheet, or other proof of satisfactory completion, as appropriate. Payment may be made only for those courses in which the employee earns a grade of "C" or better for the course. Proof of satisfactory completion will be required for those courses for which grades are not given. After approving the application, the Executive Director will forward the form for payment.

#### **7.3.47.4.4 Conditions**

- A. Managers must inform the Executive Director prior to April of each year in order for the expense to be placed into the agency's budget.
- B. The OJRSA's obligation to pay education assistance expenses is voided if an employee voluntarily terminates their employment or is terminated involuntarily before completing an approved course. In such cases, any costs already incurred by the OJRSA will be deducted from the employee's final paycheck.

#### **7.3.57.4.5 Required Courses**

From time to time, it may be necessary for ~~the~~ OJRSA to require certain employees to take one (1) or more courses. When this ~~does~~ occurs, the agency will pay all of the costs of the course, including tuition, fees, book, and reasonable transportation costs as well as the employee's compensation for the time in the required course.

#### **7.4.6 Advancement of Wages for Tuition Purposes**

When an employee's position with OJRSA requires continuing education or training in order to obtain or maintain a certification or license, OJRSA may approve an advance of the employee's wages for some or all of the cost. An employee must request the advance of wages to the Executive Director, who must approve that the education or training qualifies, and who approves the amount to be advanced. In order to receive an advance of wages for this



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purpose, the employee must sign an agreement with OJRSA containing additional terms and conditions of the advanced wages, including that the employee will repay the wages through payroll deductions or otherwise as specified in the agreement.

### **7.47.5 RETIREMENT BENEFITS**

#### **7.4.17.5.1 Pension**

~~The~~ OJRSA participates in the South Carolina Retirement System, which is administered by ~~the~~ PEBA. Membership in the retirement programs offered by PEBA is mandatory as a condition of employment. OJRSA employees are subject to the laws, rules, regulations, and policies of PEBA.

#### **7.4.27.5.2 Insurance**

~~The~~ OJRSA offers health insurance coverage to retirees that meet the eligibility qualifications as required by PEBA for local subdivisions of the state. The terms of this coverage are dictated by PEBA and may change from time-to-time without notice from OJRSA. ~~Currently, T~~the employee shall be responsible for zero percent (0%) of the associated employer expenses and zero percent (0%) of the employee expenses.

### **7.57.6 OPTIONAL BENEFITS**

~~The~~ OJRSA may offer employees and their eligible family members other optional benefits through PEBA and other agencies, such as life insurance, supplemental insurance (e.g., Aflac), tax-favored medical and dependent care account programs (e.g., MoneyPlu\$), and supplemental long-term disability insurance. All such benefits are subject to the rules, policies, and rates of the agencies providing the benefits, and may change from time-to-time without notice from OJRSA. ~~The~~ OJRSA does not subsidize these costs and the employee is entirely responsible for all associated rates for products they elect to procure.

### **7.67.7 EXAMINATIONS, MEMBERSHIPS, LICENSES, AND CERTIFICATIONS**

#### **7.6.17.7.1 Responsibilities**

Below are the employee's responsibilities regarding examinations, licenses, and other such matters:

- A. Employees must commit to obtaining the necessary Continuing Education Units ("CEU") or Professional Development Hours ("PDH") to maintain their license or certification. While the OJRSA will attempt to make these opportunities available to staff, it is ultimately the responsibility of the employee to ensure they have the necessary CEUs and PDHs necessary to maintain their license or certification.
- B. It is the responsibility of the employee to keep track of their CEUs and PDHs.
- C. The employee must remain in good standing with the licensing and certification agencies at all times.
- D. Employees must provide a copy of the current license or certification to the Office Manager. A copy of the documents will be placed in the employee's personnel file.

#### **7.6.27.7.2 Reimbursement Criteria and Conditions**

The OJRSA will either pay for or reimburse eligible employees for certain fees associated with job-related requirements and memberships as stated in, Table 7, Table 8, and Table 9. In order for an employee to be considered eligible, the exams, professional memberships, and licenses must either be required by the employee's current position description or is considered beneficial or advantageous to the agency. In order for an employee to have the agency pay for these items through reimbursement or direct pay, the following conditions shall apply:

- A. The employee must have the approval of his/her supervisor prior to scheduling an exam or joining a professional organization as a member.
- B. The employee must provide the Office Manager with a copy of the invoice and certification, membership, or license in order to receive reimbursement or direct pay by the agency. If an employee prefers to be reimbursed, payment shall be made to the employee via check during the following pay period after providing the necessary documentation to the Office Manager.
- C. If an examination is failed or must be rescheduled after the cancelation or reschedule date, the OJRSA will pay for the missed exam only if it was the fault of the OJRSA; otherwise, the employee shall be responsible for paying for the text.

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- D. The OJRSA is not responsible for fees associated with late payments, whether it is due to the employee failing to submit payment in a timely manner or providing payment to the Office Manager for payment and processing too close to the deadline for timely delivery. If the delay is due to the OJRSA, the agency shall pay the late fees.

Table 7: Exams eligible to be reimbursed for by OJRSA

Exam	Reimbursement Conditions
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for each level or type of exam <u>once</u> .
<del>DHEC</del> South Carolina Department of Environmental Services (“SCDES”) Backflow Prevention Certification	The OJRSA will pay for the exam <u>once</u> .
<del>DHEC</del> SCDES Certified Erosion Prevention and Sediment Control Inspector (“CEPSCI”)	The OJRSA will pay for the exam <u>once</u> .
Municipal Association of South Carolina (“MASC”) Electrical Certification	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
SC Professional Engineer or Surveyor	The OJRSA will pay for the exam <u>once</u> .
South Carolina Department of Motor Vehicles (“SCDMV”) Commercial Driver’s License Permit	The OJRSA will pay for the exam <u>once</u> .
SCDMV Commercial Driver’s License Skills Test (“permanent” license) – Only valid for SC Class “A” (with Z restrictions) or “B” CDL, tanker endorsement is also required	The OJRSA will pay for the exam <u>twice</u> — once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
SCDMV Commercial Driver’s License Tanker Endorsement	The OJRSA will pay for the exam <u>once</u> .
South Carolina Labor, License, and Regulation (“SCLLR”) Biological Wastewater Treatment Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Water Environment Association of South Carolina (“WEASC”) Voluntary Collection System (“VCC”) Collection System Operator	The OJRSA will pay for each level of the exam <u>twice</u> —once after the first exam (if it is not passed the first time it is taken) and the second after passing the test.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

Table 8: Memberships eligible for reimbursement by OJRSA

Membership	Reimbursement Conditions
American Water Works Association (“AWWA”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Society for Human Resource Management (“SHRM”) for Office Manager or Director	The OJRSA will pay for once per year.
Water Environment Association of South Carolina ( <del>WEASC</del> ) for licensed Water Reclamation Operators and Collection System staff	The OJRSA will pay for once per year.
Water Environment Federation (“WEF”) for Operations Manager or Director level staff	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

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Table 9: Licenses and certifications eligible for reimbursement by OJRSA

License and Certification	Reimbursement Conditions
Clemson Herbicide/Pesticide/Insecticide Applicator	The OJRSA will pay for once per year.
<del>DHEC-SCDES</del> Backflow Prevention Certification	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
<del>DHEC-SCDES Certified Erosion Prevention and Sediment Control Inspector (CEPSCI)</del>	The OJRSA will pay for as required by DHEC but in no case more frequently than once per year.
MASC Electrical Certification	The OJRSA will pay for once per year.
SC Professional Engineer or Surveyor	The OJRSA will pay for once per year.
SCDMV Commercial Driver's License new and renewal	The OJRSA will pay for as required by SCDMV but in no case more frequently than once per year.
SCLLR Biological Wastewater Treatment Operator	The OJRSA will pay for once per year.
SCLLR Physical/Chemical Treatment Operator	The OJRSA will pay for once per year.
WEASC VCC Collection System Operator	The OJRSA will pay for once per year.
Others considered beneficial or appropriate by the Executive Director	Will be evaluated on a case-by-case basis.

**7-77.8 HAND TOOL PURCHASING POLICY**

Employees in the Conveyance System, Maintenance, and Water Reclamation Facility Operations departments are required to provide their own hand tools in order to perform OJRSA-required tasks. Hand tools are considered commonly used tools such as wrenches, power saws, drills, impact drivers, etc. Hand tools do not include specialty tools like welders, rotary hammers, generators, or safety equipment, which will be provided by ~~the~~ OJRSA.

Employees are expected to have and use their own tools and maintain them in good working order.

~~The~~ OJRSA will assist employees ~~to~~ with purchasing ing tools through payroll deduction under the following conditions:

- A. **ANY MONEY PROVIDED TO EMPLOYEES TO PURCHASE HAND TOOLS IS CONSIDERED AN ADVANCEMENT OF WAGES, THE VALUE OF WHICH CAN BE DEDUCTED FROM THE EMPLOYEE'S FINAL PAYCHECK, INCLUDING FROM ACCRUED LEAVE. (See SECTION 6.1 for more information)**
- B. The OJRSA will advance wages not to exceed five hundred dollars (\$500) every six (6) or twelve (12) month period, whichever the employee chooses when completing the Payroll Deduction Purchase Agreement form. This period cannot be modified once the form is submitted to the Office Manager for processing; however, employee can elect to reimburse the OJRSA earlier than the date stated on the form.
- C. Employee can only have one (1) advancement of wages for hand tool purchases at a time.
- D. The hand tools are kept in good, safe working condition. **DAMAGED OR UNSAFE TOOLS ARE NOT TO BE USED FOR OJRSA TASKS. FAILURE TO COMPLY WITH THIS CONDITION COULD LEAD TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.**

The OJRSA is not responsible for the replacement of lost, stolen, or damaged tools. If an employee is currently paying on a hand tool(s) that was purchased using this policy and it is lost, stolen, or damaged, then they are still responsible for reimbursing the OJRSA in accordance with this policy and the employee remains ineligible to receive an additional advancement of wages until reimbursement is complete.

**SECTION 8 – ~~GENERAL~~ OTHER PERSONNEL POLICIES****8.1 RESPONDING TO EMERGENCIES, ALARMS, AND OTHER ABNORMAL CONDITIONS**

The following protocols must ~~to~~ be adhered to by staff members who respond to emergencies, alarms, and other abnormal operational situations:

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- A. A cellphone or other such communication device is provided by ~~the~~ OJRSA to assure constant communication from the plant with the person on ~~-standby call~~. This ~~cellphone device~~ must be kept in the standby on-call employee's possession at all times while on-call and must be in good working condition.
- B. Standby On-call personnel are required to respond immediately to calls, correct problems, and restore operation as safely and efficiently as possible. If additional help or personnel are needed, the Maintenance Supervisor, Operations Director, and Executive Director must be notified as soon as reasonably possible.
- B-C. On-call personnel shall be able to respond to the Coneross Creek Water Reclamation Facility within forty-five (45) minutes at all times when serving in an on-call role.
- D. Any on-call personnel that receives an alarm or notification must acknowledge the condition in accordance with agency protocols.
- E. Documentation of Response: The Documentation of Response Procedure is as follows ~~but is~~ (subject to change from time-to-time):
1. If a physical response to the condition is necessary at any time, including if it is performed at a later date and/or time during normal work hours, then a work order must be completed for each situation and the Standby Call-In Log must be completed.
  2. If a situation can be appropriately addressed without a physical response, then it is not necessary to complete a work order; however, the Standby Call-In Log must be completed during the next scheduled work day.
- ~~C. Upon arrival at the site of the emergency, maintenance personnel must notify the Plant Operator On Duty of corrective actions taken for documenting in the Facility Operations Logbook. In the event of potential damage or injury to personnel or equipment, the Maintenance Supervisor, Operations Director, and Executive Director must be notified. It is also necessary to record call-ins on the Standby Call-In Log and the person's time card. This can be completed on the next scheduled workday, and a work order shall be written to document the problem. All information related to any incidents must be documented in the Facility Operations Logbook.~~

**8.2-DRESS CODE****8.2.1 Objective**

OJRSA strives to maintain a workplace environment that is safe, well-functioning, and free from unnecessary distractions and annoyances. As part of that effort, the company requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and the work being performed. To that end, the Executive Director may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

**8.2.2 Procedures**

All agency staff members are expected to present a professional, businesslike image to visitors, customers, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods with special emphasis on the requirement of staff to wear personal protective equipment (PPE) as necessary. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

All staff members must carry or wear the OJRSA identification badge at all times while at work working.

**8.2.3 Specific Requirements**

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or PPE, depending on the nature of their job. Below is a list of expectations for staff:

- A. Uniformed Employees: Uniforms and protective clothing may be required for certain positions and will be provided to employees by the agency. Those positions that are provided with a uniform shall wear their uniform at all times while performing work for the agency and should keep the uniform in good condition. Because of

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the potential exposure by staff to bloodborne pathogens at the workplace, OJRSA provides laundry services for uniforms and employees are expected to use this service unless a Laundry Service Waiver form has been read and signed by the employee.

~~1-B.~~ Employees are prohibited from wearing OJRSA uniforms during non-work time.

~~B-C.~~ Non-Uniformed Employees: Non-uniform staff members are expected to present a professional appearance and are not permitted to wear ripped, frayed, or disheveled clothing or athletic wear. Likewise, tight, revealing, or otherwise workplace-inappropriate dress is not permitted. Shirts should be tucked in. While professional open-toe shoes are generally acceptable by administrative staff while working in offices, flip-flops are not.

~~C-D.~~ Jewelry and Tattoos:

1. ~~No more than two (2) implements may be worn in each ear and other facial piercings are prohibited in the workplace. Ear gauges are prohibited.~~ Front-line staff must wear jewelry, including implements such as piercings and ear gauges, in compliance with all applicable safety requirements.
2. Visible tattoos are allowed as long as they are not considered offensive in nature (e.g., sexual, racist, etc.). If such "offensive" tattoos exist, they must remain covered at all times while on the job. Office staff should not have ~~exposed tattoos or other~~ body art (e.g., surgically implanted ball bearings, spikes, etc.).

~~D-E.~~ Facial Hair: Employees who are required to wear a respirator as a part of their job description must be clean shaven in order for their respirator to fit properly.

#### 8.2.4 Corrective Action

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate attire or does not meet the grooming standards, the employee-set forth will be subject to corrective action and will be required to go home, change into conforming attire or properly groom, and return to work. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

### **8.3 WORKPLACE PRIVACY AND COMPUTER, SOCIAL MEDIA, AND ELECTRONIC DEVICE ABUSE**

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work twenty-four (24) hours a day, seven (7) days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on OJRSA premises are not entitled to a guarantee of privacy.

Management may search OJRSA property and documents in OJRSA-owned vehicles, employee desks, lockers, file cabinets, etc. **EMPLOYEES HAVE NO REASONABLE EXPECTATION OF PRIVACY IN ANY OJRSA PROPERTY, WHICH MAY BE SUBJECT TO SEARCH BY THE AGENCY AT ANY TIME WITHOUT FURTHER NOTICE TO THE EMPLOYEE. CONTINUANCE OF EMPLOYMENT FOLLOWING RECEIPT OF THIS POLICY, AS WELL AS YOUR SIGNATURE ON THE ACKNOWLEDGEMENT OF RECEIPT, DISCLAIMER, AND CONSENT LOCATED ON THE FRONT COVER OF THIS HANDBOOK, CONSTITUTE YOUR CONSENT TO THIS POLICY AS WELL AS ANY SEARCHES CONDUCTED PURSUANT TO THIS POLICY.**

Electronic media raise similar issues. OJRSA provides electronic and telephonic communication devices and, when necessary, computers and mobile devices, to employees for use in performing their job duties. Although assigned to the employee, these items still belong to ~~the~~ OJRSA. Similarly, any computer files created or software downloaded on an OJRSA computer belong to OJRSA.

Employees are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else, including software and program licensing rights. Software, programs, games, and any other downloads may not be installed on OJRSA computers without the written permission of OJRSA.

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Employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by OJRSA, from accessing and/or viewing databases containing ~~personal~~ employees' personal information. Employees who have received appropriate authorization to access and/or view databases containing ~~personal~~ employees' personal information are prohibited from using or discussing information in those databases except as required for their job duties or directed by management.

OJRSA consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of OJRSA. The only sure way to avoid violating OJRSA's policy on personal use is not to use OJRSA's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

- A. Accessing any material which would tend to violate OJRSA's discrimination and harassment policies, or that that OJRSA considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in OJRSA's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or ~~some similar distinction-~~ other protected category;
- B. Conducting business for outside employment or a side-business;
- C. Purchasing any goods or services, even if charged to the employee's personal credit card.

Although employees may use OJRSA-owned communication devices, computers and network for limited personal use, all files and data created or transmitted using a computer (including desktop, laptop, tablet, etc.), telephone, pager, smart phone, or any other electronic device provided to the employee by OJRSA belong to OJRSA and may be accessed by OJRSA during transmission of the communication or while in storage on OJRSA's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text (~~SMS~~) messages, multi-media messages (~~mms~~), instant messages, and the content of internet websites.

**BY ACCEPTING EMPLOYMENT WITH OJRSA, YOU CONSENT TO MONITORING, INCLUDING "REAL TIME" MONITORING AS PERMITTED BY LAW, OF ALL COMMUNICATIONS DESCRIBED IN THIS POLICY AND AUTHORIZE OJRSA TO ACCESS ALL DATA STORED ON COMMUNICATION DEVICES PROVIDED BY OJRSA.** OJRSA also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on an OJRSA communication device includes data, such as personal third-party e-mail accounts (e.g., Yahoo, Gmail, Hotmail, etc.) and websites, that is accessed with a password where the data was accessed using OJRSA's communication device. Thus, if you do not want OJRSA to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using OJRSA-owned communication devices. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that OJRSA cannot do so. It is also possible to generate a report of every Internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using OJRSA-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected OJRSA-owned communication device. OJRSA is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using OJRSA-owned equipment.

OJRSA employees may not use their own personal electronic equipment (including, but not limited to, personal laptop computers, cellular phones, and smart phones) on OJRSA property or at OJRSA work sites to engage in conduct which would be prohibited if using OJRSA equipment.

### 8.3.1 Use of Technology During Work Hours

During work hours, employees should only participate in business pertaining to ~~the~~ OJRSA. However, the agency consents to incidental personal use of ~~OJRSA-owned and~~ personal computer systems and telecommunications devices during work hours as defined in the HOURS OF WORK policy (SECTION 5~~SECTION 5~~). The term incidental as

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used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Executive Director. The only sure way to avoid violating this policy is to refrain from any personal activity during work hours.

Participating in social media, games, technology-supported games, or other personal-recreational uses of technology during work hours is strictly prohibited.

### ~~8.3.2 Use of OJRSA-Owned Technology During Work or Nonwork Hours~~

~~The OJRSA's technology systems (including but not limited to telecommunications devices; computer equipment; software; email; internet browsing; File Transfer Protocol; and networking and intranet systems) are to be used only for business purposes in serving the interests of the membership and in the course of normal operations.~~

### ~~8.3.38.3.2-Prohibited Activities~~

~~Below are activities that are prohibited by the OJRSA:~~

- A. Employees may not display of any kind of sexually explicit image or document on any OJRSA system. Sexually explicit material may not be archived, stored, distributed, edited, or recorded using the agency's network of technology resources.
- B. Employees may not engage in any activity that violates the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations.
- C. Employees may not engage in any activity that violates the rights to privacy of protected healthcare information or other confidential OJRSA information.
- D. Employees may not engage in any activity to introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses, etc.).
- E. Employees may not circumvent or attempt to avoid the user authentication or security of workstations or accounts. Employees may not access or try to access electronic data for which they are not authorized nor log into an account that they are not authorized to access.
- F. Streaming video and music for personal use are not allowed on OJRSA computers.
- G. When using OJRSA-owned telecommunications devices, employees are prohibited from calling 1-900, 1-976 or other similar "pay per minute" services or making personal long distance calls on office telephones ("land lines"). In addition, directory assistance (411) calls should be kept to a minimum.
- H. Employees may not connect to the OJRSA's wireless network for Internet access from a personal device.

### ~~8.3.4 Use of Personal Technology Devices~~

~~The OJRSA consents to the incidental personal use of its computers, Internet connection, email, and telecommunications devices (phones, cell phones, smart phones, etc.) as long as it does not conflict with the OJRSA's business use. The term incidental as used in this context means infrequent and of limited duration, but what is considered incidental is determined at the sole discretion of the Executive Director. The only sure way to avoid violating this policy is to refrain from any personal activity using agency-owned technology systems.~~

~~Use of OJRSA-owned systems, including information stored on those systems, to conduct privately owned business activities is not authorized and is strictly forbidden.~~

~~Any use of the Internet or OJRSA Intranet for conducting job searches; forwarding chain emails; soliciting or proselytizing for commercial ventures, religious or personal causes, or outside organizations is strictly prohibited.~~

### ~~8.3.58.3.3-Use of OJRSA Email Addresses~~

Employees must not use OJRSA email addresses to create or manage personal accounts (e.g. shopping websites, personal bank accounts, social media accounts). OJRSA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

### ~~8.3.68.3.4 Privacy of Communications~~

Employee communications, both business and personal, on the OJRSA's computer and telecommunications systems are not private. Users should be aware that their activity and the data they create on the OJRSA's systems is

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the property of the ~~Oconee Joint Regional Sewer Authority~~ OJRSA and usually can be recovered even though deleted by the user.

All communications on OJRSA equipment as well as business-related communications on equipment and accounts not owned by OJRSA (e.g., personal email accounts, cell phone text messages, etc.) is subject to Freedom of Information Act ("FOIA") requirements. There should be no expectation of privacy by OJRSA staff for work-related items contained on personal devices.

### ~~8.3.78.3.5~~ Monitoring

The OJRSA reserves the right to monitor all employee usage of OJRSA-owned technology systems to ensure proper working order, appropriate use by employees and the security of the agency's data. ~~The agency's management~~ OJRSA reserves the right to access and inspect any or all user files, for any purpose, including but not limited to, archived material of present and former employees without the user's consent.

### ~~8.3.88.3.6~~ Software and Applications

All software and applications on OJRSA systems are owned or licensed by the OJRSA. No OJRSA-owned or licensed software or applications may be copied, deleted, distributed, or used on any systems other than those owned by the agency without notification of and written consent from the Executive Director. No software or applications may be downloaded, installed, distributed from or copied to OJRSA systems without the approval of the Executive Director.

### ~~8.3.98.3.7~~ Remote Access

When accessing the OJRSA's systems remotely using OJRSA or personal devices, employees must follow security guidelines. Remote access is restricted to business use.

~~Non-exempt staff (as defined by the Fair Labor Standards Act) may occasionally need to access the OJRSA's technology systems remotely when staffing the receptionist desk or working at an off-site work function. The OJRSA strongly discourages nonexempt staff from working remotely at any other time using the agency's technology systems unless approved by the employee's supervisor. All work, as defined in the hours of work policy, whether in or out of the office, must be recorded on time sheets. This includes time worked while connected remotely to the OJRSA's technology systems. As stated in the overtime policy, nonexempt employees must receive authorization by their supervisor before working over forty (40) hours in a work week. The OJRSA's technology systems may be checked periodically to assess proper use by employees.~~

### ~~8.3.108.3.8~~ Security

Although ~~the~~ OJRSA does everything possible to protect the agency's systems and the confidentiality and integrity of the agency's information stored on its computer systems, employees are responsible for all activities that originate from their computer accounts, systems, or telecommunications devices and are responsible for protecting data and information stored on the OJRSA's electronic equipment from unauthorized access and disclosure. In addition to sensitive information such as Social Security and credit card numbers, ~~the~~ OJRSA processes data which must remain confidential because of governmental rules and regulations.

Employees are required to lock their computers when not in use and must log off at the end of each work day.

Employees must not share their technology passwords with anyone other than the Executive Director, or anyone designated by the Executive Director (typical example being Information Technology vendors), whether by phone, print, in-person, electronically, or any other means. Employees may not use passwords other than those issued by OJRSA.

Employees must immediately report loss or theft of any technology device to the Executive Director.



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FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~~~8.3.118.3.9~~ 8.3.9 Archiving and Backup of Systems

Employees are responsible for ensuring that data is stored in the proper location to allow centralized data backups. No OJRSA data should be stored on the employee's local hard drive or an external hard drive. An employee with questions about the proper location and storage of OJRSA data should contact their supervisor or manager.

~~8.3.128.3.10~~ 8.3.10 Social Media Sites

Social media sites such as Facebook, Instagram, and X/Twitter may be used strategically as part of ~~the~~ OJRSA's communication and outreach efforts. Only employees designated by the Executive Director are authorized to post on ~~the~~ OJRSA's social media sites.

**8.4 EQUIPMENT USE**

~~THE~~ OJRSA WILL NOT BE LIABLE FOR ANY LEGAL CONSEQUENCES ASSOCIATED WITH AN EMPLOYEE VIOLATING THIS POLICY, INCLUDING BUT NOT LIMITED TO ANY CONSEQUENCES ASSOCIATED WITH A VEHICULAR OR OTHER ACCIDENT OCCURRING WHILE AN EMPLOYEE IS IN BREACH OF THIS POLICY AND/OR ANY FINE, PENALTY OR DAMAGES ARISING FROM A VIOLATION OF THIS POLICY BY AN EMPLOYEE. IF AN OJRSA EMPLOYEE VIOLATES THIS POLICY, THEY ARE ACTING OUTSIDE OF THE SCOPE OF THEIR EMPLOYMENT WITH THE OJRSA AND THE EMPLOYEE WILL BEAR FULL PERSONAL RESPONSIBILITY FOR ANY AND ALL DAMAGES RESULTING THEREFROM, WHICH RESPONSIBILITY OJRSA EXPRESSLY DISCLAIMS.

8.4.1 OJRSA Equipment Use

It is prohibited for any person to utilize any piece of OJRSA equipment on private and/or public property in any way other than conducting OJRSA business. Personal use is prohibited unless specifically allowed by another policy herein.

8.4.2 Passengers, Riders, and Insurance

~~The~~ OJRSA provides automobile insurance coverage on its motor vehicles during normal operating hours and during other authorized business.

Persons not employed by ~~Oconee Joint Regional Sewer Authority~~ OJRSA are prohibited from operating or being a passenger in any agency-owned vehicle at any time. Exceptions to the passenger rule include OJRSA Commission members, government officials, contractors, and others who are directly employed, appointed, or elected by OJRSA and who may be involved in agency business.

8.4.3 Vehicle Use

Vehicles are provided as necessary in conducting work related business during normal operating hours and times when responding to properly documented emergency calls. Vehicles also may be used for meetings and gatherings for official agency business.

8.4.4 On-Call Vehicle Use

~~The~~ OJRSA will provide a vehicle necessary for convenience and efficiency in responding to and correcting mechanical and electrical problems. Two (2) methods to accomplish this are as follows:

- A. Method 1: An on-call standby employee may drive the maintenance vehicle directly to his/her place of residence at the close of normal operating hours. (This applies only to ~~Oconee County residents~~ those who reside within twenty-five (25) miles of the Coneross Creek WRF.) The vehicle would remain parked at his/her residence until either a problem (call-in) occurred or the next regular scheduled work day arrived.
- B. Method 2: A maintenance vehicle and related tools would be available at the Coneross Creek ~~Wastewater Treatment Plant~~ WRF. In responding to an emergency call, the Standby personnel would be required to drive his/her personal vehicle to the plant, change into the maintenance vehicle, and respond to the problem or problems. After corrections are completed, personnel would return the vehicle to the plant and return home in his/her personal vehicle.

The Executive Director ~~for the Oconee Joint Regional Sewer Authority~~ will make the final decision of which

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method will be utilized. Regardless of the method used, ~~Standby-on-call employees~~ ~~personnel~~ are required to adhere to the policy covering the use of OJRSA equipment.

#### 8.4.5 Personal Use of Vehicle

OJRSA vehicles are not to be used by employees for personal reasons at any time. If an employee is working in the field directly before and/or directly after lunch, the employee may use the company vehicle to go to lunch so long as the lunch location is not unreasonably far from the next work location after lunch (because of the time saved by not having to travel to the office for a personal vehicle); however, if an employee is at the WRF or Operations & Administration Building ~~at~~ when leaving for lunch, then a personal vehicle must be used.

### **8.5 VEHICLE AND EQUIPMENT MONITORING POLICY**

Subject to certain OJRSA-imposed requirements, the agency generally makes vehicles available to its employees for their use in conducting official OJRSA business. OJRSA reserves the right to monitor and collect data related to the OJRSA vehicles for business and other legitimate purposes as determined by ~~the~~ OJRSA in its sole discretion, including, without limitation, by using location monitoring technology. This location monitoring technology may include, but is not limited to, global position satellite ("GPS") devices or technology. Features pertaining to the agency vehicles and equipment which may be monitored include, without limitation, their locations, the drivers' identity, route history, harsh driving (e.g. hard starts, stops, cornering, etc.), speed, idling time, and geofence alerts and history which indicate the presence of the vehicle or equipment either inside or outside of designated perimeter lines.

Unless otherwise authorized jointly by the OJRSA Board Chair and Executive Director, ~~only~~ ~~the Executive Director and designated agency Safety Officer~~ ~~authorized members of OJRSA management~~ are permitted to access monitoring information. If there is reason for another employee in a supervisory role to review the location of staff, they must provide sufficient reason to both the Executive Director and Safety Officer prior to gaining information. In the absence of one (1) of these individuals, they must receive authorization from a member of the OJRSA Board of Commissioners Executive Committee ("Executive Committee"). If both the Executive Director and Safety Officer are not available, then two (2) Executive Committee members must authorize written approval<sup>8</sup> prior to accessing information.

The monitoring information is gathered for safety, security, and productivity-related concerns, including but not limited to, the following:

- A. Logistics. Increasing efficiency, such as determining the closest employee(s) to promptly respond to a business-related matter including, without limitation, a customer need or complaint; assisting employees who are off-course and need directions; and locating employees who fail to respond to an OJRSA call or other communication.
- B. Emergency. Locating employees in the event of emergency.
- C. Security. Keeping unauthorized personnel out of secure areas.
- D. Time Keeping. Ensuring the accuracy of time records.
- E. Theft. Locating a vehicle or equipment in the event of theft.
- F. Workplace Conduct. Ensuring employee compliance with OJRSA policies and procedures including, without limitation, those pertaining to employee use of vehicles and equipment.
- G. Investigations. Conducting various investigations into matters as deemed necessary by OJRSA.

Remember that OJRSA vehicles and equipment are the property of the OJRSA. As such, the monitoring described above may take place twenty-four (24) hours a day, seven (7) days a week, even during off hours including, without limitation, in order to verify the proper use, security, and location.

<sup>8</sup> Can be in writing or by email. Both the Executive Director and Safety Officer shall receive copies of such approval.

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FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~**8.6 POLITICAL ACTIVITIES**

All employees of the OJRSA have a civic responsibility to support good government. Employees may engage in political activities, except as follows:

- A. Employees shall not be required to contribute any money or anything of value to any candidate for nomination or election to any office.
- B. Employees shall not campaign or solicit contributions for any candidate or slate of candidates during working hours, nor shall they wear any articles of clothing, buttons, or the like that supports any candidate or a political position.
- C. Employees shall not campaign in OJRSA vehicles or using uniforms, nor should they use any ~~or~~ equipment provided by the agency.

**8.7 VISITOR POLICY**

The term "Visitor" shall apply to everyone other than current OJRSA ~~staff~~ employees or Commissioners. Visitors will be allowed at the ~~plant~~ Coneross Creek WRF for scheduled tours or other purposes during normal work hours, excluding holidays. Visitors may be permitted at the plant at times other than as listed above only when prior approval for such visits has been given to the Operator-On-Duty who will be on duty at the time of the visit.

All visitors must check in and out at the front desk prior to reporting to any location at the OJRSA Coneross Creek ~~Wastewater Treatment~~ WRF or Administration Building.

**8.8 TRAVEL AND REIMBURSEMENTS FOR TRAVEL****8.8.1 General**

OJRSA personnel traveling out of town on authorized business shall be paid a per diem for qualifying meals while ~~out of town~~ away and a mileage rate, if applicable. Meal costs on a per diem basis is preferred over a receipt reimbursement basis due to the inherent costs associated with management's review and approval of receipts.

**8.8.2 Request**

The employee will complete a Travel Advance Request form request as soon as the employee becomes aware of the necessary travel. The request must be completed stating the dates of travel, the destination, the purpose of the trip, and the times and dates of departure and return. The form must be signed and dated by the employee. The employee shall submit the completed form to their supervisor for review and an agenda ~~of~~ for the meeting or training must be provided if one is available. The supervisor shall ensure that the request is accurate and complete and will sign and date the form attesting to the authorization of the employee to travel and that the expenses qualify for per diem and/or mileage. Additionally, the supervisor should indicate on the form the appropriate account number where the expense should be charged. A copy of all forms associated with travel can be obtained from the supervisor or ~~OJRSA~~ Office Manager.

**8.8.3 Qualifying Conditions**

Below are the conditions for what qualifies for per diem pay:

## A. Meals

1. A qualifying meal is one that:
  - a. Is associated with authorized travel; and
  - b. Is not provided by:
    - i. The hotel (other than if the only option ~~if is~~ a "continental breakfast");
    - ii. Consultant or other persons who has business purposes for providing a meal; or
    - iii. Sponsor of the meeting, training session, or seminar.
2. The OJRSA will not furnish the employee's:
  - a. Breakfast unless the employee must depart prior to 6:00 a.m. in order to arrive at their destination by the stated meeting time.
  - b. Lunch if travel is for one (1) day only unless staff depart prior to 6:00 a.m. and return later than 8:00 p.m.
  - c. Supper unless the employee arrives home from their travel after 8:00 p.m.

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- B. Mileage: Mileage will only be paid if there is not an OJRSA vehicle available for the employee to use. If a vehicle is available but the employee chooses to use their privately-owned vehicle ("POV"), mileage will not be paid.

8.8.4 Rates

Per Diem: Per diem rates shall be paid based on the US General Services Administration's (GSA) Meals & Incidentals rates as posted at [www.gsa.gov](http://www.gsa.gov) ~~amounts below and should be noted on the Travel Advance Request form:~~

- ~~1. Breakfast = \$10.00~~
- ~~2. Lunch = \$15.00~~
- ~~3. Supper = \$20.00~~

Mileage: Mileage paid for the use of POVs will be based upon the round-trip miles from the ~~OJRSA Coneross Creek Wastewater Treatment Facilities~~ WRF to the meeting location using the Internet site, Google Maps. Ten (10) miles per meeting day will be added to the total to cover any commuting between the meeting location and the place of lodging. The payment for mileage is based on the GSA's current stated rate using the "Modes of Transportation—If use of privately owned automobile is authorized or if no Government-furnished automobile is available" scale and should be placed in the appropriate rows on the Travel Advance Request form. See [www.gsa.gov](http://www.gsa.gov) for current POV rates.

Reimbursement for Other Expenses: Employee-paid costs for tolls, parking fees, etc. may be reimbursed with the completion of a Travel Expense Reimbursement Request form. Receipts for these types of expenses must be submitted and will be paid to the employee the following week after documents have been submitted. Failure to submit receipts will rule the reimbursement request as invalid.

8.8.5 Deadline for Submitting Requests

Employees are responsible for submitting any requests that they may have for approved work-related travel. Whenever an employee files for their per diem and/or mileage after-the-fact, employees must do so within five (5) working days of returning from their travel. Where an employee makes repeated short business-related travel (e.g., post office, etc.), with their supervisor's prior approval mileage may be accumulated for one (1) monthly submittal. In no case shall the mileage be accumulated beyond one (1) month. Requests submitted beyond this time limitation will be ruled as invalid.

8.8.6 Lodging

This section addresses occasions when employees may be traveling out of town on authorized business that involves overnight lodging:

- A. Selection of Lodging Accommodations: Employees are expected to make prudent and cost-effective decisions when selecting lodging. There are occasions when the meeting sponsor handles all lodging reservations. Where meeting attendees are not given options and room assignments are automatic, employees may stay where they are assigned. However, when employees are responsible for making their own reservations, an OJRSA staff designee will make the reservations for the traveling employee and the staff designee will request the least-cost option regarding the type, size, and location of the rooms that are available.
- B. Number of Nights Authorized
1. The OJRSA will pay for lodging that is necessary without creating unrealistic travel for the employee. Employees will be allowed to leave work in order to travel to the location of their meeting.
  2. For travel to the meeting, the travel time allowed will be based upon the Google Maps travel time plus one (1) hour. The additional hour is to accommodate traffic, parking, meeting check-in, hotel check-in, etc. Employees needing to leave prior to the normal work day in order to avoid arriving late for the meeting may travel the day before and use lodging at the OJRSA's expense if they must leave prior to 6:00 a.m. on the scheduled meeting date. Otherwise, the employee must travel on the day of the meeting.
  3. For travel returning home from the meeting, the travel time allowed will be based upon the Google Maps travel time plus one (1) hour. Employees may stay an additional night and use lodging at the

## OJRSA Personnel Policy Manual

FOR F&A COMMITTEE CONSIDERATION SEPTEMBER 24, 2024 ~~December 21, 2020~~

OJRSA's expense if the travel time after the meeting adjournment may result in their returning home after 9:00 p.m.; otherwise, the employee must travel home after the meeting adjournment.

- C. **Extended Length of Stay:** Employees may opt to leave earlier than necessary or stay longer than necessary but must do so using their accrued Vacation Leave ~~or Compensatory Time~~ and pay for the lodging, ~~and meals,~~ and/or rental car at their own expense. The amount of Vacation Leave ~~or Compensatory Time~~ needed will be the difference between the allowed time and the actual time of leaving for the meeting or returning from the meeting.

**8.9 PURCHASING ACCOUNTS, CREDIT CARDS, FUEL CARDS, AND THE LIKE**

- ~~A. OJRSA employees, who have access to, or are authorized to use an agency issued credit or fuel cards, are prohibited from using the cards for the purchase of any goods or services not directly related to official agency business. Failure to follow this guideline can result in disciplinary action up to and including termination of employment.~~
- ~~B. Employees will be required to sign an agreement authorizing the agency to recover, from their salary as an advance of wages, any amount incorrectly claimed.~~
- ~~C. Lost or stolen cards must be reported immediately to the OJRSA Office Manager and Executive Director.~~
- ~~D. Agency credit card expenditures must be reconciled and submitted with receipts to the Office Manager within ten (10) business days of the credit card reconciliation statement.~~
- ~~E. If a receipt is lost, the employee will be required to contact the vendor and request a copy of the receipt. If a copy of the receipt is not available, then staff must submit a completed Missing Receipt Affidavit form with their reconciliation statement.~~
- ~~F. A. Continued or repeated nonconformance to this procedure will result in cancellation of the card and other actions as appropriate.~~

**From:** [Angela Mettlen](#)  
**To:** [Chris Eleazer](#)  
**Cc:** [Jeremy Brashears](#)  
**Subject:** RE: Rate and financial cost of service study  
**Date:** Friday, September 20, 2024 14:59:41  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)

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Chris –

I spoke with Bonnie, and she wanted a few days to consider. We talked late yesterday. Here is what I can provide:

- Walhalla, West Union, and Westminster would be eligible to apply based on the current eligibility requirements for planning grants set by RIA. This type of study is also eligible. They would each need to apply individually.

With that being said, she had some considerations that she wanted everyone to think about, some of which were ones I had already relayed:

1. There may indeed more planning work to be done coming out of the ad hoc committee or for individual entities toward any future collection system cooperative efforts. She really does not want people to keep coming back over & over again for these planning grants to piece meal things.
2. Since they all would like to 'piggyback' with Willdan and the OJRSA financials/rate cost of service study, using these grant funds would not allow that to happen. This is because RIA would require each entity to go through an RFP procurement process (and they must approve it just like they did for this study) so there is no guarantee that Willdan would be selected. In addition, there is no guarantee that all would get the grants.
3. Finally, because of what is part of #2, those studies would be delayed by as much as 1 quarter or more. It is likely that an RFP would not even be advertised until late January or early February, best case scenario.

So, the short answer is they can apply but need to consider those items noted above. Also, it is a possibility that Willdan (cannot speak for them) may be able to give everyone a better fee by doing them all together, which would be lost if some take the grant route.

We can talk further next week if you would like. Have a great weekend!

A.

**Angie Mettlen**

Vice President / Director of Strategic Funding & Regulatory Affairs

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**From:** Chris Eleazer <chris.eleazer@ojrsa.org>  
**Sent:** Wednesday, September 11, 2024 12:41 PM  
**To:** Kevin Bronson (kbronson@westminstersc.org) <kbronson@westminstersc.org>; Scott Moulder (smoulder@seneca.sc.us) <smoulder@seneca.sc.us>; Celia Myers (cmyers@cityofwalhalla.com) <cmyers@cityofwalhalla.com>  
**Cc:** Daryll Parker (DParker@willdan.com) <DParker@willdan.com>; Angela Mettlen <amettlen@wkdickson.com>; Jeremy Brashears <jbrashears@wkdickson.com>  
**Subject:** Rate and financial cost of service study  
**Importance:** High

Good afternoon, Celia, Scott, and Kevin. I was waiting to get the exact wording from Lynn’s draft meeting minutes before reaching out to you about what the OJRSA board approved on Monday. I’ve also included Daryll Parker with Willdan Financial and the WK Dickson folks on this message so that you can begin communicating with them regarding the following:

- ***Mr. Moulder made a motion, seconded by Mr. Bronson, to initiate the OJRSA rate and financial cost of service study to be performed by Willdan Financial in accordance with the recommendation of the Regional Feasibility Study in 2024, with the addition of potential piggybacking of the Cities with Willdan to do the rate studies for each individual stakeholder. The motion carried.***

I’m not sure how you want to proceed with working with Daryll on this, so I will have him reach out to you directly via email to begin.

Angie—If Jeremy hasn’t mentioned this to you already, he will be speaking with you about the commissioners’ request to see if RIA has any funding to assist with this.

Please let us know if you have any questions.

Thanks,  
Chris

**Christopher Eleazer, MPA | Executive Director**