



## Oconee Joint Regional Sewer Authority

623 Return Church Road  
Seneca, South Carolina 29678  
Phone (864) 972-3900  
www.ojrja.org

### MEMORANDUM

TO: Board of Commissioners

FROM: Chris Eleazer, Executive Director

COPY: Larry Brandt, Esq.; OJRSA General Counsel  
Michael Traynham, Esq; OJRSA Outside Environmental Counsel

DATE: January 31, 2025

SUBJECT: Draft revision to Sewer Use Regulation – Following SCDES review  
For the February 3, 2025 OJRSA Board of Commissioners Meeting

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, 2024 meeting and approved for review by the South Carolina Department of Environmental Services (SCDES) on October 7, 2024.

Kayse Jarman, SCDES Pretreatment Coordinator, completed her review of the proposed SUR update and had four comments. These comments were considered by OJRSA administration and Michael Traynham, OJRSA's attorney for environmental law and compliance, and addressed as necessary. Once presented with the proposed changes, Ms. Jarman issued a letter of approval, which is attached to this memo.

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.

All comments in the table were previously approved by the board except for those in **yellow highlighted** font, which were modifications requested by Ms. Jarman. Other inclusions are marked by **red** font.

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>
<i>General</i>	Green text with double green underlines ( <b>EXAMPLE</b> ) in the marked up document were moved. The location where they were moved from are indicated by green text with double strikethrough lines ( <b>EXAMPLE</b> ).
<i>General</i>	In Section 8.12 Enforcement Management Strategy, changed "terminate water and/or sewer" to "seek termination of water and/or sewer. In most cases, the customer is not connected directly to OJRSA sewer; thus, OJRSA will not be able to disconnect or plug their sewer service. Since most customers are connected to a line owned by a satellite sewer system, the OJRSA can request the disconnection of water and/or sewer service by the retail utility provider but cannot enforce this without further authorization by a legal authority.
<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
404	Allowed smaller units for Multi-Family Developments on a case-by-case basis
473	Added definition of a Hotel with Kitchen
477	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. <b>For clarification, added sentence inside parenthesis regarding dormitories, communal living spaces, etc.</b>
<b>597</b>	<b>Added "dormitories, communal living spaces (e.g., hostels)"</b>
791	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.
803	Added definition of Special Pretreatment Device
845	Added definition for Wastestream (and capitalized throughout document to reference definition)
<b>1000</b>	<b>Added "Construction" to section title and included Item B and subitems 1 and 2 following similar recent inclusion in the Financial and Accounting Policy. This was at the recommendation of Lawrence Flynn, Esq.</b>
1012	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>
1267	Added sentence regarding specific variances that may be found elsewhere in the Regulation (e.g., variances for FOG devices)

SUR Line Number (beginning)	Comment
1997	Slightly modified language regarding CROMMER per request by Ms. Jarman, who stated that only EPA can currently authorize OJRSA's use of a reporting system that is compliant with CROMMER
2152	Slightly modified language regarding sampling at request of Ms. Jarman
2833	See comment for Line 791 above
2839	Added section for Hotels with Kitchens as defined in SUR
2919	Added comment to allow for acceptance of certain electronic records
2974	Paragraphs D and E were moved to Section 9.9 and placed in the appropriate section for FOG Interceptors
3023	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
3027	Added language to allow for HFDs to be used for this class
3030	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.
3050	Added language to allow for HFDs to be used for this class
3069	Added Hotels with Kitchens as a Class 2 facility
3070	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3073	Added language to allow for HFDs to be used for this class
3082	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3097	Grouped the contents of this section into General Requirements, General FCD, FOG Trap, HFDs, and FOG Interceptors for easier use
3119	Added requirement that FOG Traps be certified by PDI for flow and capacity
3130	Added design and installation requirements for HFD
3138	Added minimum retention time for liquid in FOG Interceptor, which is based on International Plumbing Code
3146	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
3149	Statement allowing the OJRSA to require increased cleaning if there is evidence of excess FOG in public sewer system
3155	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.
3163	Added maintenance requirements for HFD. Added that there shall be no evidence of prohibited solids or other matter in the effluent of the device.
3175	Most of these changes were from Section 9.6(D)
3186	Was moved from Section 9.6(E)
3187	Added that 25% Rule applies for FOG Interceptor maintenance
3196	Was moved from Section 9.6(E)
3218	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

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<b>SUR Line Number (beginning)</b>	<b>Comment</b>
3219	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
3224	Moved here from Line 3235
3278	Starting here, numerous additions were made regarding maintenance variance requests, including the procedure for requesting a variance
3321	Added authorization for Executive Director to accept hauled waste from outside OJRSA service area during declared emergencies. This recommendation has been added due to Hurricane/Tropical Storm Helene. It has been reviewed and approved by ojrsa environmental counsel.
3444	Removed "FOG Trap or Interceptor" because the OJRSA no longer accepts brown grease for disposal

*See following page for 2025 Sewer Use Regulation Update Approval letter from Kayse Jarman.*

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Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	<u>South Carolina Department of Health and Environmental Control (SCDHEC) Approved Sewer Use Ordinance</u>	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	<u>Revision to address FOG, Special Pretreatment Devices, record-keeping requirements, and comments from South Carolina Department of Environmental Services (SCDES) review. Adopted by <i>OJRSA Resolution 2025-XX</i> on XX/XX/XXXX.</u>	<u>SCDES and OJRSA Board of Commissioners</u>

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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~~ Environ-  
126 mental Services) and approved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of  
127 Commissioners on August 7, 2023, a thirty (30) day public notice given on August 11,  
128 2023 in *The Journal* (Seneca, South Carolina), on the OJRSA website ([www.orjsa.org](http://www.orjsa.org)), and on social media ac-  
129 counts updated by OJRSA.

130  
131 The Approval Authority was made aware of the public notice and comment period on August 4, 2023.

132  
133 A public comment period was granted from August 11, 2023, until the OJRSA Board of Commissioners  
134 Meeting on the evening of September 11, 2023. The agency also accepted written comments as  
135 stated in the legal notices advertised in *The Journal* (Seneca, South Carolina) on August 11, 2023 and  
136 September 2, 2023; at [www.ojrsa.org/info](http://www.ojrsa.org/info); and on OJRSA social media accounts.

137  
138 APPROVED and ADOPTED by *OJRSA Resolution* 2024-02 by the Oconee Joint Regional Sewer Author-  
139 ity Board of Commissioners on September 11, 2023 during the Board of Commissioners Meeting.

140  
141 **EFFECTIVE DATE: 12:01 AM LOCAL TIME ON OCTOBER 1, 2023.**

142  
143 **Section 2**

## OJRSA Sewer Use Regulation

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144 **Section 3 – Administrative Information**145 **3.1 PURPOSE AND POLICY**

146 Recent developments in both Federal and State law have created increasing and more stringent requirements upon  
147 public wastewater treatment facilities and demand compliance to avoid incurring severe sanctions and penalties.  
148 The purpose of these Regulations and amendments thereto are to ensure compliance with the Federal Water Pol-  
149 lution Control Act Amendments of 1972 (Public Law 92-500) and subsequent amendments, including the Water  
150 Quality Act of 1987 (PL 100-4) together with the South Carolina Pollution Control Act and other State and Federal  
151 statutes and regulations.

152  
153 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)  
154 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal  
155 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations  
156 are:

- 157 A. To prevent discharges to the POTW which will interfere with the operation of the POTW;  
158 B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately  
159 treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;  
160 C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the  
161 sludge;  
162 D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;  
163 E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement  
164 of the POTW;  
165 F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their em-  
166 ployment and to protect the general public; and  
167 G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which  
168 the POTW is subject.

169  
170 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-  
171 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement  
172 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.  
173 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users  
174 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly  
175 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these  
176 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items  
177 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the  
178 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

179  
180 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 4.173-17.

181 **3.2 APPLICATION OF REGULATIONS**

182 These Regulations shall apply to persons within the County of Oconee and to persons outside the County who, by  
183 contract with the OJRSA or other means, are Users of OJRSA wastewater facilities. The Director shall implement and  
184 enforce the provisions of these Regulations, and the governing body of the OJRSA shall adopt such regulations as it  
185 deems necessary to implement the provisions and requirements of these Regulations.

186 **3.3 DEFINITIONS**

## OJRSA Sewer Use Regulation

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187 Unless the context indicates otherwise, the terms and phrases used in these Regulations shall have the following  
188 meanings:

189  
190 Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33  
191 USC §1251 et seq.)

192 Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations  
193 regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have  
194 occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing  
195 Officer will be appointed by the Director and shall have no connection with the preparation or presentation of  
196 the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be  
197 guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for  
198 the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of  
199 evidence.

200 Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take  
201 corrective action or refrain from an activity. It describes the violations and actions to be taken and can be en-  
202 forced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and  
203 Desist Order.

204 Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of  
205 presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. Also see  
206 Fermented Beverages.

207 Approval Authority shall mean the State of South Carolina, by and through the Department of ~~Health and Environ-~~  
208 ~~mental Control~~ Environmental Services, or any successor agency having jurisdiction to review OJRSA's Pretreat-  
209 ment Program and associated regulations.

210 Authorized Representative or Duly Authorized Representative of the User shall mean:

- 211 A. If the User is a corporation:
- 212 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal  
213 business function, or any other person who performs similar policy or decision-making functions  
214 for the corporation; or
  - 215 2. The manager of one or more manufacturing, production, or operating facilities, provided the man-  
216 ager is authorized to make management decisions that govern the operation of the regulated facil-  
217 ity including having the explicit or implicit duty of making major capital investment recommenda-  
218 tions, and initiate and direct other comprehensive measures to assure long-term environmental  
219 compliance with environmental laws and regulations; can ensure that the necessary systems are  
220 established or actions taken to gather complete and accurate information for individual wastewater  
221 discharge permit requirements; and where authority to sign documents has been assigned or del-  
222 egated to the manager in accordance with corporate procedures.
- 223 B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- 224 C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or des-  
225 igned to oversee the operation and performance of the activities of the government facility, or their de-  
226 signee.
- 227 D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized  
228 Representative if the authorization is in writing, the authorization specifies the individual or position re-  
229 sponsible for the overall operation of the facility from which the discharge originates or having overall re-  
230 sponsibility for environmental matters for the company, and the written authorization is submitted to the  
231 OJRSA. If the designation is no longer accurate because a different individual or position has responsibility  
232 for the overall operation of the facility or overall responsibility for environmental matters for the company,  
233 a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior  
234 to or together with any reports to be signed an Authorized Representative.

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- 235 E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or  
236 Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.
- 237 Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from  
238 wastewater.
- 239 Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater  
240 through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that  
241 does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A  
242 slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at  
243 the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.
- 244 Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to  
245 the water reclamation facility and its treatment process.
- 246 Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures,  
247 and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also  
248 include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or  
249 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and  
250 methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by  
251 OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of*  
252 *certain established Categorical Pretreatment Standards and effluent limits.]*
- 253 Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in  
254 the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty  
255 degrees Centigrade (20°C).
- 256 Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.
- 257 Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale.  
258 Breweries also produce non-alcoholic products (e.g., “non-alcoholic beer”). Breweries shall also include craft  
259 brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced  
260 at the facility. *Also see Alcoholic Beverage.*
- 261 Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion  
262 of fat, oil, grease, solids, and water.
- 263 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater  
264 and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five  
265 (5) feet outside the building wall.
- 266 Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.  
267 Building drains are considered a portion of the building sewer.
- 268 Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee*  
269 *Handbook* or when otherwise established by the OJRSA Board of Commissioners.
- 270 Bypass shall mean the intentional diversion of ~~wastestream~~ Wastestreams from any portion of a User’s treatment  
271 facility.
- 272 Calendar Day shall mean all days, including weekends and holidays.
- 273 Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive)  
274 each year.
- 275 Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.
- 276 Capacity Permit. See definition for Permit.

## OJRSA Sewer Use Regulation

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- 277 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.
- 278 Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Con-  
279 trol Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease  
280 retained in the control device.
- 281 Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste  
282 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.
- 283 Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and  
284 a tasting room products for produced at the facility. *Also see Alcoholic Beverage.*
- 285 CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that  
286 assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has  
287 adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to elimi-  
288 nate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of over-  
289 flows on Waters of the State/United States, the environment, and public health.
- 290 Collection System. See definition for Conveyance System.
- 291 Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or  
292 equivalent methods approved by EPA.
- 293 Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. *OJRSA cur-  
294 rently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer  
295 system.*
- 296 Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for  
297 commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.
- 298 Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater,  
299 are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional)  
300 Users may be subject to Local Limits as determined by the Director.
- 301 Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative  
302 Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address  
303 a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may  
304 include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA,  
305 with failure to meet such deadlines subject to potential additional enforcement action as stated within the Reg-  
306 ulation, including civil penalties.
- 307 Cumulative Consumer Price Index, as applicable to SECTION ~~9.68-6~~, shall mean the aggregate administrative, civil, or  
308 criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index  
309 as reported for the month of December each calendar year beginning with December 2023. *This amount shall  
310 be rounded up or down to the next whole dollar.*
- 311 Contact Cooling Water. See definition for Cooling Water.
- 312 Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and  
313 challenges to the environmental community as a result of:
- 314 A. The recent development of new chemicals or other products;
  - 315 B. New or recently identified byproducts or waste products;
  - 316 C. Newly discovered or suspected adverse health or environmental impacts;
  - 317 D. Physical or chemical properties that are not fully evaluated or understood;
  - 318 E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other  
319 environmental program levels of control; and
  - 320 F. Other factors.

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321 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-  
322 maceuticals and their constituents, and steroids and hormones.

323 Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this  
324 Regulation.

325 Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and  
326 appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treat-  
327 ment facility. The conveyance system is considered to be a component of the POTW.

328 Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling,  
329 evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product,  
330 intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water  
331 can be generated from any cooling equipment blowdown or produced as a result of any cooling process through  
332 either a single pass (once through) or recirculating system. There are two types of cooling water:

333 A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact  
334 with any raw material, waste intermediate or final product, and which does not contain levels of contami-  
335 nants detectably higher than that of intake water and does not have added chemicals for water treatment  
336 at the facility.

337 B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact  
338 means the water has chemical(s) added at the facility or comes into contact with the product produced at  
339 the facility. This includes water contaminated through any means, including chemicals added for water  
340 treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, pro-  
341 cess materials, intermediate materials, final products, waste product, and/or wastewater.

342 County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any*  
343 *county.*

344 Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-  
345 four (24) hour period.

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

351 Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment  
352 or solids that have settled in the tank or vessel.

353 Director. See definition for Executive Director.

354 Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic  
355 wastewater source.

356 Discharge Permit. See definition for Permit.

357 Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and ~~SCDHECSCDES~~ approved  
358 location.

359 Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail  
360 store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*

361 Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, com-  
362 mercial establishments, institutions and the like, but excluding industrial process wastes.

363 Duration of the Violation shall mean the length that the violation existed.



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- 364 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-  
365 tion.
- 366 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set  
367 forth in ~~SECTION 9~~SECTION 8 of this Regulation.
- 368 Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appro-  
369 priate, the Administrator or other duly authorized official of the EPA.
- 370 Environmental Harm shall mean a pollutant effluent which:  
371 A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;  
372 B. Causes a violation of the POTW's NPDES permit (including water quality standards); or  
373 C. Causes a pass-through.
- 374 Equivalent Permitting Record. See definition for Permit.
- 375 Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA*  
376 *Sewer Use Regulation* or Industrial User permit.
- 377 Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the  
378 person serving as the chief administrative officer (CAO) of the agency.
- 379 Existing Source shall mean any source of discharge that is not a New Source.
- 380 Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for  
381 commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products  
382 produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence  
383 or amount of alcohol volume. *Also see Alcoholic Beverage.*
- 384 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- 385 FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal  
386 and/or vegetable or plant sources.
- 387 FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liq-  
388 uify the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices  
389 must be cleaned manually to remove any FOG accumulation.
- 390 FOG Control Devices shall mean FOG Interceptors, FOG Traps, Hydromechanical FOG Device, or other OJRSA ap-  
391 proved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment  
392 works.
- 393 FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support  
394 elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system  
395 and treatment works. This program is detailed in ~~SECTION 10~~SECTION 9 of these Regulations.
- 396 FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and  
397 grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated  
398 living units as stated in OJRSA SUR ~~10.39-3~~(C) are not considered a FSE or FOG Generator and will not be subject  
399 to the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering and other such*  
400 *operations are considered a commercial purpose subject to FSE regulations*).
- 401 FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats,  
402 oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Inter-  
403 ceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not con-  
404 sider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be con-  
405 strued as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller  
406 devices will be considered for approval by OJRSA on a case-by-case basis for Multi-Family Developments.

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- 407 FOG Permit. See definition for Permit.
- 408 FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the  
409 responsibility of administering the provisions of the FOG Control Program to ensure User compliance with ap-  
410 plicable laws, rules, regulations, and policies.
- 411 FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.
- 412 FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the ~~wastestream-~~  
413 Wastestream. These are identified as an “under the sink” reservoir or a “floor trap” which is a small container  
414 or tank with baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be  
415 connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease  
416 interceptor” but should not be confused with a FOG Interceptor as defined by the OJRSA.
- 417 FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial oper-  
418 ations through the use of a FOG Interceptor, Hydromechanical FOG Device, or FOG Trap.
- 419 FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to  
420 include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within  
421 the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumb-  
422 ers must perform an inspection on a FCD when the device is being cleaned.
- 423 FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and ap-  
424 pliances to the FOG Control Device.
- 425 Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where  
426 several food preparation establishments having different Owners may share seating space or plumbing facilities.
- 427 Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or  
428 making food available for consumption. Single-Family Residential locations and Multi-Family Developments with  
429 four (4) or less separated living units as stated in OJRSA SUR ~~10.39.3~~(C) are not considered a FSE or FOG Gener-  
430 ator and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes  
431 (catering operations are considered a commercial purpose subject to FSE regulations). FSEs will include but are  
432 not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens,  
433 assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities,  
434 and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establish-  
435 ment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-  
436 related wastes. Also see definition of FOG Generator.
- 437 Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A  
438 force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.
- 439 Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events  
440 must be unforeseeable and unavoidable, and not the result of the User’s actions, hence they are considered “an  
441 act of God,” such as an earthquake, flood, or riot.
- 442 Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and  
443 dispensing of food, and from the Commercial handling, storage, and sale of produce.
- 444 Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for  
445 discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”
- 446 Grab Sample shall mean a sample that is taken from a ~~wastestream~~Wastestream without regard to the flow in the  
447 ~~wastestream~~Wastestream and over a period of time not to exceed fifteen (15) minutes.
- 448 Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous  
449 rights, privileges, uses, or practices.



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- 450 Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such  
451 as toilets and urinals. *This does not include process wastewater from industrial facilities.*
- 452 Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that  
453 may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal  
454 grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common  
455 effluent line shared by a number of wash stations.
- 456 Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from ves-  
457 sels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, Hydrome-  
458 chanical FOG Devices, and vacuum pump tank trucks.
- 459 Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of  
460 transporting solid and/or liquid waste products for treatment or disposal.
- 461 Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concen-  
462 tration, or characteristics, may:  
463 A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;  
464 B. Pose a substantial hazard to human health or the environment if improperly handled; or  
465 C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of  
466 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal  
467 law.
- 468 Hazardous Waste. See definition for Hazardous Material Item B.
- 469 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in  
470 accordance with SCDHECSCDES and EPA regulations.
- 471 Hearing Officer shall be defined by OJRSA SUR 9.28.2(D)(5).
- 472 Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trail-  
473 ers, septic tanks, and vacuum pump tank trucks.
- 474 Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for  
475 lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing  
476 dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility  
477 shall be considered a Food Service Establishment.
- 478 Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity be-  
479 tween wastewater and FOG to affect separation of FOG from wastewater, and may incorporate a flow control  
480 device, air entrainment, and other means or principles to improve the efficacy of separation as demonstrated  
481 by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by an inde-  
482 pendent entity using specific equipment or devices that have been tested and meet or exceed standards estab-  
483 lished by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which may  
484 include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical Engineers  
485 (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combination of these  
486 and other entities to include the aforementioned requirements. Some jurisdictions refer to these as “hydrome-  
487 chanical grease interceptors”.
- 488 Indirect Discharge. See definition for Discharge.
- 489 Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under  
490 regulations issued pursuant to Section 402 of Act. An Industrial User may or may not be a CIU and/or SIU.
- 491 Industrial User Permit. See definition for Permit.
- 492 Industrial Wastewater. See definition for Wastewater.

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- 493 Infiltration shall mean water other than wastewater flow that enters a sewer system from the ground through pipes,  
494 pipe joints, connections, or manholes.
- 495 Inflow shall mean water other than wastewater flow entering the sewer system from such sources as, but not lim-  
496 ited to: roof leaders; cellar, yard, and area drains; foundation drains; unpolluted water (including cooling water  
497 or condensation discharges); drains from springs and swampy areas; manhole covers; cross connections from  
498 storm sewers and/or Combined Sewers; catch basins; stormwaters; surface runoff; street wash waters, or drain-  
499 age.
- 500 Inflow and Infiltration shall collectively mean inflow and/or infiltration as defined in this Regulation.
- 501 Informal Conference shall mean a meeting between a User and the Director, or Director's designee, to discuss one  
502 (1) or more alleged violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA, to exchange  
503 information regarding such alleged violations and any corrective actions taken or proposed to be taken, and to  
504 discuss methods to obtain compliance with the Regulation by consent of all parties. An Informal Conference may  
505 result in the entry of a Consent Agreement outlining agreed upon relief, including an enforceable Compliance  
506 Schedule, but will not result in the entry of a unilateral final decision by the OJRSA on an alleged violation prior  
507 to the User's opportunity for an Adjudicatory Hearing.
- 508 Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time,  
509 determined from the analysis of any discrete or composited sample collected, independent of the industrial flow  
510 rate and the duration of the sampling event.
- 511 Institution (or Institutional) shall mean an organization that provides services to the public or a specific sector of  
512 the public. Examples includes schools, places of worship, colleges, government buildings, hospitals, prisons, etc.
- 513 Institutional User. See definition for Commercial User.
- 514 Interference means a Discharge which, alone or in conjunction with a discharge(s) from other sources, both:  
515 A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or dis-  
516 posal; and  
517 B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase  
518 in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in  
519 compliance with the following statutory provisions and regulations or permits issued thereunder (or more  
520 stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act  
521 (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act  
522 (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant  
523 to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection,  
524 Research and Sanctuaries Act, and the South Carolina Pollution Control Act.
- 525 Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompli-  
526 ance.
- 527 Isolated (or Infrequent) [regarding violations] shall mean violations that do not meet the definition of recurring  
528 violations.
- 529 Lateral (or Service Lateral). See definition for Sewer Service.
- 530 Lint Interceptor shall mean a device used to remove lint and other debris from wastewater prior to its discharge to  
531 the sewer system. Facilities that may be required to install a Lint Interceptor include, but not limited to, laun-  
532 dromats, hotels/motels, dormitories, and apartment complexes with common laundry facilities shared by users.
- 533 Local Limits shall mean specific discharge limits developed and enforced by the OJRSA upon industrial or Commer-  
534 cial facilities to implement the general and specific discharge prohibitions listed in SC R61-9 403.5.
- 535 May is permissive. Shall is mandatory and requires compliance.
- 536 Measured Daily Flow shall mean the actual flow, in gallons, measured at the flowmeter for each day.

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537 Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological  
538 wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially con-  
539 taminated laboratory wastes, and dialysis wastes.

540 Member City (or Member Cities) shall mean the cities of Seneca, Walhalla, and Westminster and others as defined  
541 by legally binding Intergovernmental Agreement(s).

542 Mobile Food Unit shall mean a self-propelled or vehicle- or trailer-mounted unit intended to be used as a Food  
543 Service Establishment. Mobile Food Units must have an approved location to discharge used fats, oils, and grease  
544 waste.

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

547 Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, cal-  
548 culated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily  
549 discharges” measured during that month.

550 Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside  
551 in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condomini-  
552 ums, duplexes/multiplexes, etc. ~~(Under certain conditions, dormitories, communal living spaces, hostels and the~~  
553 ~~like may be considered a Multi-Family Development.)~~ A structure or complex of buildings is also considered to  
554 be a Multi-Family Development if it has a shared privately-owned sewer service (the portion located on private  
555 property) sewer plumbing serving two (2) or more individual living units (e.g., apartments, townhomes, etc.)  
556 that is combined prior to connection to the public sewer system. ~~Multi-Family Developments with five (5) or~~  
557 ~~more separate living units shall have FOG Control Devices as stated in OJRSA SUR 9.3(C).~~

558 National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits prom-  
559 ulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of  
560 Industrial Users. NCPs are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

561 National Pollutant Discharge Elimination System Permit. See definition for Permit.

562 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, stormwater retention/detention pond,  
563 or other surface water or groundwater.

564 New Source shall mean:

565 A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the  
566 construction of which commenced after the publication of proposed Pretreatment Standards under Section  
567 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in ac-  
568 cordance with that section, provided that:

- 569 1. The building, structure, facility, or installation is constructed at a site at which no other source is  
570 located; or
- 571 2. The building, structure, facility, or installation totally replaces the process or production equipment  
572 that causes the discharge of pollutants at an Existing Source; or
- 573 3. The production or wastewater generating processes of the building, structure, facility, or installa-  
574 tion are substantially independent of an Existing Source at the same site. In determining whether  
575 these are substantially independent, factors, such as the extent to which the new facility is inte-  
576 grated with the existing plant and the extent to which the new facility is engaged in the same gen-  
577 eral type of activity as the Existing Source, should be considered.

578 B. Construction on a site at which an Existing Source is located results in a modification rather than a New  
579 Source, if the construction does not create a new building, structure, facility, or installation meeting the  
580 criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production  
581 equipment.

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- 582 C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator  
583 has:
- 584 1. Begun, or caused to begin, as part of a continuous onsite construction program:
    - 585 (a) any placement, assembly, or installation of facilities or equipment; or
    - 586 (b) significant site preparation work including clearing, excavation, or removal of existing build-  
587 ings, structures, or facilities which is necessary for the placement, assembly, or installation  
588 of New Source facilities or equipment; or
  - 589 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are  
590 intended to be used in its operation within a reasonable time. Options to purchase or contracts  
591 which can be terminated or modified without substantial loss, and contracts for feasibility, engi-  
592 neering, and design studies do not constitute a contractual obligation under this paragraph.
- 593 Noncontact Cooling Water. See definition for Cooling Water.
- 594 Non-Process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.
- 595 Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not  
596 limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educa-  
597 tional facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also in-  
598 clude apartments, condominiums, dormitories, communal living spaces (e.g., hostels) and other multi-unit hous-  
599 ing complexes with a common sewer service lateral or system serving multiple units prior to connecting with a  
600 public sewer.* Also see Single-Family Residential, Multi-Family Development, *Hotel with Kitchen, Single-Family  
601 Residential, User, and others.*
- 602 Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling re-  
603 quirements but is permitted and may have other requirements to meet.
- 604 North American Industry Classification System or NAICS shall mean the standard reference classification system  
605 used by agencies for the United States business economy. It was developed under the auspices of the Executive  
606 Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to  
607 replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreat-  
608 ment regulations.
- 609 OJRSA shall mean the Oconee Joint Regional Sewer Authority.
- 610 Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sedi-  
611 ment and other liquid contaminants can be removed from wastewater prior to being discharged to the convey-  
612 ance system or treatment facility. These drain lines may come from variety of facilities including, but not limited  
613 to, covered parking garages, machine shops, service stations, and manufacturing facilities.
- 614 Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital  
615 related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, re-  
616 viewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to as-  
617 sure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regula-  
618 tions and assures optimal long-term facility management.
- 619 Owner shall mean an individual or entity in possession of title for land, building or other item. The Owner can be a  
620 claimer, controller, holder, homeowner, householder, landowner, landlord, lessor, occupier, person holding  
621 ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.
- 622 Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or  
623 concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of  
624 any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the viola-  
625 tion).

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626 Paunch Manure shall mean the partially digested contents of the stomach during the time period immediately be-  
627 fore and after the animal is slaughtered for meat and other by-products.

628 Permit (or Permitted) shall mean the following, as appropriate:

- 629 A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this  
630 purpose) issued to a User or facility after January 1, 1990.
- 631 B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and  
632 tracking connections to the public sewer. This record may be issued to users before or since January 1,  
633 1990.
- 634 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  
635 (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
- 636 D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the  
637 potential to impact the POTW.
- 638 E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this defi-  
639 nition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Per-  
640 mit, as appropriate. It does not include the NPDES Permit.
- 641 F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land  
642 Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of  
643 the SC Pollution Control Act, or (SC R61-9 122 or 505).
- 644 G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.

645 Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company,  
646 trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This  
647 definition includes all Federal, State, and local governmental entities.

648 pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40  
649 CFR Part 136, or equivalent methods approved by EPA.

650 Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer  
651 system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices  
652 or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on  
653 individual sinks or on a common effluent line shared by a number of sinks.

654 Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.

655 Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge;  
656 munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or dis-  
657 charged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other  
658 pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD,  
659 toxicity, SS, odor) as may be defined by EPA, ~~SCDHECSCDES~~, or OJRSA regulations; discharged into water.

660 Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological  
661 integrity of water.

662 Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration  
663 of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing  
664 such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological  
665 processes; process changes; or by other means; except as prohibited by SC R61-9.403.6I. Appropriate pretreat-  
666 ment technology includes control equipment, such as equalization tanks or facilities, for protection against  
667 surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where  
668 wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with  
669 wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted  
670 pretreatment limit calculated in accordance with SC R61-9 403.6(f).



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- 671 Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment  
672 Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Reg-  
673 ulatory Services Coordinator, depending on who is authorized to perform this function.*
- 674 Pretreatment Facility. See definition for Pretreatment System.
- 675 Pretreatment Program shall mean a program approved by ~~SCDHECSCDES~~ to enforce the national pretreatment pro-  
676 gram requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Stand-  
677 ards to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs  
678 to proactively protect its infrastructure while overseeing its management responsibilities.
- 679 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other  
680 than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.
- 681 Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Stand-  
682 ards, and Local Limits.
- 683 Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before dis-  
684 charging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.
- 685 Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include  
686 sewer services (“laterals” or “service laterals”). It is not a public sewer.
- 687 Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public  
688 Service Commission.
- 689 Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of  
690 certain substances; these prohibitions appear in ~~SECTION 5~~SECTION 4 of these Regulations.
- 691 Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by  
692 the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems  
693 that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.
- 694 Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is  
695 owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment,  
696 recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyance systems that  
697 transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other con-  
698 veyances not connected to a facility providing transportation and/or treatment for wastewater.
- 699 Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform  
700 wastewater analyses.
- 701 Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12)  
702 month period.
- 703 Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the  
704 Board of Commissioners.
- 705 Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA reg-  
706 ulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This  
707 position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*
- 708 Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential  
709 User.
- 710 Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings,  
711 minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance  
712 facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities.  
713 These devices may also be referred to as a “grit interceptor,” “sand trap,” or other such name.

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714 Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.

715 Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision,  
716 company, or other such party (all collectively referred to as “party” in this definition) that discharges to a system  
717 that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-  
718 9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party  
719 for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not  
720 mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

721  
722 A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite  
723 Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General  
724 Permit as issued by ~~SCDHECSCDES~~ (or other such permit issued by ~~SCDHECSCDES~~ and/or EPA) are those that  
725 would require a construction permit under SC R61-67 if built today. There are two (2) basic situations that would  
726 normally apply:

- 727 A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)  
728 B. Pretreatment systems at industries

729  
730 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-  
731 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

732 Satellite Sewer System Permit. See definition for Permit.

733 Satellite System shall collectively mean a Satellite Sewer System and private sewer.

734 Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate  
735 governing body(ies).

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

740 Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

741 Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

742 Sewer Service (aka “Lateral” or “Service Lateral”) shall mean piping or plumbing that serves individual properties  
743 and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public  
744 sewer line.

745 Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

746 Shall is mandatory and requires compliance. May is permissive.

747 Significant Industrial User shall mean:

- 748 A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); or  
749 B. An Industrial User that:  
750 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the  
751 POTW (excluding non-process wastewater); or  
752 2. Contributes a process ~~wastestream~~ Wastestream which makes up five percent (5%) or more of the  
753 average dry weather hydraulic or organic capacity of the POTW treatment plant; or  
754 3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting  
755 the POTW’s operation or for violating any Pretreatment Standard or Requirement (in accordance  
756 with SC R61-9 403.8(f)(6)).

757 Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for  
758 adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement,  
759 OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User,

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760 and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be consid-  
 761 ered a Significant Industrial User.

762 C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may  
 763 be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

764 Significant Noncompliance shall mean one or a combination of any of the following:

765 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or  
 766 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
 767 exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous lim-  
 768 its;

769 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or  
 770 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
 771 equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantane-  
 772 ous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats,  
 773 oil, and grease; and one and two-tenths (1.2) for all other pollutants except pH);

774 C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maxi-  
 775 mum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused,  
 776 alone or in combination with other discharges, interference or pass- through including endangering the  
 777 health of POTW personnel or the general public;

778 D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the  
 779 environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a dis-  
 780 charge;

781 E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone  
 782 contained in an individual wastewater discharge permit or enforcement order for starting construction,  
 783 completing construction, or attaining final compliance;

784 F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including  
 785 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, pe-  
 786 riodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;

787 G. Failure to accurately report noncompliance;

788 H. Any other violation(s), which may include a violation of Best Management Practices, which the Director  
 789 determines will adversely affect the operation or implementation of the local Pretreatment Program.

790 Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended  
 791 to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-  
 792 Family Developments (if units have individual sewer plumbing that is not combined, or no more than two (2)  
 793 units have shared sewer plumbing or service line, prior to connection to the public sewer system), and recrea-  
 794 tional vehicles ("RV")/camper sites with an individual Water Meter and sewer connection.

795 Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the  
 796 prohibited discharge standards in SECTION 5~~SECTION 4~~ of these Regulations; or any discharge of a nonroutine,  
 797 episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge which has a  
 798 reasonable potential to cause interference or pass through, or in any other way will violate OJRSA Regulations,  
 799 Local Limits, or Permit conditions.

800 South Carolina Department of Environmental Services shall mean the State cabinet agency established by state law  
 801 on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South  
 802 Carolina's environment and natural resources. Prior to July 1, 2024, SCDES was a division of the South Carolina  
 803 Department of Health and Environmental Control (SCDHEC).

804 Special Pretreatment Device shall mean equipment used to reduce, remove or alter the nature of pollutants in  
 805 wastewater prior to entering the Public Sewer. Such devices include, but are not limited to: FOG Control Devices,  
 806 Oil/Water Interceptors, Sand/Oil Interceptors, Hair Trap/Interceptors, Lint Interceptors, Plaster Interceptors.



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807 Pretreatment Systems, and others as necessary to protect the conveyance system, treatment facility, and/or to  
808 comply with NPDES Permit requirements.

809 Standard Industrial Classification System shall mean a classification pursuant to the 1997 edition of the Standard  
810 Industrial Classification Manual issued by the Executive Office of the President of the United States' Office of  
811 Management and Budget (OMB). The NAICS system was set in place in 1997 to take the place of the SIC System.  
812 The SIC codes are still referenced in some pretreatment regulations and are still currently in use.

813 State shall mean the state of South Carolina.

814 Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to  
815 which wastewater is not intentionally admitted.

816 Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting there-  
817 from.

818 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water,  
819 wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or  
820 equivalent methods approved by EPA, and referenced as non-filterable residue.

821 Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater  
822 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this com-  
823 pound is  $\text{NH}_3\text{-N}$ .

824 Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as  
825 prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.

826 Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of  
827 a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.

828 Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which  
829 when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment  
830 process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the  
831 POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or com-  
832 bination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307  
833 (33 USC §1317) of the Act, or other acts.

834 Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water  
835 quality standards if such water were discharged to Waters of the State/United States.

836 Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Cate-  
837 gorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An up-  
838 set does not include noncompliance to the extent caused by operational error, improperly designed treatment  
839 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

840 User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignifi-  
841 cant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of  
842 wastewater to the POTW. Also see Industrial User and Nonsignificant Industrial User.

843 User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the  
844 wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board  
845 of Commissioners.

846 Wastestream shall mean the complete flow of liquid waste from its source to its final disposal. The contributors of  
847 Wastestreams are Residential and Nonresidential Users.

848 Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial build-  
849 ings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.

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- 850 A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet
- 851 and other sanitary plumbing facilities.
- 852 B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any
- 853 industrial establishment and resulting from any trade or process carried on in that establishment and shall
- 854 include the wastes from pretreatment facilities and cooling water.

855 Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by

856 the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of

857 the effluent and accumulated residual solids.

858 Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or

859 other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures

860 any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in

861 the sewer that is conveyed to the OJRSA wastewater treatment plant. A Water Meter does not include meters

862 on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation

863 systems as they are not typically connected to a collection system; however, if it is determined that they are on

864 a case-by-case basis, then they shall be treated as a Water Meter defined herein.

865 Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reser-

866 voirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or

867 underground, natural or artificial, public or private, which are contained within, flow through, or border upon

868 the State or any portion thereof.

869 Waters of the United States shall be defined by 40 CFR 230.3(s).

870 Wet Signature shall mean an original signature created when a person physically marks a document using pen and

871 ink with the intent to sign the record.

872 Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product

873 of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for

874 products for produced at the facility Also see Alcoholic Beverage.

875 Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources

876 (water, wastewater, solid waste, etc.) and can be recycled. Most “yellow grease” is deep fat fryer grease that

877 has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not

878 accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA

879 water reclamation facility.

880 **3.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

- |   |  |
|---|--|
| 881 °C: Celsius   | 895 BMP or BMPs: Best Management Practice(s)           |
| 882 °F: Fahrenheit  | 896 BOD: Biochemical Oxygen Demand                     |
| 883 §: Section  | 897 CAO: Chief Administrative Officer                  |
| 884 ADF: Average Daily Flow (unit of volume during a pe-  | 898 CCPI: Cumulative Consumer Price Index              |
| 885 riod of time)   | 899 CEC: Contaminants of Emerging Concern              |
| 886 ADMI: American Dye Manufacturers Institute            | 900 CEO: Chief Executive Officer                       |
| 887 AO: Administrative Order                              | 901 CFR: Code of Federal Regulations                   |
| 888 ASCE: American Society of Civil Engineers             | 902 CIU: Categorical Industrial User                   |
| 889 <u>ASME: American Society of Mechanical Engineers</u> | 903 CMOM: Capacity, Management, Operation, and         |
| 890 ASTM: American Society of Testing and Materials-In-   | 904 Maintenance Audit                                  |
| 891 ternational   | 905 CPI: Consumer Price Index of All Urban Consumers   |
| 892 Atty: OJRSA Attorney (General Counsel) and/or         | 906 (CPI-U)—U.S. city average, All items (as issued by |
| 893 Other Legal Counsel as Designated by OJRSA            | 907 the US Bureau of Labor Statistics)                 |
| 894 Board of Commissioners                                | 908 COD: Chemical Oxygen Demand                        |

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909	CROMERR: Cross Media Electronic Reporting Rule	955	OMB: Office of Management and Budget, an office
910	<a href="#">CSA: Canadian Standards Association</a>	956	within the Executive Office of the President of the
911	CWA: Clean Water Act	957	United States
912	Dir: Executive Director of the OJRSA	958	OSHA: Occupational Safety and Health Administra-
913	DMR: Discharge Monitoring Report	959	tion
914	e.g.: <i>Exempli Gratia</i> , Latin for “for example”	960	PC: Pretreatment Coordinator or person(s) author-
915	EPA: United States Environmental Protection Agency	961	ized to serve in this capacity by or Inspector for
916	ERG: Enforcement Response Guide	962	the OJRSA
917	et seq.: <i>Et Sequentes</i> , Latin for “and the following”	963	PFAS: Per- and Polyfluoroalkyl Substances
918	FCD: FOG Control Device	964	<a href="#">PDF: Portable Document Format</a>
919	FOG: Fats, Oils, and Grease	965	<a href="#">PDI: Plumbing and Drainage Institute</a>
920	FOG Insp: FOG Inspector (or person(s) authorized to	966	pH: Potential of Hydrogen or Power of Hydrogen
921	serve in this capacity for the OJRSA)	967	(unit of acidity/basicity)
922	FOIA: South Carolina Freedom of Information Act (SC	968	PL: Public Law
923	Law Title 30 Chapter 4)	969	POTW: Publicly Owned Treatment Works
924	FSE: Food Service Establishment	970	PU: Private Utility
925	gal: Gallon (unit of volume)	971	QAC or QACs: Quaternary Ammonium Compound(s)
926	gpd: Gallons per Day (unit of volume during a period	972	RSC: Regulatory Services Coordinator or Inspector
927	of time)	973	(or person(s) authorized to serve in this capacity
928	<a href="#">HFD: Hydromechanical FOG Device</a>	974	for the OJRSA)
929	I&I: Inflow and Infiltration	975	SC Rxx (where “xx” is either letters and/or numbers):
930	in.: Inch or Inches, as appropriate (unit of distance)	976	South Carolina Regulation (“xx” references the
931	IU: Industrial User	977	regulation)
932	kg: Kilogram (unit of mass)	978	RCRA: Resource Conservation and Recovery Act
933	lb (or lbs): Pound or Pounds, as appropriate (unit of	979	SC: South Carolina
934	mass)	980	SCADA: Supervisory Control and Data Acquisition
935	<a href="#">MB: Megabyte</a>	981	<a href="#">SCDES: South Carolina Department of Environmental</a>
936	mg/L: Milligrams per Liter (unit of concentration)	982	<a href="#">Services or any successor agency</a>
937	NAICS: North American Industry Classification Sys-	983	SCDHEC: South Carolina Department of Health and
938	tem	984	Environmental Control, <a href="#">predecessor agency to</a>
939	NCPS: National Categorical Pretreatment Standard(s)	985	<a href="#">SCDES or any successor agency</a>
940	NH <sub>3</sub> -N: Ammonia Nitrogen	986	SDWA: Safe Drinking Water Act
941	No.: Number	987	SIC: Standard Industrial Classification System
942	NOAA: National Oceanic and Atmospheric Admin-	988	SIU: Significant Industrial User
943	istration	989	SNC: Significant Noncompliance
944	NOSNC: Notice of Significant Noncompliance	990	SS: Suspended Solids
945	NOV: Notice of Violation	991	SU: Standard Units for pH Measurements
946	NPDES: National Pollutant Discharge Elimination Sys-	992	SUR: <i>OJRSA Sewer Use Regulation</i>
947	tem	993	SWDA: Solid Waste Disposal Act
948	<a href="#">NSF: National Sanitation Foundation</a>	994	TKN: Total Kjeldahl Nitrogen
949	O&M: Operation and Maintenance	995	TMS: Tax Map System
950	OD: Oxygen Demand	996	TRC: Technical Review Criteria
951	OJRSA: Oconee Joint Regional Sewer Authority	997	TSS: Total Suspended Solids
952	OJRSA SUR xx (where “xx” is either letters and/or	998	US: United States
953	numbers): Oconee Joint Regional Sewer Authority	999	USC: United States Code
954	Regulation (“xx” references the regulation)	1000	WEF: Water Environment Federation

1001 **3.5 DOCUMENT FORMAT AND CONSTRUCTION**

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A. This ~~manual~~ Regulation contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Sewer Use Regulation*.

<b>BOLD CAPITAL LETTERS</b>	Important point of emphasis
<u>Dashed Underline</u>	Name of a form to use for documenting a referenced task
<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 <del>3.32.3</del> )
<u><i>Underlined Italics</i></u>	A note of emphasis

B. In this Regulation, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Regulation.
2. The terms "hereby," "hereof," "hereto," "herein," "hereunder," and any similar terms refer to this Regulation, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before the date of adoption of this Regulation.

**3.6 ELECTRONIC SUBMITTAL OF DOCUMENTS**

The following information does not apply to documents that require a Wet Signature as stated in the appropriate sections of the *OJRSA Sewer Use Regulation* (SUR). Applications and documents may be submitted electronically in accordance with the following requirements. Documents not meeting these conditions shall not be accepted.

- 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.

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1029 **Section 4 – Use of Sewers**1030 **4.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE**

1031 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User’s consent and  
 1032 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations  
 1033 promulgated hereunder, including enforcement and penalty provisions.

1034 **4.2 SEWER SYSTEMS**

- 1035 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-  
 1036 quirement shall not apply to systems which are owned by multiple public entities.
- 1037 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or  
 1038 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line  
 1039 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby  
 1040 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1041 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-  
 1042 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force  
 1043 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations  
 1044 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-  
 1045 tified in the *OJRSA Development Policy*;
  - 1046 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the  
 1047 Sewer System in its entirety is owned by a public entity.
  - 1048 3. Further, the application to OJRSA will include an opinion from the PU’s legal counsel that such PU  
 1049 is authorized to own and operate the Sewer System and to enter into the contracts by which it  
 1050 gained ownership and control of the system.
- 1051 C. Sewer Systems that are to remain privately owned must be permitted by SCDHEGSCDES and/or the OJRSA  
 1052 as a Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance  
 1053 with the SCDHEGSCDES Satellite Sewer System Permit or other such permit or requirement of SCDHEGSCDES  
 1054 and these Regulations.
- 1055 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1056 1. All requests for service inside the service area of a Member City, municipality, or County shall be  
 1057 under the direction and approval of a Member City, municipality or County. This provision allows  
 1058 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such  
 1059 Sewer System a part of the Member City, municipality, or County’s Sewer System.
  - 1060 2. The application for service to OJRSA shall be under the direction and approval of the Member City,  
 1061 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or  
 1062 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured  
 1063 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume  
 1064 ownership, operational, maintenance, and financial responsibility for the PU.
  - 1065 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which  
 1066 such entity obtained control of the system. A term of that contract shall require ownership of the  
 1067 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System  
 1068 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for  
 1069 an unsafe or unsanitary operating condition. The contract will include express provision giving  
 1070 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary  
 1071 thereto.



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**4.3 PERMITS REQUIRED**

- 1072
- 1073 A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via
- 1074 Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
- 1075 B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall
- 1076 not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Indus-
- 1077 trial Users must also comply with OJRSA SUR 4.33.3(D) and 7.16.1.
- 1078 C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting
- 1079 record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such
- 1080 permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
- 1081 D. Industrial Users
- 1082 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit
- 1083 Application and Questionnaire and obtain approval to connect and use the sewer facilities, regard-
- 1084 less of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite
- 1085 for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
- 1086 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by
- 1087 completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the
- 1088 Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of
- 1089 the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as pro-
- 1090 vided by the Director or his/her designee. This application shall be obtained from the OJRSA.
- 1091 E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements
- 1092 to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into
- 1093 the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source
- 1094 Wastewater Discharge Permit.

**4.4 RESPONSIBILITY OF COSTS**

1095 All costs and expense incident to the installation and connection of building sewers and/or extension of the con-

1096 veyance system shall be borne by the Owner.

1097

**4.5 USE OF PUBLIC SEWERS REQUIRED**

- 1098
- 1099 A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any
- 1100 wastewater, except where suitable treatment has been provided in accordance with subsequent provisions
- 1101 of these Regulations and with regulations of SCDHECSCDES.
- 1102 B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic
- 1103 tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 1104 C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or
- 1105 other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is
- 1106 hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such
- 1107 facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unu-
- 1108 sual or specific circumstances, the Director may waive this provision. This requirement shall not apply to
- 1109 any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic
- 1110 system permitted by SCDHECSCDES in compliance with S.C. Regulation 61-56. Such properties may continue
- 1111 to utilize their existing septic systems until and unless SCDHECSCDES requires those properties to connect
- 1112 to public sewer pursuant to S.C. Regulation 61-56.
- 1113 D. Exceptions
- 1114 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct con-
- 1115 nection of sewer service.
- 1116 2. Where annexation or easements to cross adjacent property are required to connect to the
- 1117 wastewater system at the time of application, then sewer shall not be considered accessible. A
- 1118 deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between

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the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed shall be identifiable by County Tax Map System (TMS) number.

- E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to relieve a User of any additional requirements that may be imposed by other authorities having legal jurisdiction.

#### **4.6 SEWER CONSTRUCTION AND MATERIALS**

- A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable extension of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider these situations on a case-by-case basis.
- B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in accordance with the OJRSA's requirements as stated within the current version of the OJRSA Development Policy and shall be subject to their review and approval and be in compliance with any applicable SCDHEGSCDES requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the operation and maintenance costs of treatment systems and pump stations upon such terms and conditions as it deems appropriate.

#### **4.7 CERTAIN CONNECTIONS PROHIBITED**

- A. Connections Not Allowed to Sewer
1. No person shall make any connection of roof downspouts, exterior foundation drains, area drains, dumpster pad drains, or other sources of inflow, infiltration, or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
  2. Floor drains are not permitted in areas where machining, automotive repair, painting, and other such activities take place that are directly or indirectly (such as to a Satellite Sewer System) connected to the OJRSA sanitary sewer system.
  3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a garbage grinder or allow any discharge from such grinder from any unit or portion of its facility unless written permission has been granted by the Director.
  4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR 5.24-2(D).
- B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer. Upon discovery, such disposals shall be reported to SCDHEGSCDES for investigation and enforcement.

#### **4.8 MULTIPLE CONNECTIONS THROUGH ONE-BUILDING SEWER**

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard, easement, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by OJRSA.

#### **4.9 USE OF OLD BUILDING SEWERS**

- A. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing, to meet all requirements of these Regulations.
- B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm compliance with these Regulations prior to authorizing the connection to their system.

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- 1162 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall  
 1163 be connected to private wastewater disposal systems subject to the requirements of the County or  
 1164 SCDHECSCDES.

**4.10 COMPLIANCE WITH OTHER REGULATIONS**

1165 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and  
 1166 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-  
 1167 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.  
 1168 All joints of the building sewer shall be tight and waterproof.  
 1169

**4.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER**

- 1170  
 1171 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement  
 1172 floor.  
 1173 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater  
 1174 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the  
 1175 building sewer.  
 1176 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable  
 1177 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-  
 1178 tight and watertight.  
 1179 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-  
 1180 cordance with the *OJRSA Development Policy* before installation.

**4.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION**

1181 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection  
 1182 and connection to the public sewer no less than two (2) full business days prior to making the connection. The  
 1183 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.  
 1184 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect  
 1185 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work  
 1186 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,  
 1187 the Occupational Safety and Health Act of 1970.  
 1188

**4.13 SPECIAL PRETREATMENT DEVICES**

- 1189 A. All Special Pretreatment Devices may be subject to construction and operational permitting by  
 1190 SCDHECSCDES.  
 1191  
 1192 B. FOG Control Devices  
 1193 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they  
 1194 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,  
 1195 sand, or other harmful ingredients as required by SECTION 10~~SECTION 9~~ of these Regulations. Appli-  
 1196 cable facilities for these systems include those identified in that Section; except that such devices  
 1197 shall not be required for Single-Family Residential or dwelling units unless associated with regulated  
 1198 Multi-Family Developments or a Hotel with Kitchen as stated in OJRSA SUR 10.39-3(C).  
 1199 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
 1200 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
 1201 approved security mechanisms installed to prevent unauthorized access or use.  
 1202 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the  
 1203 Owner at their expense and in continuously efficient operation at all times.  
 1204 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
 1205 posal by appropriate means of the captured material and shall maintain records of the dates and



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- 1206 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
 1207 as appropriate.
- 1208 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
 1209 Federal, and Local regulations.
- 1210 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
 1211 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1212 C. Oil and Grit Removal Systems
- 1213 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for  
 1214 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for  
 1215 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical  
 1216 maintenance shops, industries, etc.
- 1217 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
 1218 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
 1219 approved security mechanisms installed to prevent unauthorized access or use.
- 1220 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-  
 1221 cured by the Owner at their expense in continuously efficient operation at all times.
- 1222 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
 1223 posal by appropriate means of the captured material and shall maintain records of the dates and  
 1224 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
 1225 as appropriate.
- 1226 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
 1227 Federal, and Local regulations.
- 1228 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-  
 1229 less the facility can document that four (4) months does not affect the functionality of the devices  
 1230 or impact the sewer system.
- 1231 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
 1232 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1233 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to  
 1234 meet the requirements of SECTIONS 5.44.4 and 5.94.9, Industries or other Users are required to install spe-  
 1235 cialized equipment on a case-by-case basis as determined by the OJRSA and/or SCDHEGSCDES in order to:
- 1236 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-  
 1237 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1238 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1239 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1240 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-  
 1241 cilities.
- 1242 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply  
 1243 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair  
 1244 Trap/Interceptors, and Plaster Separators.

**4.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE**

- 1245 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1246 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-  
 1247 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1248 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and  
 1249 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g.,  
 1250 SCDHEGSCDES).
- 1251

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- 1252 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for
- 1253 engineering standards or regulations met per SECTION ~~4.143-14~~, and be inspected and approved by County
- 1254 or Member City Codes Department (or other as appropriate), OJRSA, and/or ~~SCDHECSCDES~~.

**4.15 CONNECTION CONSTITUTES CONSENT**

1255 Connection to the OJRSA’s system shall constitute consent and agreement by the User to be bound by and to abide  
1256 with all OJRSA Regulations and requirements.  
1257

**4.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER**

1258 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*  
1259 *Development Policy*.  
1260

**4.17 VARIANCES**

- 1261 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or
- 1262 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and
- 1263 may be included in a Discharge Permit or other written document as issued by OJRSA.
- 1264
- 1265 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and
- 1266 State laws.
- 1267
- 1268 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and
- 1269 policies, including but not limited to these Regulations, fees, design, and construction matters. There may
- 1270 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,

## 1271 Section 5 – Prohibitions and Limitations on Wastewater Discharges

### 1272 5.1 PROHIBITED DISCHARGES

- 1273 A. General Prohibitions – It shall be unlawful for any person to discharge wastewater which causes a hazard  
 1274 to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass-  
 1275 through or interference. These general prohibitions apply to all Users of the POTW whether or not the User  
 1276 is subject to National Categorical Pretreatment Standards or any other Federal, State, or local regulations  
 1277 or ordinances. When the Director determines that a User is discharging such wastewater, the Director shall  
 1278 advise the User of the potential impact of the discharge and develop effluent limitations for such discharge  
 1279 to protect the POTW.
- 1280 B. Specific Prohibitions – A User shall not discharge the following substances to the POTW:
- 1281 1. Uncontaminated cooling water, condensate, ground water from wells, and/or surface water may  
 1282 not be discharged to the conveyance system and POTW unless otherwise approved in an industrial  
 1283 wastewater discharge permit.
  - 1284 2. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either  
 1285 alone or by interaction with other substances to cause fire or explosion or be injurious in any other  
 1286 way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flash-  
 1287 point of less than one hundred forty degrees Fahrenheit (140°F) using test methods specified in 40  
 1288 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kero-  
 1289 sene, naphtha, fuel oil, lubricating oil, and any other substances which the OJRSA, State, OSHA, or  
 1290 EPA identifies as a fire or explosive hazard or a hazard to the system.
  - 1291 3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interfer-  
 1292 ence, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (0.5  
 1293 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, en-  
 1294 trails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass,  
 1295 straw, shavings, grass clippings, rags, non-woven fabrics and wipes, hygiene products, spent grains,  
 1296 spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or pro-  
 1297 cessing of fuel or lubricating oil, mud or glass grinding or polishing wastes. **GRINDING OR SHRED-  
 1298 DING OF SOLIDS DOES NOT RENDER SUCH SOLIDS ACCEPTABLE FOR DISCHARGE TO THE POTW.**
  - 1299 4. pH Levels Considered to be Extremely Acidic or Basic
    - 1300 (a) Wastewater having a pH less than six-point-zero standard units (6.0 SU), unless other limits  
 1301 are approved by the Director, or wastewater having any other corrosive property capable  
 1302 of causing damage or hazard to structures, equipment, or personnel of the POTW.
    - 1303 (b) A pH greater than ten-point-zero standard units (10.0 SU) is only accepted with special per-  
 1304 mission from the Director in an industrial discharge permit.
    - 1305 (c) No wastewater with a pH greater than twelve-point-zero standard units (12.0 SU) will be  
 1306 accepted by OJRSA.
  - 1307 5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other  
 1308 pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic  
 1309 effect in the receiving waters of the POTW.
  - 1310 6. Noxious liquids, gases, or solids which either singly, or by interaction with other wastes, are suffi-  
 1311 cient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers  
 1312 for their maintenance and repair.
  - 1313 7. Wastewater, liquid, or vapors having a temperature higher than one hundred fifty degrees Fahren-  
 1314 heit (150°F), or results in a temperature higher than one hundred four degrees Fahrenheit (104°F)  
 1315 at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW  
 1316 and result in interference.

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- 1317 8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.
- 1318
- 1319 9. Wastewater which constitutes a slug discharge as defined herein.
- 1320 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.
- 1321
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- 1326
- 1327 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
- 1328
- 1329 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1330 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.
- 1331
- 1332 14. Any trucked or hauled pollutants not authorized under ~~SECTION 11~~SECTION 10 of these Regulations.
- 1333 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.
- 1334
- 1335
- 1336
- 1337
- 1338 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1339 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.
- 1340
- 1341 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1342
- 1343 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
- 1344
- 1345 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.
- 1346
- 1347
- 1348
- 1349 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.
- 1350
- 1351 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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**5.2 CONDITIONALLY PROHIBITED DISCHARGES**

1361 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 10~~SECTION 9~~ and SECTION 11~~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.

**5.3 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 SCDH~~EG~~SCDES 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 5.14.1 of these Regulations.

**5.4 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 5.34.3.
- 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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- 1411 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part  
1412 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-  
1413 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the  
1414 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-  
1415 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-  
1416 corporated into the Pretreatment Program.
- 1417 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the  
1418 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or  
1419 mass limits in accordance with this Section.
  - 1420 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of  
1421 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-  
1422 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of  
1423 calculating effluent limitations applicable to individual Industrial Users.
  - 1424 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not  
1425 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC  
1426 R61-9 403.6I.
  - 1427 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,  
1428 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-  
1429 mination to convert concentration limits to mass limits is within the discretion of the Director.  
1430 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set  
1431 forth below.
    - 1432 (a) To be eligible for equivalent mass limits, the Industrial User must:
      - 1433 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-  
1434 nologies that substantially reduce water use during the term of its individual  
1435 wastewater discharge permit;
      - 1436 (ii) Currently use control and treatment technologies adequate to achieve compliance  
1437 with the applicable Categorical Pretreatment Standard, and not have used dilution  
1438 as a substitute for treatment (SECTION 5.54.5);
      - 1439 (iii) Provide sufficient information to establish the facility's actual average daily flow  
1440 (ADF) rate for all waste streams, based on data from a continuous effluent flow  
1441 monitoring device as well as the facility's long-term average production rate. Both  
1442 the actual ADF rate and the long-term average production rate must be representa-  
1443 tive of current operating conditions;
      - 1444 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-  
1445 cantly that equivalent mass limits are not appropriate to control the discharge; and
      - 1446 (v) Have consistently complied with all applicable Categorical Pretreatment Standards  
1447 during the period prior to the Industrial User's request for equivalent mass limits.
    - 1448 (b) An Industrial User subject to equivalent mass limits must:
      - 1449 (i) Maintain and effectively operate control and treatment technologies adequate to  
1450 achieve compliance with the equivalent mass limits;
      - 1451 (ii) Continue to record the facility's flow rates through the use of a continuous effluent  
1452 flow monitoring device;
      - 1453 (iii) Continue to record the facility's production rates and notify the Director whenever  
1454 production rates are expected to vary by more than twenty percent (20%) from its  
1455 baseline production rates determined in paragraph 5.44.4(C)(4)(a)(iii) of this Sec-  
1456 tion. Upon notification of a revised production rate, the Director will reassess the  
1457 equivalent mass limit and revise the limit as necessary to reflect changed condi-  
1458 tions at the facility; and



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- 1459 (iv) Continue to employ the same or comparable water conservation methods and  
 1460 technologies as those implemented pursuant to paragraph 5.44.4(C)(4)(a)(i) of this  
 1461 Section as long as it discharges under an equivalent mass limit.  
 1462 (c) When developing equivalent mass limits, the Director:  
 1463 (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the  
 1464 regulated process(es) of the Industrial User by the concentration-based Daily Max-  
 1465 imum and Monthly Average standards for the applicable Categorical Pretreatment  
 1466 Standard and the appropriate unit conversion factor;  
 1467 (ii) Upon notification of a revised production rate, will reassess the equivalent mass  
 1468 limit and recalculate the limit as necessary to reflect changed conditions at the fa-  
 1469 cility; and  
 1470 (iii) May retain the same equivalent mass limit in subsequent individual wastewater  
 1471 discharge permit terms if the Industrial User's actual ADF rate was reduced solely  
 1472 as a result of the implementation of water conservation methods and technologies,  
 1473 and the actual ADF rates used in the original calculation of the equivalent mass limit  
 1474 were not based on the use of dilution as a substitute for treatment pursuant to  
 1475 SECTION 5.54-5. The Industrial User must also be in compliance with these Regula-  
 1476 tions regarding the prohibition of bypass.
- 1477 5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts  
 1478 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to indi-  
 1479 vidual Industrial Users. The conversion is at the discretion of the Director.  
 1480 (a) Once included in its permit, the Industrial User must comply with the equivalent limitations  
 1481 developed in this Section in lieu of the promulgated Categorical Pretreatment Standards  
 1482 from which the equivalent limitations were derived.  
 1483 (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum  
 1484 daily discharge limitations and a second limit for calculating maximum Monthly Average, or  
 1485 four (4) day average, limitations. Where such Standards are being applied, the same pro-  
 1486 duction or flow figure shall be used in calculating both the average and the maximum equiv-  
 1487 alent limitation.  
 1488 (c) Any Industrial User operating under a permit incorporating equivalent mass or concentra-  
 1489 tion limits calculated from a production-based Standard shall notify the Director within two  
 1490 (2) business days after the User has a reasonable basis to know that the production level  
 1491 will significantly change within the next calendar month. Any User not notifying the Direc-  
 1492 tor of such anticipated change will be required to meet the mass or concentration limits in  
 1493 its permit that were based on the original estimate of the long-term average production  
 1494 rate.

**5.5 DILUTION PROHIBITION**

1495 Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a dis-  
 1496 charge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations de-  
 1497 veloped by the OJRSA, State, or Federal Regulations.  
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**5.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS**

- 1499 A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/  
 1500 slug control plan or other actions to control slug discharges. Users shall provide protection from accidental  
 1501 discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent  
 1502 accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner.  
 1503 When required, detailed plans showing facilities and operating procedures to provide this protection shall  
 1504 be submitted to the OJRSA for review and shall be approved by the OJRSA and **SCDHECSCDES** as necessary  
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before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

- B. The accidental discharge/slug control plan when required shall be submitted to the Director and to ~~SCDHEC~~ SCDES containing at a minimum the following:

1. Description of discharge practices, including nonroutine batch discharges.
2. Description of stored chemicals.
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### **5.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE**

- A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Paragraph ~~5.74.7~~ (B) are met.
- B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence, that:
1. An upset occurred and the User can identify the cause(s) of the upset;
  2. The facility was at the time being operated in a prudent and worker-like manner and in compliance with applicable operation and maintenance procedures; and
  3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays) of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) calendar days]:
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- D. Judicial Determination
1. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined in ~~SECTION 9~~ SECTION 8 herein.
  2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **5.8 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION**

Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter characteristics of the wastewater.



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**5.9 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 ~~SCDHEC~~~~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 ~~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 10~~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.

**5.10 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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- 1601 D. A written submission shall be provided within five (5) calendar days of the time the Industrial User becomes  
 1602 aware of the bypass. The written submission shall contain a description of the bypass and its cause; the  
 1603 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-  
 1604 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent  
 1605 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral  
 1606 report has been received within twenty-four (24) hours.
- 1607 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User  
 1608 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:  
 1609 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental  
 1610 damage; and  
 1611 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,  
 1612 retention of untreated wastewater, or maintenance during normal periods of equipment down-  
 1613 time. This condition is not satisfied if adequate backup equipment should have been installed in the  
 1614 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal  
 1615 periods of equipment downtime or preventative maintenance; and  
 1616 3. The Industrial User submitted notices as required in this Section.
- 1617 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-  
 1618 mines at it will meet the conditions listed in this section.

**5.11 RECOVERY OF PREVENTATIVE EXPENSES**

1619 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that  
 1620 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA  
 1621 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or  
 1622 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative  
 1623 measures shall be charged to and paid by the User and/or Owner.  
 1624

**5.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS**

1625 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to  
 1626 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-  
 1627 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving  
 1628 waters/biosolids.  
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- 1631 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-  
 1632 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on  
 1633 specified CEC; and specified information on Users' products and processes that may contribute to the cre-  
 1634 ation of discharge of CEC.
- 1635 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs  
 1636 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by  
 1637 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall  
 1638 include any existing data in the possession or control of the User and may include requirements for the  
 1639 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,  
 1640 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance  
 1641 with this Regulation.
- 1642 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User  
 1643 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 9.28-2)  
 1644 or otherwise pursuant to the terms of this Regulation actions by a User to address CEC.  
 1645 1. Such actions may include:  
 1646 (a) Further or routine monitoring requirements;

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- 1647 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable  
1648 or User-specific technology-based limits; and  
1649 (c) Requirements for BMPs.  
1650 2. Any such requirements may be based on:  
1651 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;  
1652 (b) EPA or DHEC standards or criteria; or  
1653 (c) Generally accepted criteria determinations by recognized national scientific entities.

**5.13 QUATERNARY AMMONIUM COMPOUNDS**

1654 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-  
1655 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long  
1656 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection  
1657 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial  
1658 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's  
1659 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-  
1660 form the wastewater treatment.  
1661

- 1662  
1663 A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right  
1664 to ban or require the addition of chemicals that deactivate the QAC.  
1665 B. OJRSA must approve the chemicals used to deactivate the QAC.  
1666 C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs  
1667 is subject to the enforcement actions delineated in this Regulation.

**5.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1668 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to  
1669 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,  
1670 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,  
1671 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-  
1672 mum:  
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- 1674  
1675 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION  
1676 5SECTION 4 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compli-  
1677 ance, then the facility will be required to install and maintain that equipment at their expense.  
1678 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-  
1679 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.  
1680 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-  
1681 struction or equipment installation.  
1682 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of  
1683 discharge to the sewer system.  
1684 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids  
1685 removal, then they must comply with applicable sections of this Regulation as well as SCDHECSCDES re-  
1686 quirements for a construction permit (SC R61-67).  
1687 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to  
1688 the enforcement actions set forth in SECTION 9SECTION 8.

**5.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

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- 1690 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition  
1691 of a Satellite Sewer System (collectively referred to in SECTION ~~5.154.15~~ as a "Satellite System") shall be  
1692 required to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
- 1693 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not  
1694 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per  
1695 day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite  
1696 System is being measured. A high recurrence interval storm shall be classified as the following per NOAA  
1697 Atlas 14 Point Precipitation Frequency Estimates:
- 1698 1. Five (5) year recurrence interval or greater
  - 1699 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length  
1700 in minutes or days
  - 1701 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude  
1702 or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-  
1703 site: PF Map: Contiguous US (noaa.gov)
- 1704 C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow  
1705 criteria shall be evaluated at each connection point independently of any other connection points, which  
1706 may necessitate data collection from the Satellite System's infrastructure.
- 1707 D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a  
1708 pump station as near to the connection point as practicable. All effort shall be made to establish a flow  
1709 monitoring point that minimizes:
- 1710 1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
  - 1711 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any  
1712 other Satellite System flow monitoring points.
- 1713 E. The Satellite System shall provide metering data and any required follow up information to OJRSA for re-  
1714 view. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date  
1715 for that analysis.
- 1716 F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the  
1717 Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge  
1718 (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.
- 1719 G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Meas-  
1720 ured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow  $\leq$  Allowable Daily Flow).
- 1721 H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as  
1722 follows:
- 1723 1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influ-  
1724 ence. (See SECTION ~~5.15.14.15.1~~ for an example):
    - 1725 (a) For a flowmeter with at least twelve (12) months of flow data:
      - 1726 (i) Actual daily flows for the last twelve (12) months will be calculated for each month  
1727 and averaged to produce an average daily flow (ADF) for each month of data. Data  
1728 shall be reviewed to exclude any days with missing or questionable data that could  
1729 skew the calculation. For a month to have valid data to be included in the analysis,  
1730 at least seventy-five (75%) of the days within the month should have complete  
1731 data. A minimum of nine (9) months of valid data within the previous twelve (12)  
1732 month period should be used for the analysis; if there is less than nine (9) months  
1733 of valid data within the last twelve (12) months, then the evaluation period shall  
1734 extend to prior to the last twelve (12) month period until there is at least nine (9)  
1735 months of valid data.
      - 1736 (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and  
1737 the month with the lowest ADF shall be designated as the ADF to be used in the  
1738 analysis.

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- 1739 (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be
- 1740 performed with as many months of data as possible. Once there is twelve (12) months of
- 1741 data, the calculation shall be performed as detailed above.
- 1742 (c) ADF shall be recalculated annually.
- 1743 (d) For the ADF calculated in the above steps, the amount should be increased by a factor of
- 1744 five percent (5%) (or else by a different factor if documented by the meter manufacturer
- 1745 and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The
- 1746 maximum meter accuracy allowance that may be used is ten percent (10%).
- 1747 2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide*
- 1748 *for Estimating Inflow and Infiltration*) (See SECTION 5.15.24.15.2 for an example):
- 1749  $2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10)$
- 1750  $+ (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$
- 1751 *Where "X" represents each additional diameter pipe in the satellite sewer system*
- 1752 (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until oth-
- 1753 erwise verified.
- 1754 3. For any particular day (See SECTION 5.15.34.15.3 for an example):
- 1755  $Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage})$
- 1756  $+ Allowable \text{ I\&I Flow}]$
- 1757 I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC
- 1758 Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering
- 1759 practice.

**5.15.1 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 per cent (±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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1768 Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This  
 1769 amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a  
 1770 value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.

### 1771 5.15.2 Allowable I&I Flow Calculation Formula and Example

1772 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

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$$\text{Allowable I\&I Flow}^1 = 2,000 \text{ gpd} * [(2,200*4/5,280) + (9,800*6/5,280) + (107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) + (1,800*18/5,280)]$$

$$\text{Allowable I\&I Flow} = 439,167 \text{ gpd}$$

### 1778 5.15.3 Allowable Daily Flow Formula and Example

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$$\begin{aligned} \text{Allowable Daily Flow} &= [\text{Average Daily Flow (ADF)} * (1 + \text{Meter Accuracy Percentage}) + \\ &\text{Allowable I\&I Flow}] + \text{Allowable I\&I Flow} \\ &= (474,201 \text{ gpd} * 1.05) + 439,167 \text{ gpd} \\ &= 497,911 \text{ gpd} + 439,167 \text{ gpd} \end{aligned}$$

$$\text{Allowable Daily Flow} = 937,078 \text{ gpd}$$

1785 Therefore, all daily flows would be measured against this threshold and any individual days (not average daily flow  
 1786 for the month) measuring above 937,078 gpd would be out of compliance, unless the system was under the influ-  
 1787 ence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA)  
 1788 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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1789 **Section 6 – Revenue System**1790 **6.1 FEES AND CHARGES AS REGULATION**

- 1791 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1792 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1793 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1794 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1795 developed for the following purposes:
- 1796 1. Industrial monitoring, inspections, and surveillance procedures;
  - 1797 2. Reviewing accidental discharge procedures and construction;
  - 1798 3. Reviewing permit applications and plans;
  - 1799 4. Reviewing appeals;
  - 1800 5. Special industrial discharges;
  - 1801 6. Recovering capital related expenditures or retiring bonded indebtedness;
  - 1802 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
  - 1803 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
  - 1804 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
  - 1805 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
  - 1806 to NPDES Permits and/or OJRSA Board of Commissioners;
  - 1807 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
  - 1808 expended for the system and/or its expansion;
  - 1809 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
  - 1810 to the sewer;
  - 1811 10. Construction and Compliance Inspections; and
  - 1812 11. Others deemed necessary by the OJRSA Board of Commissioners.

1813 **6.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**1814 Reference current version of *OJRSA Schedule of Fees*.

## Section 7 – Discharge Permits and Reporting

### 7.1 INDUSTRIAL USER DISCHARGE PERMITS

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- A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an official application and file it with the OJRSA together with permit approval from any city having jurisdiction. Approval shall be evidenced by written notice from the Director. The person shall provide all data required by the current official application, copies of which shall be obtained from the Director (or his/her designee). The Director shall evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the Director may grant permission to discharge subject to the terms and conditions provided herein. The Director may issue a Discharge Permit with specific limitations different from those listed in these Regulations if it is determined that the discharge will otherwise comply with the remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Discharge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit application. SIUs which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength, or characteristic shall submit a new application prior to making the change or alteration.
- B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not discharged to the sewer are required to submit an application and will be placed under a zero discharge categorical permit.
- C. Applicable persons and Users shall complete and submit an application, accompanied by any application fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
1. Name, address, and location (if different from the address) of the facility, name of the operator and Owner;
  2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held by or for the facility;
  3. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in these Regulations;
  4. Time and duration of discharge;
  5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
  6. Description of activities, facilities, and plant processes on the premises unless subject to the confidentiality provisions of SECTION [7.126-12](#);
  7. Where known, the nature and concentration of any pollutants in the wastewater which are limited by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement regarding whether or not the person is complying or will comply with NCPS on a consistent basis, and if not, whether additional pretreatment or operational modifications are required to comply with applicable limitations or NCPS, or Local Limitations;
  8. If additional pretreatment or operational modifications will be required to comply with limitations or NCPS or Local Limitations, the shortest schedule by which the person will comply;
  9. Where required to develop pretreatment standards, a brief description of each product produced by type, amount, process or processes, and a rate of production;
  10. Where required to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
  11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
  12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to evaluate the permit application; and

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- 1859 13. Application Signatories and Certification – All wastewater discharge permit applications and Indus-  
 1860 trial User reports must contain the following Certification Statement and be signed by an Author-  
 1861 ized Representative of the Industrial User. These documents and records must be submitted to  
 1862 OJRSA with Wet Signature.  
 1863

1864 **I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE**  
 1865 **PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DE-**  
 1866 **IGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE**  
 1867 **INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO**  
 1868 **MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE**  
 1869 **INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE**  
 1870 **AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFI-**  
 1871 **CANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY**  
 1872 **OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.**  
 1873

- 1874 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant  
 1875 and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue  
 1876 or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee)  
 1877 shall draft the permit in accordance with the Regulation and State regulations. The draft industrial  
 1878 wastewater discharge permit will be submitted to SCDHECSCDES for review and approval. The User shall  
 1879 have thirty (30) calendar days from the receipt of the draft permit to review and comment on the draft  
 1880 Permit. The Director shall issue the final Permit at the end of the comment period.
- 1881 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limi-  
 1882 tation, the Permit of Users subject to such standards shall be revised to require compliance with such stand-  
 1883 ard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation,  
 1884 has not previously submitted an application for a permit, the User shall apply for a Permit within one-hun-  
 1885 dred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing  
 1886 Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of  
 1887 an applicable standard, information regarding the nature and concentration of the regulated pollutant and  
 1888 a schedule for providing additional pretreatment, if necessary.
- 1889 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of  
 1890 permits except the following changes may be made upon thirty (30) calendar days' notice:  
 1891 1. Modifications of the monitoring program contained in the permit;  
 1892 2. Changes in the ownership of the discharge when no other change in the permit is indicated;  
 1893 3. A single modification of any Compliance Schedule not in excess of four (4) months,  
 1894 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not  
 1895 discharge until process or pretreatment facilities are operational; or  
 1896 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or reg-  
 1897 ulations, or other modifications determined necessary by the Regulatory Services Coordinator or  
 1898 Director under the Regulations.
- 1899 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached  
 1900 as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal  
 1901 regulations. Such conditions shall include but are not limited to the following:  
 1902 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date,  
 1903 expiration date, and effective date;  
 1904 2. A Statement of non-transferability;  
 1905 3. Applicable effluent limits which may include daily maximum and monthly average limits, including  
 1906 Best Management Practices (BMPs), based on NCPS or Local Limitations;

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- 1907 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These re-  
 1908 requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling loca-  
 1909 tion, sampling frequency, and sample type based on Federal, State, and local law.  
 1910 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to  
 1911 be present, in accordance with SECTION 7.46-4;  
 1912 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notifi-  
 1913 cation requirements for slug discharges as defined by SC R61-9 Part 403.5(b);  
 1914 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, re-  
 1915 quirements and Permit conditions;  
 1916 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 7.46-4 of this Regula-  
 1917 tion; or  
 1918 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limita-  
 1919 tions or other pretreatment requirements.
- 1920 H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years.  
 1921 A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The  
 1922 User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the  
 1923 expiration of the Permit.
- 1924 I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not  
 1925 be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or  
 1926 changed operation. In such event a new application shall be submitted with full information. The review of  
 1927 this application will be expedited if the new Owner or operator certifies:  
 1928 1. That there is no immediate intent to change the facility’s operation and process;  
 1929 2. The date the new Owner or operator shall take over; and  
 1930 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying  
 1931 with the existing wastewater discharge permit.
- 1932 J. When requested by the Control Authority, a User must submit information on the nature and characteristics  
 1933 of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

**7.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE**

- 1934 A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreat-  
 1935 ment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision  
 1936 made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs  
 1937 subject to such NCPS shall be required to submit to the OJRSA a report which contains the information  
 1938 required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to  
 1939 commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation  
 1940 of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a  
 1941 report which contains the information required in SC R61-9.  
 1942
- 1943 B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by  
 1944 SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.
- 1945 C. Users described within this Section shall submit the information set forth below:  
 1946 1. All information required in SECTION 7.16-1 of this Regulation.  
 1947 2. Measurement of Pollutants  
 1948 (a) The User shall provide the information required in OJRSA SUR 7.16-1(C).  
 1949 (b) The User shall take a minimum of one (1) representative sample to compile that data nec-  
 1950 essary to comply with the requirements of this Paragraph.  
 1951 (c) Samples should be taken immediately downstream from pretreatment facilities if such ex-  
 1952 ist or immediately downstream from the regulated process if no pretreatment exists. If  
 1953 other wastewaters are mixed with the regulated wastewater prior to pretreatment the  
 1954 User should measure the flows and concentrations necessary to allow use of the combined

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~~wastestream~~ Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with SC R61-9 403.6(f) this adjusted limit along with supporting data shall be submitted to the OJRSA.

- (d) Sampling and analysis shall be performed in accordance with SECTION ~~8.37.3~~.
- (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (f) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

- 3. Compliance Certification – A statement, reviewed by the User’s Authorized Representative as defined in SECTION ~~3.32.3~~ and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and pretreatment requirements.
- 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule pursuant to this Section must meet the requirements set out in SECTION ~~7.56.5~~ of these Regulations.
- 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance with SECTION ~~7.116.11~~ of these Regulations and signed by an Authorized Representative as defined in SECTION ~~3.32.3~~. Reports and other supporting documents must be submitted to OJRSA with Wet Signature.

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**7.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA a report containing the information described in SECTION ~~7.16.1~~ of this Regulation. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in SECTION ~~5.34.3~~, this Regulation shall contain a reasonable measure of the User’s long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User’s actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with SECTION ~~7.16.1~~. All sampling will be done in conformance with SECTION ~~8.37.3~~.

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**7.4 PERIODIC COMPLIANCE REPORTS**

- A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause problems, including any slug discharges.
- B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submitted on the User discharge monitoring report (DMR) form. The DMR must include the following information to be considered complete:
  - 1. DMR form completed correctly and submitted to OJRSA with a ~~wet signature~~ Wet Signature or are in compliance with 40 CFR Part 3 Cross Media Electronic Reporting Rule (e.g., CROMERR) if and when OJRSA’s CROMMER is approved by EPA (NOTE: The only exception is if the EPA and SCDHECSCDES have approved other methods for DMR submittal and the OJRSA has approved the acceptance of such DMRs).



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- 2002 (a) If no monitoring was required for a previous month, then the blank DMR form must be  
 2003 signed and submitted with the words “No monitoring required”.
- 2004 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the  
 2005 signed DMR form must be submitted with the words “No Discharge” written across the  
 2006 form.
- 2007 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12<sup>th</sup>) calendar day  
 2008 of each month. The recognized date of acceptance is:
- 2009 (a) The paper form can be dropped off at OJRSA by the twelfth (12<sup>th</sup>).
- 2010 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12<sup>th</sup>) of the  
 2011 month. Should the twelfth (12<sup>th</sup>) of the month fall on a weekend or holiday observed by the  
 2012 US Postal Service, then the following day the US Postal Service is operating becomes the  
 2013 submittal date based on the postmark. If the DMR was mailed by the twelfth (12<sup>th</sup>) but not  
 2014 received by the OJRSA by the twenty-fourth (24<sup>th</sup>) day of the month, then it shall be consid-  
 2015 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-  
 2016 ance with these Regulations.
- 2017 3. DMR Components
- 2018 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-  
 2019 ducted for the previous month.
- 2020 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no  
 2021 flow for a day, then a zero (0) must be entered for that day.
- 2022 (c) Daily pH reporting log.
- 2023 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-  
 2024 porting month.
- 2025 (e) An explanation for any violations (if necessary).
- 2026 (f) Additional information as set forth in the User’s permit as part of a completed DMR.
- 2027 4. DMRs that do not contain all the information designated above and DMRs that are not filled out  
 2028 completely will be considered incomplete and subjects the User to the enforcement actions set  
 2029 forth in ~~SECTION 9~~SECTION 8 of this Regulation. DMRs are considered incomplete if the:
- 2030 (a) Data is not reported correctly,
- 2031 (b) DMR does not have a ~~Wet Signature~~wet signature and a date (unless using an EPA approved  
 2032 method as stated in 7.46.4(B)(1)),
- 2033 (c) Flow sheet does not have all flows reported for each day,
- 2034 (d) Reporting period is not shown on the DMR, or
- 2035 (e) User failed to submit all required data as stated on the Permit.
- 2036 (f) DMRs that are not submitted with all this information by the twelfth (12<sup>th</sup>) will be consid-  
 2037 ered incomplete and subject to enforcement.
- 2038 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**  
 2039 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,  
 2040 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR  
 2041 was not complete before the due date. The User will be notified of the incomplete DMR in the  
 2042 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as  
 2043 stated in 7.46.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should  
 2044 the User be waiting on laboratory data, then the remaining data must be submitted on the DMR  
 2045 form by the twelfth (12<sup>th</sup>) and a revised DMR submitted as soon as the missing data is received.  
 2046 Users that notify OJRSA of the missing data before the date as stated in 7.46.4(B)(2) and submit this  
 2047 missing information as soon as received will not be subject to enforcement actions.
- 2048 6. Reports for “No Discharge” Industrial Users are subject to these conditions and may have specific  
 2049 reports in their Discharge Permit as necessary.
- 2050 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-  
 2051 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the



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Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used for all sampling analysis.

- D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless required more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. At the discretion of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the discharge of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.
- E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization is subject to the following conditions:
1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
  2. The monitoring waiver is valid only for the duration of the effective period of the individual Discharge Permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
  3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  4. The request for a monitoring waiver must be signed in accordance with SECTION ~~3.32.3~~ and include the Certification Statement in SECTION ~~7.16.1~~ (SC R61-9 403.6(b)(2)(ii)).
  5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's Permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the Industrial User must certify on each report with the Statement in OJRSA SUR ~~7.16.1~~(C)(13), that there has been no increase in the pollutant in its ~~wastestream~~ Wastestream due to activities of the Industrial User.
  8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements in ~~SECTION 7~~ SECTION 6, or other more frequent monitoring requirements imposed by the Director and notify the Regulatory Services Coordinator.
  9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

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- 2102 10. All periodic compliance reports must be signed and certified in accordance with SECTION ~~7.16-1~~ of  
2103 this Regulation.
- 2104 11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring  
2105 and flow measurement facilities shall be properly operated, kept clean, and maintained in good  
2106 working order at all times. The failure of a User to keep its monitoring facility in good working order  
2107 shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- 2108 12. All monitoring waivers must be approved by ~~SCDHEGSCDES~~.

**7.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2109 The following conditions shall apply to the Compliance Schedule required by SECTION ~~7.16-1~~ of this Regulation:

- 2110 A. The schedule shall contain progress increments in the form of dates for the commencement and completion  
2111 of major events leading to the construction and operation of additional pretreatment required for the User  
2112 to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engi-  
2113 neer, completing preliminary and final plans, executing contracts for major components, commencing and  
2114 completing construction, and beginning and conducting routine operation);
- 2115 B. No increment referred to above shall exceed nine (9) months;
- 2116 C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14)  
2117 calendar days following each date in the schedule and the final date of compliance including, as a minimum,  
2118 whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,  
2119 the steps being taken by the User to return to the established schedule; and
- 2120 D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

**7.6 REPORTS OF CHANGED CONDITIONS**

- 2122 A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations  
2123 or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days  
2124 before the change.
- 2125 B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed  
2126 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit  
2127 application under SECTION ~~7.16-1~~ of this Regulation.
- 2128 C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Dis-  
2129 charge Permit under SECTION ~~7.16-1~~ of this Regulation in response to changed or anticipated changed con-  
2130 ditions.

**7.7 REPORTS OF POTENTIAL PROBLEMS**

- 2132 A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine,  
2133 episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential  
2134 problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of  
2135 the time or day the incident occurs. This notification shall include the location of the discharge, type of  
2136 waste, concentration and volume, if known, and corrective actions taken by the User.
- 2137 B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit  
2138 a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User  
2139 to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, dam-  
2140 age, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any  
2141 other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or  
2142 other liability which may be imposed pursuant to this Regulation.
- 2143 C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising em-  
2144 ployees who to call in the event of a discharge described in Paragraph ~~7.76-7(A)~~. Employers shall ensure  
2145

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2146 that all employees, who could cause such a discharge to occur, are advised of the emergency notification  
2147 procedure.

- 2148 D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director  
2149 immediately of any changes at its facility affecting the potential for a slug discharge.

**7.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

2150 If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours  
2151 of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and  
2152 analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) cal-  
2153 endar days after becoming aware of the violation. Resampling by the Industrial User is not required if ~~OJRSA~~  
2154 ~~the Industrial User~~ performs sampling of the violated parameter at the Industrial User at least once a month, or if OJRSA  
2155 performs sampling at the User between the time when the initial sampling was conducted and the time when the  
2156 User or OJRSA receives the results of this sampling.  
2157

**7.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE**

- 2158 A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and  
2159 State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed  
2160 of, would be a hazardous waste under 40 CFR part 261. Such notification must include:  
2161  
2162 1. Name of the hazardous waste as set forth in 40 CFR part 261;  
2163 2. The EPA hazardous waste number; and  
2164 3. The type of discharge (continuous, batch, or other).
- 2165 B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the  
2166 POTW, the notification shall also contain the following information to the extent such information is known  
2167 and readily available to the IU:  
2168 1. An identification of the hazardous constituents contained in the wastes;  
2169 2. An estimation of the mass and concentration of such constituents in the wastewater discharged  
2170 during that calendar month; and  
2171 3. An estimation of the mass of constituents in the wastewater expected to be discharged during the  
2172 following twelve (12) months.
- 2173 C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge  
2174 of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazard-  
2175 ous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9  
2176 403.12(g). The notification requirement does not apply to pollutants already reported under the self-mon-  
2177 itoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a cal-  
2178 endar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless  
2179 the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) aI261.33(e). Discharge of more than  
2180 fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute  
2181 hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subse-  
2182 quent months during which the IU discharges more than such quantities of any hazardous waste do not  
2183 require additional notification.
- 2184 D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of haz-  
2185 ardous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the  
2186 EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge  
2187 of such substance within ninety (90) calendar days of the effective date of such regulations.
- 2188 E. In the case of any notification, the IU shall certify that it has a program in place to reduce the volume and  
2189 toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

**7.10 USER RECORDS**

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- 2191 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 5.44.4(D). Records shall include:
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- 2195
- 2196 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
- 2197 2. The dates analyses were performed;
- 2198 3. Who performed the analyses;
- 2199 4. The analytical techniques or methods used; and
- 2200 5. The results of such analyses.
- 2201 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.
- 2202
- 2203

**7.11 CERTIFICATION STATEMENTS**

2204 Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 7.46.4 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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2210 **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 7.46.4 OF THIS REGULATION.**

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**7.12 CONFIDENTIALITY**

2216 **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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**7.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY**

- 2230 A. Industrial User Discharge Permit Review
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- 2232 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
- 2233
- 2234
- 2235

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- 2236 combined ~~wastestream~~Wastestreams are discouraged for monitoring purposes. The industrial pro-  
2237 cess discharge may or may not be pretreated.
- 2238 2. During the review process, unique conditions are established for each industrial category. The final  
2239 Discharge Permit specifies the exact conditions which are applicable to the specific permittee  
2240 (User). In the permit process, specific self-monitoring characterization of the wastewater is re-  
2241 quired for certain industrial categories. Every Discharge Permit has established selected pollutants  
2242 for self-monitoring purposes, which are established through Categorical Pretreatment Standards or  
2243 the pollutants that are present and/or are suspected of being present in the wastewater discharge.  
2244 If the User has been determined to be categorical, effluent parameters will be based upon the EPA's  
2245 Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL  
2246 BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS,  
2247 WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pre-  
2248 treatment Standards must be included in the Discharge Permit, even though the User may not dis-  
2249 charge all or any of the regulated pollutants.
- 2250 3. Reporting frequency is at the discretion of the Director. Contributing factors are:
- 2251 (a) Categorical Requirements,  
2252 (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type  
2253 and concentrations of pollutants in the ~~wastestream~~Wastestream,  
2254 (c) Past compliance history, and  
2255 (d) Reasonable potential to adversely affect the sewer system.
- 2256 4. Discharge Permit limits will be developed based on the historical data from an industry and the  
2257 Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on  
2258 need and pollutants of concern for the permitted industry.
- 2259 B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water recla-  
2260 mation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to de-  
2261 velop technically based limits for Significant Industrial Users under the Pretreatment Program. The head-  
2262 works analysis is calculated through a required design loading program utilizing treatment efficiencies, pro-  
2263 cess inhibition levels, and water quality criteria on the receiving stream. The information obtained from the  
2264 headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a  
2265 specific criteria on the total allowable loading for the WRF and may significantly alter total allowable load-  
2266 ing. Total allowable loading is at the discretion of the Director.



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2267 **Section 8 – Sampling and Monitoring**2268 **8.1 RIGHT OF ENTRY AND INSPECTIONS**

- 2269 A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper cre-  
2270 dentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter  
2271 upon any property of Users to determine whether the User is complying with all the requirements of these  
2272 Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall al-  
2273 low OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying  
2274 records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and  
2275 filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their prem-  
2276 ises for said purposes. Where a User has security measures in force which would require proper identifica-  
2277 tion and clearance before entry into their premises, the User shall make necessary arrangements with their  
2278 security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to  
2279 enter, without delay, for the purposes of performing their specific responsibilities.
- 2280 B. The SIU inspection and sampling plan is as follows:
- 2281 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
  - 2282 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire,  
2283 then OJRSA can inspect and sample the facility more often than annually.
  - 2284 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and  
2285 sample the facility more often than annually.
  - 2286 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often  
2287 than annually; especially if the causative agent is known and the SIU has this pollutant in their  
2288 wastewater.
  - 2289 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more  
2290 often than annually.
  - 2291 6. If the collection system has blockages or issues and the SIU discharges to that collection system  
2292 section, then OJRSA can inspect and sample the SIU more often than annually.
  - 2293 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the  
2294 facility more often than annually.
  - 2295 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction  
2296 permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment  
2297 system.
  - 2298 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event  
2299 of an emergency where the public health or the environment can be impacted.
  - 2300 10. Should OJRSA need to gather site specific information to administer the pretreatment program,  
2301 then OJRSA can inspect and sample the SIU more often than annually.
- 2302 C. The Nonresidential User inspection and sampling plan is as follows:
- 2303 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
  - 2304 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to  
2305 the violation.
  - 2306 3. If the collection system has blockages or issues and the User discharges to that collection system  
2307 section, then OJRSA can inspect and sample the User.
  - 2308 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and  
2309 sample the User as part of their evaluation of their pretreatment program update.
  - 2310 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and  
2311 sample the User as required by this regulation.



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- 2312 6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often  
 2313 if the User has the potential to cause the upset.  
 2314 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.  
 2315 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where  
 2316 the public health or the environment can be impacted.  
 2317 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.  
 2318 D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-  
 2319 mented by the employee and the Director should be notified as soon as possible. The Director will discuss  
 2320 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with  
 2321 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.  
 2322 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set  
 2323 forth in this Regulation.  
 2324 E. Confidentiality Agreements – See Section ~~7.126-12~~. **OJRSA PERSONNEL CONDUCTING THE INSPECTION**  
 2325 **CANNOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE**  
 2326 **AGREEMENTS.** Any records that are reviewed during the inspection and must be kept confidential must be  
 2327 stamped with the word “confidential” and OJRSA will adhere to the confidentiality provisions set forth in  
 2328 this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and  
 2329 the applicability of SECTION ~~7.126-12~~ of this Regulation to the specific facts and circumstances at issue.

**8.2 COMPLIANCE DETERMINATION**

- 2330 A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of com-  
 2331 posite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour  
 2332 period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific  
 2333 circumstances.  
 2334 B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User’s property,  
 2335 or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s  
 2336 operations.  
 2337 C. OJRSA may require the User to install monitoring equipment as necessary. The facility’s sampling and mon-  
 2338 itoring equipment shall be maintained at all times in a safe and proper operating condition by the User at  
 2339 its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to  
 2340 ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and avail-  
 2341 able to OJRSA upon request.  
 2342 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or  
 2343 sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not  
 2344 be replaced. The costs of clearing or removing such access shall be borne by the User.  
 2345 E. Unreasonable delays in allowing OJRSA personnel access to the User’s premises shall be a violation of this  
 2346 Regulation and subject to the enforcement actions set forth in this regulation.  
 2347

**8.3 ANALYSIS OF INDUSTRIAL WASTEWATERS**

2348 All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit  
 2349 Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR  
 2350 Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.  
 2351 If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the  
 2352 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,  
 2353 sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling  
 2354 and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.  
 2355

**8.4 SAMPLING FREQUENCY**

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2357 Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and  
 2358 limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct  
 2359 compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categori-  
 2360 cal Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set  
 2361 forth in the Industrial User Discharge Permit as issued by OJRSA.

## 2362 **8.5 SAMPLE COLLECTION**

- 2363 A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate  
 2364 sampling and analysis performed during the period covered by the report, based on data that is repre-  
 2365 sentative of conditions occurring during the reporting period.
- 2366 B. Except as indicated in this Paragraph and 8.57-5(C), the User must collect wastewater samples using  
 2367 twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional com-  
 2368 posite sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite  
 2369 sampling or grab sampling is authorized, the samples must be representative of the discharge.
- 2370 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic com-  
 2371 pounds must be obtained using grab collection techniques.
- 2372 D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required  
 2373 in SECTIONS 7.26-2 and 7.36-3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab  
 2374 samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic com-  
 2375 pounds for facilities for which historical sampling data do not exist; for facilities for which historical sam-  
 2376 pling data are available, OJRSA may authorize a lower minimum. For the reports required by SECTION  
 2377 7.46-4 the Industrial User is required to collect the number of grab samples necessary to assess and as-  
 2378 sure compliance by with applicable Pretreatment Standards and requirements.

## 2379 **8.6 SAMPLING STRUCTURE**

- 2380 A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA  
 2381 may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The  
 2382 purpose of this structure is so that a representative sample of the User's discharge to the sewer system  
 2383 may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA person-  
 2384 nel and shall be constructed in compliance with OJRSA specifications for these types of structures.
- 2385 B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the struc-  
 2386 ture to be located in public right-of-way in certain cases when an onsite location would be impractical.  
 2387 Approval for location in a public right-of-way must be obtained by the appropriate governing body.

## 2388 **8.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING**

2389 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 5.14-1(B)(4) except excursions  
 2390 from the range are permitted subject to the following limitations:

- 2391 A. The total time during which the pH values are outside the required range of pH values shall not exceed  
 2392 two (2) hours in any calendar month; and
- 2393 B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

## 2394 Section 9 – Enforcement

### 2395 9.1 ENFORCEMENT MANAGEMENT STRATEGY

2396 The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed  
2397 by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforce-  
2398 ment.

### 2399 9.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES

2400 A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these  
2401 Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Per-  
2402 mit, the Director or his/her designee may serve upon such a person an appropriate written notice stating  
2403 the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may  
2404 require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15)  
2405 calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory  
2406 correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission  
2407 of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the  
2408 notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice  
2409 of Significant Noncompliance (NOSNC). Refer to SECTION 9~~SECTION 8~~ of this Regulation.

2410 B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come  
2411 into compliance with the discharge permit.

2412 1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary  
2413 compliance, or other similar documents establishing an agreement with the person responsible for  
2414 the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall  
2415 include specific action to be taken by the person to correct the violation within a time period spec-  
2416 ified by the Consent Order and contain other terms and conditions. A violation of a Consent Order  
2417 shall constitute a violation or violations under this Regulation.

2418 2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any  
2419 provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any  
2420 other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the  
2421 User responsible for the discharge directing that the User come into compliance within a specified  
2422 time. If the User does not come into compliance within the time provided, sewer service may be  
2423 discontinued unless adequate treatment facilities, devices, or other related appurtenances are in-  
2424 stalled and properly operated. Compliance Orders also may contain other requirements to address  
2425 the noncompliance, including additional self-monitoring and management practices designed to  
2426 minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend  
2427 the deadline for compliance established for a Pretreatment Standard or requirement, nor does a  
2428 Compliance Order relieve the User of liability for any violation, including any continuing violation.  
2429 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other  
2430 action against the User.

2431 3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement  
2432 actions have failed to bring a User into compliance with their Discharge Permit.

2433 (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this  
2434 Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pre-  
2435 treatment Standard or requirement, or that the User's past violations are likely to recur,  
2436 the Director may issue a Cease and Desist Order to the User directing it to cease and desist  
2437 all such violations and directing the User to:

2438 (i) Immediately comply with all requirements; and

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- 2439 (ii) Take such appropriate remedial or preventive action as may be needed to properly  
2440 address a continuing or threatened violation, including halting operations and/or  
2441 terminating the discharge.
- 2442 (b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking  
2443 any other action against the User.
- 2444 C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User  
2445 and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The  
2446 Consent Order Agreement may contain such other terms and conditions, including but not limited to, pro-  
2447 visions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pre-  
2448 treatment, and payment of all administrative costs, expenses, attorney’s fees, and civil penalties.
- 2449 D. Notice to Show Cause at Adjudicatory Hearing
- 2450 1. The Director may order any User who causes or is responsible for an unauthorized discharge or  
2451 other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action  
2452 should not be taken. A notice shall be served on the User specifying the time and place for the  
2453 hearing, the proposed enforcement action, the reasons for such action, and a request that the User  
2454 show cause why this proposed enforcement action should not be taken.
- 2455 2. Service – The notice of the hearing to the User shall be served personally, by registered or certified  
2456 mail (return receipt requested), or other trackable means to ensure delivery is made to the User at  
2457 least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OF-  
2458 FICER OF THE USER.**
- 2459 3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause  
2460 Hearing
- 2461 (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) cal-  
2462 endar days following mailing of any final administrative action or decision by the OJRSA to  
2463 the User on any violation, application, permit, certificate, or other licensing matter.
- 2464 (b) A request for an Informal Conference prior to the show cause hearing may be made by a  
2465 User but not to delay the hearing date. If the request is granted, an Informal Conference  
2466 may be held by the Director or their designee to explore ways and means to obtain compli-  
2467 ance by consent without the necessity of a formal Adjudicatory Hearing.
- 2468 4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath  
2469 and transcribed by a court reporter. A copy of the transcript shall be made available to any member  
2470 of a party to the hearing upon payment of the usual charges thereof to the court reporter employed  
2471 to provide said transcription.
- 2472 5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudi-  
2473 catory Hearing. The Hearing Officer shall have no connection with the preparation or presentation  
2474 of the evidence at the hearing.
- 2475 6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set  
2476 forth in ~~SECTION 9~~SECTION 8 of this Regulation.
- 2477 E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions,  
2478 prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding  
2479 agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons  
2480 in violation to perform any or all of the following:
- 2481 1. Comply forthwith;
- 2482 2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
- 2483 3. Take appropriate remedial or preventative action in the event of a continuing or threatened viola-  
2484 tion;
- 2485 4. Prohibit or reduce the discharge;
- 2486 5. Provide wastewater storage or flow equalization;
- 2487 6. Make payment by the User to cover added costs of handling and treatment costs and the adminis-  
2488 trative costs of the enforcement action;

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- 2489 7. Post performance bonds;
- 2490 8. Act to take other steps to achieve compliance;
- 2491 9. Pay fines and penalties to OJRSA;
- 2492 10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the
- 2493 OJRSA for the hearing or enforcement procedure.
- 2494 F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of
- 2495 this Regulation as described in SECTION 9.68-6. Prior to the imposition of civil penalties, an adjudicatory
- 2496 hearing will be offered to the User.
- 2497 G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DIS-**
- 2498 **CHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER TO STOP AN ACTUAL OR THREATENED DISCHARGE**
- 2499 **WHICH PRESENTS OR MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH**
- 2500 **OR WELFARE OF PERSONS OR THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM**
- 2501 **OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DIS-**
- 2502 **CHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR**
- 2503 **MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency sus-
- 2504 pension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calen-
- 2505 dar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit
- 2506 terminated. The User shall submit a detailed written statement describing the causes of the violations and
- 2507 the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE**
- 2508 **EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE**
- 2509 **DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE**
- 2510 **SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination
- 2511 of the violations or the risk for damage to life, health, property, and/or the environment has subsided.
- 2512 H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or appli-
- 2513 cable State and Federal regulations, is subject to having their permission to discharge revoked. The Director
- 2514 may revoke any Permit for the following reasons:
- 2515 1. Failure to factually report the wastewater constituents and characteristics of their discharge;
- 2516 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 2517 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- 2518 4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer
- 2519 system that connects with OJRSA conveyance and/or treatment facilities;
- 2520 5. Tampering with or deliberately altering monitoring equipment;
- 2521 6. Falsifying DMRs or other reports;
- 2522 7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment
- 2523 plant process, sludge disposal practices or requirements, or other modifications of a similar nature
- 2524 that impact the OJRSA's ability to accept industrial or other wastewaters;
- 2525 8. For causes necessitating an emergency suspension;
- 2526 9. Discharge of wastewater prohibited by these Regulations;
- 2527 10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms
- 2528 of the wastewater discharge permit or these Regulations;
- 2529 11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.
- 2530 I. A User whose permission to discharge has been revoked may apply for new permission to discharge and
- 2531 shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however,
- 2532 the OJRSA is under no obligation to allow the User to reconnect.

2533 **9.3 JUDICIAL REMEDIES**

2534 Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the

2535 wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or



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2536 Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Admin-  
 2537 istrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal  
 2538 or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

#### 2539 **9.4 INJUNCTIVE RELIEF**

2540 The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction,  
 2541 damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or reg-  
 2542 ulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time  
 2543 or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User  
 2544 or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of  
 2545 any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, tak-  
 2546 ings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or respon-  
 2547 sible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation  
 2548 of State or Federal Pollution Control laws, rules, or regulations.

#### 2549 **9.5 CRIMINAL VIOLATIONS**

- 2550 A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper  
 2551 Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with  
 2552 criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has au-  
 2553 thority to take actions to protect life, health, property, and/or the environment using means detailed in  
 2554 Paragraph 9.28-2(G) and other sections of this Regulation.  
 2555 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 9.68-6  
 2556 for such violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

#### 2557 **9.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS**

- 2558 A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.  
 2559 B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or per-  
 2560 mit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees  
 2561 associated with enforcement action may be taken against the User in violation of Regulations. These costs  
 2562 may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time  
 2563 of the violation.  
 2564 C. Administrative and Civil Penalties:  
 2565 1. A User will be subject to administrative and civil penalties up to two thousand dollars (\$2,000) per  
 2566 violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the  
 2567 maximum amount that may be administrated for each violation, per day the violation occurred  
 2568 2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct of-  
 2569 fense. In case of monthly or long-term discharge limits, fines may be assessed for each day during  
 2570 the period of violation. The OJRSA shall have such remedies for the collection of such assessments  
 2571 as it has for collection of other service charges.  
 2572 D. Payment of Costs -  
 2573 1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal  
 2574 violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to  
 2575 OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or  
 2576 criminal penalties. Payments not received by the due date are subject to late fees as stated in the  
 2577 *OJRSA Schedule of Fees*.  
 2578 2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater  
 2579 or discharges in excess of the limitations required under its permits or the Regulations of the  
 2580 OJRSA.



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- 2581 E. Failure to Pay – See SECTION 9.88-8.

## 2582 **9.7 PERFORMANCE BONDS**

2583 The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of  
 2584 these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory  
 2585 bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the  
 2586 costs of any scheduled improvements and to achieve consistent compliance.

## 2587 **9.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT**

2588 The Director shall have the right to discontinue sewer service to the property of a User of such service in the event  
 2589 of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been  
 2590 given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA  
 2591 or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis  
 2592 of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of  
 2593 ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of  
 2594 disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the  
 2595 notice as provided under the OJRSA Regulations.

## 2596 **9.9 TENANT RESPONSIBILITY**

- 2597 A. In matters where the property was used without a formal or informal arrangement, the Owner of the prop-  
 2598 erty shall be held responsible. *The burden of proof for providing a binding version of a formal or informal*  
 2599 *agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such  
 2600 evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of  
 2601 OJRSA costs.
- 2602 B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal  
 2603 arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or  
 2604 indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of  
 2605 these Regulations and recovery of OJRSA costs.

## 2606 **9.10 VANDALISM**

2607 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or pre-  
 2608 vent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation  
 2609 of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be  
 2610 subject to the sanctions established in ~~SECTION 9~~SECTION-8 of this Regulation, which could include referral to the law  
 2611 enforcement agency with jurisdiction for potential criminal investigation.

## 2612 **9.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

2613 The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA  
 2614 and/or ~~SCDHESCDES~~) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the  
 2615 Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with ap-  
 2616 plicable Pretreatment Standards and requirements. This publication will be done during the first quarter of each  
 2617 year for the previous calendar year.

## 2618 **9.12 ENFORCEMENT MANAGEMENT STRATEGY**

- 2619 A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider  
 2620 the following criteria when determining a proper response to the violation and the context of the User’s  
 2621 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., ~~SCDHEC~~SCDES, 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 ~~9.68-6~~.
    - (d) Minimum enforcement actions will include an Administrative Order with associated penalties including cost recovery for adverse impacts in accordance with SECTION ~~9.68-6~~.

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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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- 2722 3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit  
2723 the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.  
2724 4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which  
2725 may be incurred as a result of damage to the POTW, persons or property, or environmental harm;  
2726 nor shall such notification relieve the User of any fines, civil penalties, or other liability which may  
2727 be imposed by this Regulation or other applicable laws.

## D. Assignment of Responsibilities

- 2728 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by  
2729 the Director to implement the Pretreatment Program and to enforce compliance with all Permits  
2730 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated  
2731 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this  
2732 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-  
2733 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee  
2734 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that  
2735 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either  
2736 through purposeful investigation or in the normal course of duties performed.  
2737 2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, which-  
2738 ever OJRSA employee or consultant is in position to do so may be used to collect evidence of the  
2739 violation. The Coordinator may employ the services of outside laboratories or consultants in the  
2740 collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon  
2741 to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence,  
2742 compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's  
2743 attorney(s) in preparing and executing enforcement actions.  
2744

## E. Enforcement Response Guide

- 2745 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based  
2746 on the whether the noncompliance involves:  
2747 (a) Sampling, Monitoring, and Reporting (SECTION ~~9.12.18-12.1~~);  
2748 (b) Compliance Schedules (Construction Phases or Planning) (~~9.12.28-12.2~~);  
2749 (c) Effluent Limits (~~9.12.38-12.3~~);  
2750 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-  
2751 vestigations (~~9.12.48-12.4~~);  
2752 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others ~~9.12.58-12.5~~;  
2753 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit  
2754 (~~9.12.68-12.6~~); and/or  
2755 (g) Other Regulatory Violations (~~9.12.88-12.8~~).  
2756 2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate  
2757 enforcement responses to various types of noncompliance and appropriate OJRSA personnel to  
2758 implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND  
2759 DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**  
2760 3. The Director may delegate his/her role and authority in any enforcement action as deemed appro-  
2761 priate. (SECTION ~~9.18.1~~)  
2762 4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES  
2763 Permit, and other locally established regulations.  
2764 5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.  
2765 6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Con-  
2766 ference or Notice of Violation when the violation does not meet the criteria of Significant Noncom-  
2767 pliance (SNC) or when the User is cooperative in quickly resolving the problems.  
2768 7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems  
2769 will incur more severe enforcement actions, up to and including termination of sewer service.  
2770

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- 2771 8. Enforcement actions will escalate when a User fails to return to compliance following the initial
- 2772 enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance
- 2773 Schedule for which the User is to follow.
- 2774 9. The enforcement actions chosen for a particular violation or group of violations will be appropriate
- 2775 and representative of the magnitude and nature of the violation. *Enforcement actions for ongoing*
- 2776 *violations shall be progressive and more severe as the violations continue.* When violations are ini-
- 2777 tially found, an enforcement action will be taken at that time. At the end of each calendar quarter,
- 2778 each user will be evaluated for SNC. If a user is found to be in SNC for the violation(s), then addi-
- 2779 tional enforcement actions will be taken as delineated in this ERG. The enforcement actions taken
- 2780 will be adequate to promote a timely solution to the violations.
- 2781 10. Enforcement actions taken against each User shall be considered individually and are not neces-
- 2782 sarily based on penalties, actions, and/or fines issued to other Users who were in violation.

2783 **9.12.1 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 <u>9.68-6</u> ); Adjudicatory Hearing including penalty (SECTION <u>9.68-6</u> ).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION <u>9.68-6</u> ); cost recovery (SECTION <u>9.68-6</u> ); 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 <u>9.68-6</u> ).	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 <u>9.68-6</u> ).	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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ).	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 <u>9.68-6</u> ); 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; <u>seek 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 <u>9.68-6</u> ); cost recovery (SECTION <u>9.68-6</u> ); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION <u>9.68-6</u> ); cost recovery (SECTION <u>9.68-6</u> ).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION <u>9.68-6</u> ); 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 <u>9.68-6</u> ).	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 <u>9.68-6</u> ); 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 <u>9.68-6</u> ); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> <del>terminate</del> -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 <u>9.68-6</u> ); criminal investigation; <del>seek termination of</del> <del>terminate</del> -water and/or sewer.	Dir

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**9.12.2 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 <u>9.68-6</u> ).	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 <u>9.68-6</u> ); 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 <u>9.68-6</u> ); 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 <u>9.68-6</u> ); <del>seek termination of</del> <del>terminate</del> -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 <u>9.68-6</u> ); judicial action; request criminal investigation; <del>seek termination of</del> <del>terminate</del> -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 <u>9.68-6</u> ).	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	RSC, PC, Dir

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		minimal time. Cost recovery and civil penalties for each additional day (SECTION 9.68-6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.68-6); criminal investigation; <del>seek termination of</del> terminate water and/or sewer.	Dir

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9.12.3 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 9.68-6); 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 9.68-6); 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 9.68-6); criminal investigation; <del>seek termination of</del> terminate water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 9.68-6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.68-6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 9.68-6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.68-6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.68-6); Adjudicatory Hearing; <del>seek termination of</del> terminate 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, by-pass, or improper operation of pretreatment facility	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.68-6); 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 9.68-6); 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 9.68-6); Adjudicatory Hearing; criminal investigation; <u>seek termination of terminate</u> -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 9.68-6); criminal investigation; <u>seek termination of terminate</u> -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 9.68-6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 9.68-6); criminal investigation; <u>seek termination of terminate</u> -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 9.68-6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 9.68-6); criminal investigation; <u>seek termination of terminate</u> -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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**9.12.4 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,	NOV and/or AO.	RSC, PC

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	Any instance - No evidence of intent.		
	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 9.68-6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.68-6); 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 9.68-6); 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 9.68-6); 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 9.68-6); 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 9.68-6); Adjudicatory Hearing; criminal investigation; <del>seek termination of terminate</del> water and/or sewer.	RSC, PC, Dir

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**9.12.5 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 5.154.15)	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 9.68-6).	Eng, Dir, Atty

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**9.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit)**

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Violation	Circumstances	Range of Response	Personnel
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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ).	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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); <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-	RSC, PC, Dir

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		hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION <u>9.68-6</u> ); <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 <u>9.68-6</u> )	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION <u>9.68-6</u> )	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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); <del>seek</del> termination of 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 <u>9.68-6</u> ); <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 <u>9.68-6</u> )	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 <u>9.68-6</u> )	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION <u>9.68-6</u> )	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 <u>9.68-6</u> ); <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	RSC, PC, FOG Insp, Dir



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		discharge (SECTION <u>9.68-6</u> ); <u>seek termination of</u> <del>terminate</del> water and/or sewer.	
	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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); <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 <u>9.68-6</u> )	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION <u>9.68-6</u> )	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 <u>9.68-6</u> ); <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 <u>9.68-6</u> ); 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 <u>9.68-6</u> )	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION <u>9.68-6</u> )	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 <u>9.68-6</u> ); <u>seek termination of</u> <del>terminate</del> water and/or sewer.	RSC, PC, Dir

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	Second (2 <sup>nd</sup> ) violation.	<del>Seek termination of</del> Terminate water and/or sewer; civil penalties (SECTION <del>9.68-6</del> )	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION <del>9.68-6</del> )	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 <del>9.68-6</del> ).	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 <del>9.68-6</del> ).	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 <del>9.68-6</del> );	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 <del>9.68-6</del> );	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 <del>9.68-6</del> ).	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 <del>9.68-6</del> ).	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 <del>9.68-6</del> );	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 <del>9.68-6</del> );	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	RSC, PC, Dir

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		(SECTION <del>9.68-6</del> ); criminal investigation; <del>seek termination of terminate</del> -User's water and/or sewer.	
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 <del>9.68-6</del> ); criminal investigation; <del>seek termination of terminate</del> -User's water and/or sewer.	RSC, PC, Dir

2791 **9.12.7 Hauled Waste Acceptance Violations ERG**

Violation	Circumstances	Range of Response	Personnel
Abuse of conditions established in Sections <del>11.140.1</del> and <del>11.240.2</del>	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 <del>9.68-6</del> ).	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 <del>9.68-6</del> ).	RSC, PC, Dir
	Third (3 <sup>rd</sup> ) violation.	Permanent suspension of violator's Waste Hauler License and notification to <del>SCDHECSCDES</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

2792 **9.12.8 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 <del>9.68-6</del> ); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION <del>9.68-6</del> ); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir

<sup>1</sup> As stated on Waste Hauler License.

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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 9.68-6).	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 9.68-6); 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 9.68-6); 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 9.68-6); 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 9.68-6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 9.68-6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.68-6); 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 9.68-6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.68-6); 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 9.68-6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 9.68-6); Adjudicatory Hearing; criminal investigation; <del>seek termination of</del> terminate-water and/or sewer.	RSC, PC, Dir

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**Section 10 – 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 ~~SCDHECSCDES~~ 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.

**10.1 PURPOSE**

- A. The FOG Control Program has been developed in accordance with ~~SECTION 4~~~~SECTION 3~~ and ~~SECTION 5~~~~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 5.24.2~~.
- 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.

**10.2 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 9~~~~SECTION 8~~ of this Regulation.

**10.3 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 10.79-7~~.
- 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 10.79-7~~ when five (5) or more units occupy a single building and where the individual living

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units share a common wastewater drain line that serves more than ~~one~~ two (2) units within the building.

2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do substantial modifications which include replacement of fifty percent (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation of a FOG Control Device as set forth in this Regulation.

D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with SECTION 10.79-7 when five (5) or more units occupy a single building and share common wastewater drain lines that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as constructed unless the facility has to do substantial modifications which include replacement of fifty percent (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation of a FOG Control Device as set forth in this Regulation.

~~D.E.~~ Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative impact on its conveyance or treatment system from FOG must be plumbed together through a common drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.

~~E.F.~~ Food Service Establishments and FOG Generators

1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-constructed, or change ownership shall meet the requirements included herein prior to opening, expanding, or reopening the FSEs.
2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Regulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues, manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior to installation.
3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3) compartment sink must have a FOG Control Device installed.
4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly installed, maintained, and operating in accordance with this Regulation by no later than June 30, 2024.

~~F.G.~~ Multi-Unit Commercial Facilities

1. New Multi-Unit Commercial Facilities
  - (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line connections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, grease waste line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other food service establishment kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
  - (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF. Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-out locations to accommodate a FOG Control Device of adequate size as approved in the *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Interceptors must be approved by the OJRSA prior to construction. A copy of the maintenance agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider



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suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground gravity FCD when determining the building location.  
(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.

**10.4 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 ~~11.410-4~~) 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 3.62-6.
- 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.

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- 2933 G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-  
 2934 mented by the employee and the Director should be notified as soon as possible. The Director will discuss  
 2935 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with  
 2936 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.  
 2937 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set  
 2938 forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Re-  
 2939 sponse Guide set forth in this Regulation
- 2940 H. Confidentiality Agreements – See Section 7.126-12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION**  
 2941 **CANNOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE**  
 2942 **AGREEMENTS**. Any records that are reviewed during the inspection and must be kept confidential must be  
 2943 stamped with the word “confidential” and OJRSA will adhere to the confidentiality requirements set forth  
 2944 in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and  
 2945 the applicability of SECTION 7.126-12 of this Regulation to the specific facts and circumstances at issue.

**10.5 PERMITTING**

2946 OJRSA may issue a FOG Permit or other control document to FOG Generators and Hauled Waste Transporters as a  
 2947 condition of use, or continued use, of OJRSA facilities and services. A FOG Permit may be issued to a single User or  
 2948 a group of Users with similar processes, practices, and wastewater characteristics. Although not necessary in all  
 2949 cases, FOG Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring require-  
 2950 ments and reporting requirements as well as any other conditions or requirements that OJRSA determines neces-  
 2951 sary to ensure compliance of the User and protection of the collection and treatment facilities.  
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**10.6 FOG GENERATOR ADMINISTRATIVE REQUIREMENTS**

- 2953 A. Best Management Practices
- 2954 1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive dis-  
 2955 charges of FOG to the public sewer and to ensure proper performance of FOG Control Devices  
 2956 (FCD).
  - 2957 2. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans, and  
 2958 food containers into the trash before washing; having signage posted at sinks (e.g., “Hand Washing  
 2959 Only,” “Scrape Plates before washing,” “No Fats, Oils, or Grease,” etc.); having proper sink, floor  
 2960 sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Con-  
 2961 tainer; and establishing procedures for observing and approving all maintenance activities that re-  
 2962 quire access to the FCD.
  - 2963 3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any  
 2964 kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or  
 2965 signage adequate to prevent discharge of FOG to such drains.
- 2966 B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with  
 2967 established limits and standards. Requirements and details for FCD are found in the *OJRSA Development*  
 2968 *Policy*. In some circumstances, FOG Traps or Hydromechanical FOG Devices (HFD) may be allowed if:  
 2969
- 2970 1. It is determined by OJRSA that a FOG Trap or HFD provides adequate control due to site specific  
 2971 conditions; and/or
  - 2972 2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor imprac-  
 2973 tical and/or unserviceable.
- 2974 C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator’s expense.  
 2975 It is the FOG Generator’s responsibility to ensure that proper maintenance of the device includes removal  
 2976 of all contents including floating materials, wastewater, and solids at a maintenance frequency which will  
 2977 allow proper operation of the FCD. The FOG Generator will be responsible for observing and approving all  
 2978 pumping and cleaning activities as a condition of the disposal.

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~~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 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 ~~FGDFCD~~.

~~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 unit one~~ 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.

## 10.7 FOG GENERATOR CLASSIFICATIONS

OJRSA has established the following classifications for FOG Control Devices:

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- 3027 A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-  
 3028 by-case basis. ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~
- 3029 B. Facilities that provide dining space and vending machines with no food preparation other than microwave  
 3030 ovens and the like will be evaluated on a case-by-case basis.
- 3031 C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) ~~grease~~  
 3032 ~~trap~~ FOG Trap or Hydromechanical FOG Device that meets minimum efficiency and installation require-  
 3033 ments necessary for this class. REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY  
 3034 FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.
- 3035 1. Facilities without a ventilation hood system or filter as required by SCDHEC-SC Department of Agri-  
 3036 culture R61-25 (Retail Food Establishments);
  - 3037 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-  
 3038 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-  
 3039 ing ware with very limited culinary washing;
  - 3040 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
  - 3041 4. Coffee Shops (small);
  - 3042 5. Ice Cream Shops;
  - 3043 6. Frozen Yogurt Shops;
  - 3044 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
  - 3045 8. Doughnut Shops with baking only (no mixing of ingredients or frying);
  - 3046 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
  - 3047 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-
  - 3048 ing, and number of meals served);
  - 3049 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary
  - 3050 cleaning, number of meals served, and frequency meals are served);
  - 3051 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-
  - 3052 4)).
- 3053 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required  
 3054 by SC Department of Agriculture SCDHEC R61-25 (Retail Food Establishments), then they will be considered  
 3055 at least a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hy-  
 3056 dro-mechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all  
 3057 efficiency and installation requirements necessary for this class. REQUIRES FOG DEVICE SIZING CALCULA-  
 3058 TION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.  
 3059 ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~
- 3060 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
  - 3061 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-
  - 3062 ing, and number of meals served);
  - 3063 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary
  - 3064 cleaning, number of meals served, and frequency meals are served);
  - 3065 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-
  - 3066 sons);
  - 3067 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)
  - 3068 persons);
  - 3069 6. Doughnut Shops with on-premises frying;
  - 3070 7. Coffee Shops (large);
  - 3071 8. Caterers;
  - 3072 9. Convenience Stores serving food (with or without fuel pumps);
  - 3073 10. Supermarket/Grocery Stores;
  - 3074 11. Hotels with Kitchens as stated in OJRSA SUR 10.39-3(D); and
  - 3075 10-12. Multi-Family Developments as stated in OJRSA SUR 10.39-3(C)(1) and (2) (under certain  
 3076 conditions and as justified by calculation requirements and approved by OJRSA).

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- 3077 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A  
 3078 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet  
 3079 all efficiency and installation requirements necessary for this class. REQUIRES SC LICENSED REGISTERED  
 3080 ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE  
 3081 CALCULATION SHEET AS APPROPRIATE TO APPLICATION. The facility will need to provide their applicable  
 3082 NAICS code(s) to OJRSA.
- 3083 1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-  
 3084 five (65) persons);
  - 3085 2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to  
 3086 sixty-five (65) persons); and
  - 3087 2-3. Multi-Family Developments as stated in OJRSA SUR 10.39.3(C)(1) and (2) (under certain conditions  
 3088 and as justified by calculation requirements and approved by OJRSA);
- 3089 F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC**  
 3090 **LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING.**  
 3091 **OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION. The facility will need to**  
 3092 **provide their applicable NAICS code(s) to OJRSA.**
- 3093 1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run opera-  
 3094 tions.
  - 3095 2. Multi-Family Developments as stated in OJRSA SUR 10.39.3(C)(1) and (2).
- 3096 G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LI-**  
 3097 **CENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION**  
 3098 **SHEET AS APPROPRIATE TO APPLICATION.**
- 3099 1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable por-  
 3100 tions of the Sewer Use Regulation.
  - 3101 2. Others as appropriate.

**10.8 FOG CONTROL DEVICE DESIGNS AND INSTALLATION REQUIREMENTS****A. General Requirements**

- 3104 A.1. No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
  - 3105 2. Garbage grinders are strictly prohibited where FCD are required.
  - 3106 3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.
- 3107 ~~All FCDs shall have a minimum retention time of thirty (30) minutes.~~

**B. General FCD Requirements**

- 3109 B.1. All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regula-  
 3110 tions and the OJRSA Development Policy. The vendor supplying the FCD must be able to meet the  
 3111 specifications detailed in the OJRSA Development Policy.
- 3112 C.2. OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance  
 3113 and condition and may require repairs to, modifications, or replacement of FCDs as such.
- 3114 3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA  
 3115 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**

- 3121 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION  
 3122 10.79.7.
- 3123 2. The OJRSA Development Policy contains the design and installation requirements for a FOG Trap.



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2.3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required flow and grease capacity.

3.4. Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are prohibited in accordance with OJRSA SUR 10.69-6(I).

4.5. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:

- (a) Plumbing of fixtures as identified in the OJRSA Development Policy;
- (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit (140°F);
- (c) Acidic or caustic cleaners (e.g., lye or root killer);
- (d) Fryer oil or grill trap FOG waste; and
- (e) FOG Control Additives (as defined in SECTION 3.32.3).

D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG devices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Interceptors.”

H.E. FOG Interceptor Requirements

1. There is a minimum acceptable size devices based on the classification system as stated in SECTION 10.79-7.

2. The OJRSA Development Policy contains the design and installation requirements for a FOG Trap.

2.3. The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.<sup>1</sup>

3.4. All FOG Interceptors shall be adequately secured against unauthorized access.

4.5. All new inground FOG Interceptors must be leak tested prior to putting the unit into service.

5.6. Discharge of, or addition of, the following materials are strictly prohibited from disposal to an inground FOG Interceptor:

- (a) Acidic or caustic cleaners (e.g., lye or root killer); and
- (b) FOG control additives (as defined in SECTION 3.32.3).

## 10.9 MAINTENANCE REQUIREMENTS

A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements as stated within this Section based on changes in operation, business hours, equipment, menu options, seating capacity, etc.

B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the costs associated with repairing the system in accordance with SECTION 5.114-11 RECOVERY OF PREVENTATIVE EXPENSES RECOVERY OF PREVENTATIVE EXPENSES and SECTION 9 SECTION 8 – Enforcement – Enforcement.

A.C. FOG Traps

1. **FOG TRAPS SHALL BE MAINTAINED ON A WEEKLY BASIS FREQUENCY FOR THE PROPER FUNCTION OF A FOG TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE BASIS; USING THE “25% RULE”<sup>2</sup> OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE<sup>3</sup>; HOWEVER, CLEANING SHALL NOT EXCEED TWENTY-ONE (21) CALENDAR DAYS. Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals exceed two (2) weeks.**

<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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- 3166 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.  
3167 These records shall be maintained in accordance with SECTION 10.49-4.

3168 D. Hydromechanical FOG Devices

- 3169 1. HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER'S  
3170 RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A  
3171 HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE  
3172 DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS;  
3173 HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED  
3174 BY MANUFACTURER'S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRIT-  
3175 TEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.  
3176 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These  
3177 records shall be maintained in accordance with SECTION 10.49-4.

3178 B.E. FOG Interceptors

- 3179 1. FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS  
3180 UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO  
3181 CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REG-  
3182 ULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EF-  
3183 FLUENT AFTER PASSING THROUGH THE DEVICE<sup>1</sup>. A reduced cleaning frequency may be granted on  
3184 a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as  
3185 stated with the functions of Section 10.109-10(E), that performed the cleaning and inspection to  
3186 document proof that a reduced cleaning frequency will meet the requirements of this Regulation.  
3187 Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning inter-  
3188 vals exceed six (6) months.  
3189 2. The following FOG Interceptor maintenance activities must be performed:  
3190 (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top  
3191 grease layer when the total accumulation of surface FOG (including floating solids) and set-  
3192 tled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for  
3193 more information) of the FOG Interceptor's inlet liquid depth if before the quarterly pump  
3194 out requirement. Top skimming, decanting, or back-flushing of the device, its contents, sep-  
3195 tage waste, solids, water, or other materials back into the FOG Interceptor for the purpose  
3196 of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating  
3197 water from FOG shall not discharge separated water into the FOG Interceptor or into the  
3198 wastewater conveyance system.  
3199 (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls  
3200 and baffles.  
3201 (c) Failure to meet these requirements shall result in enforcement actions as set forth in SEC-  
3202 TION 9SECTION-8 of this Regulation.  
3203 3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or  
3204 contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other  
3205 debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that  
3206 ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the pri-  
3207 vate sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste  
3208 Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted  
3209 into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility  
3210 to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required  
3211 on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION  
3212 9.68-6 and/or *OJRSA Schedule of Fees*.

<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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**10.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS**

Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

- A. Comply with requirements in SECTION 10.99-9.
- B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste Transporter.
- D. Be responsible for determining the nature of the waste and completing a manifest before transport. A completed FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the FOG Generator. The record must include the name, address, and phone number of the FOG Generator company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- E. Perform the following activities:
  1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load of FOG waste to the disposal site.
  2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator. Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues with the device should be taken while the device is empty and submitted to OJRSA with the notification.
  - ~~2.3. Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler or plumber hires a new employee in the period between training offerings by the OJRSA, then they must make arrangements with OJRSA to obtain the training before performing an inspection. When the next regular scheduled class is held, then the new employee will be subject to this training as well in order to meet the training requirement set by OJRSA.~~
  - ~~3.4. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator. Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues with the device should be taken while the device is empty and submitted to OJRSA with the notification.~~

**10.11 FEES**

Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste Transporters as stated in the *OJRSA Schedule of Fees*.

**10.12 COMPLIANCE ENFORCEMENT**

- A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance with any of the requirements set forth in this Regulation may result in the initiation of enforcement action. Violations of these provisions are subject to the enforcement provisions contained in ~~SECTION 9~~SECTION 8 of the Regulation, which may include administrative and civil penalties. In addition, fines assessed for violations involving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance expenses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation, costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer, may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 9.128-12(E).

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- 3258 B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this  
 3259 Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated com-  
 3260 pliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause  
 3261 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG  
 3262 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to  
 3263 increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance  
 3264 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the  
 3265 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-  
 3266 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at  
 3267 least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for  
 3268 failure to comply, additional time required for compliance, and steps taken to avoid further delays.
- 3269 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-  
 3270 porter to demonstrate compliance
- 3271 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary  
 3272 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-  
 3273 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the  
 3274 sewer line, and other enforcement actions set forth in ~~SECTION 9~~SECTION 8 of this Regulation.
- 3275 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement  
 3276 action.

**10.13 REQUESTS FOR VARIANCE**

- 3277 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained  
 3278 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)  
 3279 calendar days of the FOG Generator or Hauled Waste Transporter being notified of a requirement or Com-  
 3280 pliance Schedule. The request for variance must specifically state the reason for the request and how the  
 3281 User will ensure demonstrated compliance with established limits.
- 3282 B. Conditional maintenance variances may be granted at the discretion of the Executive Director or his/her  
 3283 designee ~~Regulatory Services Coordinator~~ and will typically require additional control measures be placed  
 3284 on the User to ensure compliance which may include but are not limited to: additional maintenance re-  
 3285 quirements, more stringent Best Management Practices, monitoring requirements (or additional require-  
 3286 ments), permit(s) and/or cost recovery. *In no case shall a variance be issued in lieu of compliance with es-*  
 3287 *tablished numerical limits or when damage to the conveyance system, public sewer, or treatment facility is*  
 3288 *evident. Requests for variances regarding a reduction in cleaning frequency are to be made through the*  
 3289 *following procedure:*
- 3290 1. The FOG Generator must request in writing a reduction of its FCD cleaning frequency using the FOG  
 3291 Variance Request Form.
  - 3292 2. All work associated with the variance request is to be performed at the FOG Generator's expense  
 3293 and must be paid prior to conducting the inspection, sampling, and/or analysis in accordance with  
 3294 the OJRSA Schedule of Fees.
  - 3295 3. OJRSA will perform an evaluation of the facility and the capability of the FCD to determine if a re-  
 3296 duction in cleaning is merited. The evaluation will include but not necessarily be limited to the fol-  
 3297 lowing:
    - 3298 (a) A site visit to evaluate the facility's potential contributions to FOG in the collection system.
    - 3299 (b) Inspection, sampling, and/or analysis of the discharge from the FOG Generator's facility will  
 3300 be conducted by OJRSA to determine the effectiveness of the FCD and the contribution of  
 3301 the FOG Generator to FOG in the sewer system.
- 3302 B-(c) During the sampling and/or inspection, OJRSA will use methods to ensure that the  
 3303 FCD is not tampered with. OJRSA reserves the right to install tamperproof equipment on  
 3304 the device to ensure the integrity of the sampling/inspection, such as lock, tape, etc.  
 3305

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- 3306 C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be  
3307 considered and approved for installation at a FOG Generator. The alternative FCD must control FOG dis-  
3308 charges from the User and be maintained as outlined in this Regulation. Items that may be considered in  
3309 this determination will be footprint of existing buildings, location of property boundaries, and a lack of room  
3310 for an outside FOG Interceptor. Alternative FCDs shall not be considered for new building construction.
- 3311 D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical re-  
3312 strictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing  
3313 FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least  
3314 fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.
- 3315 E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

## 3316 Section 11 – Hauled Waste Acceptance

### 3317 11.1 AUTHORITY AND GENERAL CONDITIONS

- 3318 A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Ad-  
3319 ditionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area  
3320 when it is determined that:
- 3321 1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equip-  
3322 ment malfunction, nature or quantity of waste, or other factors there is no viable alternative for  
3323 disposal of the hauled waste in the service area where it originates.
  - 3324 2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed  
3325 of at OJRSA facilities; or-
  - 3326 2-3. There has been an emergency declaration by the President of the United States (or by a federal  
3327 agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has  
3328 determined that the hauled waste from outside of the OJRSA service area will not impact the treat-  
3329 ment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If  
3330 it is determined the OJRSA can accept such waste, then the Executive Director shall establish a  
3331 maximum amount of waste that can be accepted from such areas each day. The acceptance of such  
3332 waste under these circumstances, as well as the daily limits for such waste, may be altered,  
3333 amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- 3334 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic  
3335 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-  
3336 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-  
3337 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to  
3338 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from  
3339 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the  
3340 wastewater treatment plant.
- 3341 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall  
3342 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3343 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance  
3344 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3345 E. Abuse of the above requirements stated in SECTION ~~11.140.1~~ shall result in actions as detailed in SECTION  
3346 ~~9.12.78.12.7~~.
- 3347 F. All Haulers will be permitted annually by OJRSA.
- 3348 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record  
3349 must include the name, address, and phone number of the FOG Generator company; the name(s) of the  
3350 individual(s) performing the work, the volume of the wastewater and other material removed from the  
3351 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the

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3352 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspection.  
3353

## 3354 **11.2 SPECIFIC CONDITIONS OF ACCEPTANCE**

### 3355 A. Acceptance of Hauled Waste

- 3356 1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled  
3357 Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
- 3358 2. Hauled waste is only accepted on business days during the hours of operation as posted at the  
3359 OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the  
3360 acceptance of hauled waste during normal acceptance periods due to issues with the treatment  
3361 plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA  
3362 shall not accept waste outside of these hours except under the following conditions:
  - 3363 (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System  
3364 directly or indirectly connected to the OJRSA's wholesale or retail system; and
  - 3365 (b) The emergency must originate on public or common property owned, operated, and main-  
3366 tained by the Satellite Sewer System. *Events that occur on private property are not consid-  
3367 ered an emergency per this Regulation. The OJRSA reserves the right to confirm all infor-  
3368 mation regarding the emergency with the registered agent(s) of the Satellite Sewer System.*
  - 3369 (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA  
3370 Schedule of Fees* shall apply.
  - 3371 (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste  
3372 afterhours, including waste from onsite wastewater systems and septic tanks.
- 3373 3. Abuse of the above requirements stated in SECTION ~~11.210.2~~ shall result in actions as detailed in  
3374 SECTION ~~9.12.78-12.7~~.

### 3375 B. Septic Tank Waste

- 3376 1. Acceptance From Within OJRSA Service Area
  - 3377 (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service  
3378 area.
  - 3379 (b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior ap-  
3380 proval. Approval must be requested and granted in writing prior to discharge at OJRSA fa-  
3381 cilities.
  - 3382 (c) Sanitary wastewater from Nonresidential Users located outside the service area will not be  
3383 accepted under any circumstances.
  - 3384 (d) Loads mixed with Residential septic tank waste from inside and outside of the service area  
3385 shall not be accepted without prior approval; however, mixed loads that may contain Non-  
3386 residential septic tank wastewater from outside of the service area shall not be accepted  
3387 under any circumstances.
- 3388 2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal  
3389 at the treatment facility.
- 3390 3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to  
3391 discharge at OJRSA facilities.
- 3392 4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Sched-  
3393 ular of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA  
3394 service area.

### 3395 C. Portable Toilet Waste

- 3396 1. Acceptance From Within OJRSA Service Area
  - 3397 (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
  - 3398 (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged  
3399 at OJRSA facilities without prior approval.



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- 3400 (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not  
3401 be accepted without prior approval.
- 3402 2. Portable toilet waste to be accepted must consist of sanitary waste only.
- 3403 3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, includ-  
3404 ing septic tank waste, prior to discharge at OJRSA facilities.
- 3405 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-  
3406 posal at the treatment facility.
- 3407 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*  
3408 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the  
3409 OJRSA service area.
- 3410 D. Beneficial Hauled Waste
- 3411 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled  
3412 waste may be accepted at locations and under conditions set forth in an approval letter.
- 3413 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in  
3414 writing to the attention of the OJRSA Regulatory Services Coordinator.
- 3415 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case  
3416 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions  
3417 and limitations may apply.
- 3418 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as  
3419 a condition of acceptance of each designated beneficial hauled waste.
- 3420 E. Prohibited Wastes
- 3421 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
- 3422 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-  
3423 tion to any facility connected to OJRSA facilities, including those that originate on private property  
3424 (e.g., private sewers).
- 3425 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-  
3426 sidered hazardous under the RCRA regulations.

**11.3 HAULED WASTE TRANSPORTER REQUIREMENTS**

- 3427
- 3428 A. The contents of a Hauled Waste Transporter operated by a SCDHEGSCDES-licensed hauler of holding tank  
3429 waste shall be discharged to the POTW only at a location approved by the Director. Such wastewater must  
3430 have prior written approval of the Director before being discharged. The discharge of this waste shall be  
3431 subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy  
3432 of this letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed  
3433 hauler shall provide the information requested as shown in the Regulation.
- 3434 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,  
3435 as stated in appropriate sections of this Regulation.
- 3436 C. Only wastes originating within the OJRSA's service area may be accepted.
- 3437 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to  
3438 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier  
3439 than January 1 and an ending date no later than December 31.
- 3440 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-  
3441 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-  
3442 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic  
3443 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-  
3444 cludes the following signed certification statement, which must include a Wet Signature from the Author-  
3445 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not  
3446 the Waste Hauler):
- 3447



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3448 I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE PERFORMED APPROPRIATE  
 3449 INVESTIGATION TO ENSURE THAT THE WASTEWATER TO BE DISCHARGED IS FROM NO OTHER SOURCE  
 3450 THAN A SEPTIC TANK, ~~FOG TRAP OR INTERCEPTOR~~, ORIGINATED IN OCONEE COUNTY OR WITHIN THE  
 3451 OJRSA SERVICE AREA, AND TO THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL,  
 3452 TOXIC MATERIAL, OR INDUSTRIAL MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I  
 3453 AM RESPONSIBLE FOR ANY ADVERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.

3454 **11.4 INSPECTION AND MONITORING**

3455 In accordance with SECTION ~~8.17.1~~, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origina-  
 3456 tion sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with  
 3457 this Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and record-  
 3458 ing equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate  
 3459 documentation or satisfy compliance requirements.

3460 **11.5 FEES AND CHARGES**

3461 Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA*  
 3462 *Schedule of Fees*. If approved for acceptance as stated in SECTIONS ~~11.110.1~~ and ~~11.210.2~~, then fees and charges for  
 3463 other forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-  
 3464 by-case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to  
 3465 discharge hauled waste at OJRSA facilities without proper payment of fees and charges.

3466 **11.6 ENFORCEMENT**

3467 Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures  
 3468 that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in ~~SECTION 9~~SECTION  
 3469 ~~8~~. Enforcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

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3470 **Section 12 – Severability**

3471 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent  
3472 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-  
3473 tinue in full force and effect.

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3474 **Section 13 – Conflict**

3475 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby  
3476 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	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	Revision to address FOG, Special Pretreatment Devices, record-keeping requirements, and comments from South Carolina Department of Environmental Services (SCDES) review. Adopted by <i>OJRSA Resolution 2025-XX</i> on XX/XX/XXXX.	SCDES and OJRSA Board of Commissioners

3

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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 Environmental Services) and approved for  
126 publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on \_\_\_\_\_, a  
127 thirty (30) day public notice given on \_\_\_\_\_ in *The Journal* (Seneca, South Carolina), on the OJRSA website  
128 ([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 \_\_\_\_\_.

131  
132 A public comment period was granted from \_\_\_\_\_, until the OJRSA Board of Commissioners Meeting on the  
133 evening of \_\_\_\_\_. The agency also accepted written comments as stated in the legal notices advertised in  
134 *The Journal* (Seneca, South Carolina) on \_\_\_\_\_ and \_\_\_\_\_; at [www.orjsa.org/info](http://www.orjsa.org/info); and on OJRSA so-  
135 cial media accounts.

136  
137 APPROVED and ADOPTED by *OJRSA Resolution* \_\_\_\_\_ by the Oconee Joint Regional Sewer Authority Board  
138 of Commissioners on \_\_\_\_\_ during the Board of Commissioners Meeting.

139  
140 **EFFECTIVE DATE: 12:01 AM LOCAL TIME ON \_\_\_\_\_.**  
141

142 **Section 2**

## OJRSA Sewer Use Regulation

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143 **Section 3 – Administrative Information**144 **3.1 PURPOSE AND POLICY**

145 Recent developments in both Federal and State law have created increasing and more stringent requirements upon  
146 public wastewater treatment facilities and demand compliance to avoid incurring severe sanctions and penalties.  
147 The purpose of these Regulations and amendments thereto are to ensure compliance with the Federal Water Pol-  
148 lution Control Act Amendments of 1972 (Public Law 92-500) and subsequent amendments, including the Water  
149 Quality Act of 1987 (PL 100-4) together with the South Carolina Pollution Control Act and other State and Federal  
150 statutes and regulations.

151

152 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)  
153 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal  
154 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations  
155 are:

156

- 156 A. To prevent discharges to the POTW which will interfere with the operation of the POTW;
- 157 B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately  
158 treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;
- 159 C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the  
160 sludge;
- 161 D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;
- 162 E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement  
163 of the POTW;
- 164 F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their em-  
165 ployment and to protect the general public; and
- 166 G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which  
167 the POTW is subject.

168

169 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-  
170 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement  
171 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.  
172 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users  
173 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly  
174 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these  
175 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items  
176 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the  
177 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

178

179 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 4.17.

180 **3.2 APPLICATION OF REGULATIONS**

181 These Regulations shall apply to persons within the County of Oconee and to persons outside the County who, by  
182 contract with the OJRSA or other means, are Users of OJRSA wastewater facilities. The Director shall implement and  
183 enforce the provisions of these Regulations, and the governing body of the OJRSA shall adopt such regulations as it  
184 deems necessary to implement the provisions and requirements of these Regulations.

185 **3.3 DEFINITIONS**

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186 Unless the context indicates otherwise, the terms and phrases used in these Regulations shall have the following  
187 meanings:

188

189 Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33  
190 USC §1251 et seq.)

191 Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations  
192 regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have  
193 occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing  
194 Officer will be appointed by the Director and shall have no connection with the preparation or presentation of  
195 the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be  
196 guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for  
197 the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of  
198 evidence.

199 Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take  
200 corrective action or refrain from an activity. It describes the violations and actions to be taken and can be en-  
201 forced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and  
202 Desist Order.

203 Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of  
204 presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. Also see  
205 Fermented Beverages.

206 Approval Authority shall mean the State of South Carolina, by and through the Department of Environmental Ser-  
207 vices, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and associated reg-  
208 ulations.

209 Authorized Representative or Duly Authorized Representative of the User shall mean:

210

A. If the User is a corporation:

211

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal  
212 business function, or any other person who performs similar policy or decision-making functions  
213 for the corporation; or

214

2. The manager of one or more manufacturing, production, or operating facilities, provided the man-  
215 ager is authorized to make management decisions that govern the operation of the regulated facil-  
216 ity including having the explicit or implicit duty of making major capital investment recommenda-  
217 tions, and initiate and direct other comprehensive measures to assure long-term environmental  
218 compliance with environmental laws and regulations; can ensure that the necessary systems are  
219 established or actions taken to gather complete and accurate information for individual wastewater  
220 discharge permit requirements; and where authority to sign documents has been assigned or del-  
221 egated to the manager in accordance with corporate procedures.

222

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

223

C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or des-  
224 signated to oversee the operation and performance of the activities of the government facility, or their de-  
225 signee.

226

D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized  
227 Representative if the authorization is in writing, the authorization specifies the individual or position re-  
228 sponsible for the overall operation of the facility from which the discharge originates or having overall re-  
229 sponsibility for environmental matters for the company, and the written authorization is submitted to the  
230 OJRSA. If the designation is no longer accurate because a different individual or position has responsibility  
231 for the overall operation of the facility or overall responsibility for environmental matters for the company,  
232 a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior  
233 to or together with any reports to be signed an Authorized Representative.

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- 234 E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or  
235 Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.
- 236 Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from  
237 wastewater.
- 238 Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater  
239 through the FOG Trap, Hydromechanical FOG Device, or gravity FOG Interceptor. A hanging baffle is one that  
240 does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A  
241 slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at  
242 the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.
- 243 Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to  
244 the water reclamation facility and its treatment process.
- 245 Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures,  
246 and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(I) and (b). BMPs also  
247 include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or  
248 leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs shall also mean the means and  
249 methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by  
250 OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of*  
251 *certain established Categorical Pretreatment Standards and effluent limits.]*
- 252 Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in  
253 the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty  
254 degrees Centigrade (20°C).
- 255 Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.
- 256 Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale.  
257 Breweries also produce non-alcoholic products (e.g., "non-alcoholic beer"). Breweries shall also include craft  
258 brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced  
259 at the facility. *Also see Alcoholic Beverage.*
- 260 Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion  
261 of fat, oil, grease, solids, and water.
- 262 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater  
263 and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five  
264 (5) feet outside the building wall.
- 265 Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location.  
266 Building drains are considered a portion of the building sewer.
- 267 Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee*  
268 *Handbook* or when otherwise established by the OJRSA Board of Commissioners.
- 269 Bypass shall mean the intentional diversion of Wastestreams from any portion of a User's treatment 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.
- 275 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.

## OJRSA Sewer Use Regulation

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- 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 9.6, 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.
- 319 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-  
320 maceuticals and their constituents, and steroids and hormones.



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- 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 SCDES approved loca-  
356 tion.
- 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.
- 362 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-  
363 tion.

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- 364 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set  
365 forth in SECTION 9 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 10 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 10.3(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 for approval by OJRSA on a case-by-case basis for Multi-Family Developments.
- 405 FOG Permit. See definition for Permit.

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- 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 These are identified as an “under the sink” reservoir or a “floor trap” which is a small container or tank with  
412 baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be connected to a  
413 drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease interceptor” but  
414 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 10.3(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 without regard to the flow in the Wastestream  
445 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.
- 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.*

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- 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 B.
- 467 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in  
468 accordance with SCDES and EPA regulations.
- 469 Hearing Officer shall be defined by OJRSA SUR 9.2(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 from wastewater, and may incorporate a flow control  
478 device, air entrainment, and other means or principles to improve the efficacy of separation as demonstrated  
479 by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by an inde-  
480 pendent entity using specific equipment or devices that have been tested and meet or exceed standards estab-  
481 lished by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which may  
482 include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical Engineers  
483 (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combination of these  
484 and other entities to include the aforementioned requirements. Some jurisdictions refer to these as “hydrome-  
485 chanical 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.
- 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.

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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. (Under certain conditions, dormitories, communal living spaces, hostels and the  
551 like may be considered a Multi-Family Development.) A structure or complex of buildings is also considered to  
552 be a Multi-Family Development if it has a shared privately-owned sewer service (the portion located on private  
553 property) serving two (2) or more individual living units (e.g., apartments, townhomes, etc.) that is combined  
554 prior to connection to the public sewer system.
- 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, dormitories, communal living spaces (e.g., hostels) and other multi-unit hous-  
596 ing complexes with a common sewer service lateral or system serving multiple units prior to connecting with a  
597 public sewer. Also see Single-Family Residential, Multi-Family Development, Hotel with Kitchen, 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, SCDES, 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 SCDES to enforce the national pretreatment program  
672 requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Standards  
673 to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs to  
674 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 5 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 SCDES (or other such permit issued by SCDES and/or EPA) are those that would require a  
721 construction permit under SC R61-67 if built today. There are two (2) basic situations that would normally apply:

722 A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)

723 B. Pretreatment systems at industries

724

725 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-  
726 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

727 Satellite Sewer System Permit. See definition for Permit.

728 Satellite System shall collectively mean a Satellite Sewer System and private sewer.

729 Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate  
730 governing body(ies).

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

735 Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

736 Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

737 Sewer Service (aka "Lateral" or "Service Lateral") shall mean piping or plumbing that serves individual properties  
738 and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public  
739 sewer line.

740 Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

741 Shall is mandatory and requires compliance. May is permissive.

742 Significant Industrial User shall mean:

743 A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); or

744 B. An Industrial User that:

745 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the  
746 POTW (excluding non-process wastewater); or

747 2. Contributes a process Wastestream which makes up five percent (5%) or more of the average dry  
748 weather hydraulic or organic capacity of the POTW treatment plant; or

749 3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting  
750 the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance  
751 with SC R61-9 403.8(f)(6)).

752 Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for  
753 adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement,  
754 OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User,  
755 and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be consid-  
756 ered a Significant Industrial User.

757 C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may  
758 be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

759 Significant Noncompliance shall mean one or a combination of any of the following:

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- 760 A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or  
761 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
762 exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous lim-  
763 its;
- 764 B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or  
765 more of all of the measurements taken for the same pollutant parameter during a six (6) month period  
766 equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantane-  
767 ous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats,  
768 oil, and grease; and one and two-tenths (1.2) for all other pollutants except pH);
- 769 C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maxi-  
770 mum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused,  
771 alone or in combination with other discharges, interference or pass- through including endangering the  
772 health of POTW personnel or the general public;
- 773 D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the  
774 environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a dis-  
775 charge;
- 776 E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone  
777 contained in an individual wastewater discharge permit or enforcement order for starting construction,  
778 completing construction, or attaining final compliance;
- 779 F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including  
780 baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, pe-  
781 riodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;
- 782 G. Failure to accurately report noncompliance;
- 783 H. Any other violation(s), which may include a violation of Best Management Practices, which the Director  
784 determines will adversely affect the operation or implementation of the local Pretreatment Program.

785 Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended  
786 to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-  
787 Family Developments (if units have individual sewer plumbing that is not combined, or no more than two (2)  
788 units have shared sewer plumbing or service line, prior to connection to the public sewer system), and recrea-  
789 tional vehicles ("RV")/camper sites with an individual Water Meter and sewer connection.

790 Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the  
791 prohibited discharge standards in SECTION 5 of these Regulations; or any discharge of a nonroutine, episodic na-  
792 ture, including but not limited to, an accidental spill or a non-customary batch discharge which has a reasonable  
793 potential to cause interference or pass through, or in any other way will violate OJRSA Regulations, Local Limits,  
794 or Permit conditions.

795 South Carolina Department of Environmental Services shall mean the State cabinet agency established by state law  
796 on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South  
797 Carolina's environment and natural resources. Prior to July 1, 2024, SCDES was a division of the South Carolina  
798 Department of Health and Environmental Control (SCDHEC).

799 Special Pretreatment Device shall mean equipment used to reduce, remove or alter the nature of pollutants in  
800 wastewater prior to entering the Public Sewer. Such devices include, but are not limited to: FOG Control Devices,  
801 Oil/Water Interceptors, Sand/Oil Interceptors, Hair Trap/Interceptors, Lint Interceptors, Plaster Interceptors.  
802 Pretreatment Systems, and others as necessary to protect the conveyance system, treatment facility, and/or to  
803 comply with NPDES Permit requirements.

804 Standard Industrial Classification System shall mean a classification pursuant to the 1997 edition of the Standard  
805 Industrial Classification Manual issued by the Executive Office of the President of the United States' Office of  
806 Management and Budget (OMB). The NAICS system was set in place in 1997 to take the place of the SIC System.  
807 The SIC codes are still referenced in some pretreatment regulations and are still currently in use.



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- 808 State shall mean the state of South Carolina.
- 809 Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to  
810 which wastewater is not intentionally admitted.
- 811 Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting there-  
812 from.
- 813 Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water,  
814 wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or  
815 equivalent methods approved by EPA, and referenced as non-filterable residue.
- 816 Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater  
817 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this com-  
818 pound is  $\text{NH}_3\text{-N}$ .
- 819 Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as  
820 prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.
- 821 Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of  
822 a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.
- 823 Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which  
824 when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment  
825 process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the  
826 POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or com-  
827 bination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307  
828 (33 USC §1317) of the Act, or other acts.
- 829 Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water  
830 quality standards if such water were discharged to Waters of the State/United States.
- 831 Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Cate-  
832 gorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An up-  
833 set does not include noncompliance to the extent caused by operational error, improperly designed treatment  
834 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 835 User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignifi-  
836 cant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of  
837 wastewater to the POTW. *Also see Industrial User and Nonsignificant Industrial User.*
- 838 User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the  
839 wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board  
840 of Commissioners.
- 841 Wastestream shall mean the complete flow of liquid waste from its source to its final disposal. The contributors of  
842 Wastestreams are Residential and Nonresidential Users.
- 843 Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial build-  
844 ings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.
- 845 A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet  
846 and other sanitary plumbing facilities.
- 847 B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any  
848 industrial establishment and resulting from any trade or process carried on in that establishment and shall  
849 include the wastes from pretreatment facilities and cooling water.



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850 Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by  
851 the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of  
852 the effluent and accumulated residual solids.

853 Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or  
854 other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures  
855 any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in  
856 the sewer that is conveyed to the OJRSA wastewater treatment plant. *A Water Meter does not include meters*  
857 *on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation*  
858 *systems as they are not typically connected to a collection system; however, if it is determined that they are on*  
859 *a case-by-case basis, then they shall be treated as a Water Meter defined herein.*

860 Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reser-  
861 voirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or  
862 underground, natural or artificial, public or private, which are contained within, flow through, or border upon  
863 the State or any portion thereof.

864 Waters of the United States shall be defined by 40 CFR 230.3(s).

865 Wet Signature shall mean an original signature created when a person physically marks a document using pen and  
866 ink with the intent to sign the record.

867 Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product  
868 of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for  
869 products for produced at the facility *Also see Alcoholic Beverage.*

870 Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources  
871 (water, wastewater, solid waste, etc.) and can be recycled. Most "yellow grease" is deep fat fryer grease that  
872 has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not  
873 accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA  
874 water reclamation facility.

### 875 **3.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

876 °C: Celsius

877 °F: Fahrenheit

878 §: Section

879 ADF: Average Daily Flow (unit of volume during a pe-  
880 riod of time)

881 ADMI: American Dye Manufacturers Institute

882 AO: Administrative Order

883 ASCE: American Society of Civil Engineers

884 ASME: American Society of Mechanical Engineers

885 ASTM: American Society of Testing and Materials-In-  
886 ternational

887 Atty: OJRSA Attorney (General Counsel) and/or  
888 Other Legal Counsel as Designated by OJRSA  
889 Board of Commissioners

890 BMP or BMPs: Best Management Practice(s)

891 BOD: Biochemical Oxygen Demand

892 CAO: Chief Administrative Officer

893 CCPI: Cumulative Consumer Price Index

894 CEC: Contaminants of Emerging Concern

895 CEO: Chief Executive Officer

896 CFR: Code of Federal Regulations

897 CIU: Categorical Industrial User

898 CMOM: Capacity, Management, Operation, and  
899 Maintenance Audit

900 CPI: Consumer Price Index of All Urban Consumers

901 (CPI-U)—U.S. city average, All items (as issued by  
902 the US Bureau of Labor Statistics)

903 COD: Chemical Oxygen Demand

904 CROMERR: Cross Media Electronic Reporting Rule

905 CSA: Canadian Standards Association

906 CWA: Clean Water Act

907 Dir: Executive Director of the OJRSA

908 DMR: Discharge Monitoring Report

909 e.g.: *Exempli Gratia*, Latin for "for example"

910 EPA: United States Environmental Protection Agency

911 ERG: Enforcement Response Guide

912 et seq.: *Et Sequentes*, Latin for "and the following"

913 FCD: FOG Control Device

914 FOG: Fats, Oils, and Grease

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915	FOG Insp: FOG Inspector (or person(s) authorized to	955	PC: Pretreatment Coordinator or person(s) author-
916	serve in this capacity for the OJRSA)	956	ized to serve in this capacity by or Inspector for
917	FOIA: South Carolina Freedom of Information Act (SC	957	the OJRSA
918	Law Title 30 Chapter 4)	958	PFAS: Per- and Polyfluoroalkyl Substances
919	FSE: Food Service Establishment	959	PDF: Portable Document Format
920	gal: Gallon (unit of volume)	960	PDI: Plumbing and Drainage Institute
921	gpd: Gallons per Day (unit of volume during a period	961	pH: Potential of Hydrogen or Power of Hydrogen
922	of time)	962	(unit of acidity/basicity)
923	HFD: Hydromechanical FOG Device	963	PL: Public Law
924	I&I: Inflow and Infiltration	964	POTW: Publicly Owned Treatment Works
925	in.: Inch or Inches, as appropriate (unit of distance)	965	PU: Private Utility
926	IU: Industrial User	966	QAC or QACs: Quaternary Ammonium Compound(s)
927	kg: Kilogram (unit of mass)	967	RSC: Regulatory Services Coordinator or Inspector
928	lb (or lbs): Pound or Pounds, as appropriate (unit of	968	(or person(s) authorized to serve in this capacity
929	mass)	969	for the OJRSA)
930	MB: Megabyte	970	SC Rxx (where "xx" is either letters and/or numbers):
931	mg/L: Milligrams per Liter (unit of concentration)	971	South Carolina Regulation ("xx" references the
932	NAICS: North American Industry Classification Sys-	972	regulation)
933	tem	973	RCRA: Resource Conservation and Recovery Act
934	NCPS: National Categorical Pretreatment Standard(s)	974	SC: South Carolina
935	NH <sub>3</sub> -N: Ammonia Nitrogen	975	SCADA: Supervisory Control and Data Acquisition
936	No.: Number	976	SCDES: South Carolina Department of Environmental
937	NOAA: National Oceanic and Atmospheric Admin-	977	Services or any successor agency
938	istration	978	SCDHEC: South Carolina Department of Health and
939	NOSNC: Notice of Significant Noncompliance	979	Environmental Control, predecessor agency to
940	NOV: Notice of Violation	980	SCDES
941	NPDES: National Pollutant Discharge Elimination Sys-	981	SDWA: Safe Drinking Water Act
942	tem	982	SIC: Standard Industrial Classification System
943	NSF: National Sanitation Foundation	983	SIU: Significant Industrial User
944	O&M: Operation and Maintenance	984	SNC: Significant Noncompliance
945	OD: Oxygen Demand	985	SS: Suspended Solids
946	OJRSA: Oconee Joint Regional Sewer Authority	986	SU: Standard Units for pH Measurements
947	OJRSA SUR xx (where "xx" is either letters and/or	987	SUR: <i>OJRSA Sewer Use Regulation</i>
948	numbers): Oconee Joint Regional Sewer Authority	988	SWDA: Solid Waste Disposal Act
949	Regulation ("xx" references the regulation)	989	TKN: Total Kjeldahl Nitrogen
950	OMB: Office of Management and Budget, an office	990	TMS: Tax Map System
951	within the Executive Office of the President of the	991	TRC: Technical Review Criteria
952	United States	992	TSS: Total Suspended Solids
953	OSHA: Occupational Safety and Health Administra-	993	US: United States
954	tion	994	USC: United States Code
		995	WEF: Water Environment Federation

### 3.5 DOCUMENT FORMAT AND CONSTRUCTION

- A. This Regulation contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Sewer Use Regulation*.

**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 3.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

- 1001  
1002 B. In this Regulation, unless the context otherwise requires:  
1003 1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of  
1004 this Regulation.  
1005 2. The terms "hereby," "hereof," "hereto," "herein," "hereunder," and any similar terms refer to this  
1006 Regulation, and the term "hereafter" shall mean after, and the term "heretofore" shall mean be-  
1007 fore the date of adoption of this Regulation.

**3.6 ELECTRONIC SUBMITTAL OF DOCUMENTS**

1008 The following information does not apply to documents that require a Wet Signature as stated in the appropriate  
1009 sections of the *OJRSA Sewer Use Regulation* (SUR). Applications and documents may be submitted electronically  
1010 in accordance with the following requirements. Documents not meeting these conditions shall not be accepted.  
1011

- 1012 A. All electronic submittals must be in Portable Document Format (PDF).  
1013 B. Each submittal document must be a separate PDF (there can be multiple pages within each PDF document  
1014 so long as they are all associated with the same document, form, etc.).  
1015 C. The file size for any single PDF submitted must not exceed fifty megabytes (50 MB) (building and site plan  
1016 submittals can exceed this file size). It shall be the responsibility of the User submitting the document to  
1017 ensure its delivery and receipt by the OJRSA.  
1018 D. Ensure all layers are flattened in the authoring program prior to export and submittal. (Scanned documents  
1019 are inherently flattened)  
1020 E. Orient all sheets so the top of the page is always at the top of the computer screen (right side up).  
1021 F. All sheets must be numbered, labeled, or titled.  
1022 G. Documents requiring Wet Signatures as stated within the SUR may be submitted electronically but must be  
1023 accompanied by the Wet Signature hard copy.

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1024 **Section 4 – Use of Sewers**1025 **4.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE**

1026 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User's consent and  
1027 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations  
1028 promulgated hereunder, including enforcement and penalty provisions.

1029 **4.2 SEWER SYSTEMS**

- 1030 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-  
1031 quirement shall not apply to systems which are owned by multiple public entities.
- 1032 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or  
1033 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line  
1034 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby  
1035 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1036 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-  
1037 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force  
1038 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations  
1039 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-  
1040 tified in the *OJRSA Development Policy*;
  - 1041 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the  
1042 Sewer System in its entirety is owned by a public entity.
  - 1043 3. Further, the application to OJRSA will include an opinion from the PU's legal counsel that such PU  
1044 is authorized to own and operate the Sewer System and to enter into the contracts by which it  
1045 gained ownership and control of the system.
- 1046 C. Sewer Systems that are to remain privately owned must be permitted by SCDES and/or the OJRSA as a  
1047 Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance with  
1048 the SCDES Satellite Sewer System Permit or other such permit or requirement of SCDES and these Regula-  
1049 tions.
- 1050 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1051 1. All requests for service inside the service area of a Member City, municipality, or County shall be  
1052 under the direction and approval of a Member City, municipality or County. This provision allows  
1053 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such  
1054 Sewer System a part of the Member City, municipality, or County's Sewer System.
  - 1055 2. The application for service to OJRSA shall be under the direction and approval of the Member City,  
1056 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or  
1057 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured  
1058 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume  
1059 ownership, operational, maintenance, and financial responsibility for the PU.
  - 1060 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which  
1061 such entity obtained control of the system. A term of that contract shall require ownership of the  
1062 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System  
1063 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for  
1064 an unsafe or unsanitary operating condition. The contract will include express provision giving  
1065 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary  
1066 thereto.

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**4.3 PERMITS REQUIRED**

- 1067
- 1068 A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via
- 1069 Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
- 1070 B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall
- 1071 not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Indus-
- 1072 trial Users must also comply with OJRSA SUR 4.3(D) and 7.1.
- 1073 C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting
- 1074 record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such
- 1075 permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
- 1076 D. Industrial Users
- 1077 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit
- 1078 Application and Questionnaire and obtain approval to connect and use the sewer facilities, regard-
- 1079 less of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite
- 1080 for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
- 1081 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by
- 1082 completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the
- 1083 Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of
- 1084 the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as pro-
- 1085 vided by the Director or his/her designee. This application shall be obtained from the OJRSA.
- 1086 E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements
- 1087 to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into
- 1088 the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source
- 1089 Wastewater Discharge Permit.

**4.4 RESPONSIBILITY OF COSTS**

1090 All costs and expense incident to the installation and connection of building sewers and/or extension of the con-

1091 veyance system shall be borne by the Owner.

1092

**4.5 USE OF PUBLIC SEWERS REQUIRED**

- 1093
- 1094 A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any
- 1095 wastewater, except where suitable treatment has been provided in accordance with subsequent provisions
- 1096 of these Regulations and with regulations of SCDES.
- 1097 B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic
- 1098 tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 1099 C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or
- 1100 other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is
- 1101 hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such
- 1102 facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unu-
- 1103 usual or specific circumstances, the Director may waive this provision. This requirement shall not apply to
- 1104 any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic
- 1105 system permitted by SCDES in compliance with S.C. Regulation 61-56. Such properties may continue to
- 1106 utilize their existing septic systems until and unless SCDES requires those properties to connect to public
- 1107 sewer pursuant to S.C. Regulation 61-56.
- 1108 D. Exceptions
- 1109 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct con-
- 1110 nection of sewer service.
- 1111 2. Where annexation or easements to cross adjacent property are required to connect to the
- 1112 wastewater system at the time of application, then sewer shall not be considered accessible. A
- 1113 deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between



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- 1114 the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed  
 1115 shall be identifiable by County Tax Map System (TMS) number.
- 1116 E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to  
 1117 relieve a User of any additional requirements that may be imposed by other authorities having legal juris-  
 1118 diction.

1119 **4.6 SEWER CONSTRUCTION AND MATERIALS**

- 1120 A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must  
 1121 meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable exten-  
 1122 sion of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider  
 1123 these situations on a case-by-case basis.
- 1124 B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new  
 1125 treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in ac-  
 1126 cordance with the OJRSA's requirements as stated within the current version of the OJRSA Development  
 1127 Policy and shall be subject to their review and approval and be in compliance with any applicable SCDES  
 1128 requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the operation and  
 1129 maintenance costs of treatment systems and pump stations upon such terms and conditions as it deems  
 1130 appropriate.

1131 **4.7 CERTAIN CONNECTIONS PROHIBITED**

- 1132 A. Connections Not Allowed to Sewer
- 1133 1. No person shall make any connection of roof downspouts, exterior foundation drains, area drains,  
 1134 dumpster pad drains, or other sources of inflow, infiltration, or other unpolluted waters to a build-  
 1135 ing sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
  - 1136 2. Floor drains are not permitted in areas where machining, automotive repair, painting, and other  
 1137 such activities take place that are directly or indirectly (such as to a Satellite Sewer System) con-  
 1138 nected to the OJRSA sanitary sewer system.
  - 1139 3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a gar-  
 1140 bage grinder or allow any discharge from such grinder from any unit or portion of its facility unless  
 1141 written permission has been granted by the Director.
  - 1142 4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR  
 1143 5.2(D).
- 1144 B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer.  
 1145 Upon discovery, such disposals shall be reported to SCDES for investigation and enforcement.

1146 **4.8 MULTIPLE CONNECTIONS THROUGH ONE-BUILDING SEWER**

1147 A separate and independent building sewer shall be provided for every building; except where one (1) building  
 1148 stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear  
 1149 building through an adjoining alley, court, yard, easement, or driveway. The building sewer from the front building  
 1150 may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by  
 1151 OJRSA.

1152 **4.9 USE OF OLD BUILDING SEWERS**

- 1153 A. Old building sewers may be used in connection with new buildings only when they are found, upon exami-  
 1154 nation and testing, to meet all requirements of these Regulations.
- 1155 B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm  
 1156 compliance with these Regulations prior to authorizing the connection to their system.



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- 1157 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall  
1158 be connected to private wastewater disposal systems subject to the requirements of the County or SCDES.

1159 **4.10 COMPLIANCE WITH OTHER REGULATIONS**

1160 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and  
1161 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-  
1162 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.  
1163 All joints of the building sewer shall be tight and waterproof.

1164 **4.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER**

- 1165 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement  
1166 floor.  
1167 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater  
1168 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the  
1169 building sewer.  
1170 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable  
1171 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-  
1172 tight and watertight.  
1173 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-  
1174 cordance with the *OJRSA Development Policy* before installation.

1175 **4.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION**

1176 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection  
1177 and connection to the public sewer no less than two (2) full business days prior to making the connection. The  
1178 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.  
1179 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect  
1180 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work  
1181 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,  
1182 the Occupational Safety and Health Act of 1970.

1183 **4.13 SPECIAL PRETREATMENT DEVICES**

- 1184 A. All Special Pretreatment Devices may be subject to construction and operational permitting by SCDES.  
1185 B. FOG Control Devices  
1186 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they  
1187 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,  
1188 sand, or other harmful ingredients as required by SECTION 10 of these Regulations. Applicable facil-  
1189 ities for these systems include those identified in that Section; except that such devices shall not be  
1190 required for Single-Family Residential or dwelling units unless associated with regulated Multi-Fam-  
1191 ily Developments or a Hotel with Kitchen as stated in OJRSA SUR 10.3(C).  
1192 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
1193 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
1194 approved security mechanisms installed to prevent unauthorized access or use.  
1195 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the  
1196 Owner at their expense and in continuously efficient operation at all times.  
1197 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
1198 posal by appropriate means of the captured material and shall maintain records of the dates and  
1199 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
1200 as appropriate.

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- 1201 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
1202 Federal, and Local regulations.
- 1203 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
1204 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1205 C. Oil and Grit Removal Systems
- 1206 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for  
1207 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for  
1208 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical  
1209 maintenance shops, industries, etc.
- 1210 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall  
1211 be located as to be readily and easily accessible for cleaning and inspection with adequate and  
1212 approved security mechanisms installed to prevent unauthorized access or use.
- 1213 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-  
1214 cured by the Owner at their expense in continuously efficient operation at all times.
- 1215 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-  
1216 posal by appropriate means of the captured material and shall maintain records of the dates and  
1217 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body  
1218 as appropriate.
- 1219 5. Any removal and hauling of collected materials shall be performed according to applicable State,  
1220 Federal, and Local regulations.
- 1221 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-  
1222 less the facility can document that four (4) months does not affect the functionality of the devices  
1223 or impact the sewer system.
- 1224 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance  
1225 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1226 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to  
1227 meet the requirements of SECTIONS 5.4 and 5.9, Industries or other Users are required to install specialized  
1228 equipment on a case-by-case basis as determined by the OJRSA and/or SCDES in order to:
- 1229 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-  
1230 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1231 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1232 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1233 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-  
1234 cilities.
- 1235 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply  
1236 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair  
1237 Trap/Interceptors, and Plaster Separators.

**4.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE**

- 1238 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1239 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-  
1240 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1241 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and  
1242 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g., SCDES).
- 1243 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for  
1244 engineering standards or regulations met per SECTION 4.14, and be inspected and approved by County or  
1245 Member City Codes Department (or other as appropriate), OJRSA, and/or SCDES.
- 1246

**4.15 CONNECTION CONSTITUTES CONSENT**

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1248 Connection to the OJRSA’s system shall constitute consent and agreement by the User to be bound by and to abide  
1249 with all OJRSA Regulations and requirements.

1250 **4.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER**

1251 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*  
1252 *Development Policy*.

1253 **4.17 VARIANCES**

- 1254 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or  
1255 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and  
1256 may be included in a Discharge Permit or other written document as issued by OJRSA.
- 1257 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and  
1258 State laws.
- 1259 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and  
1260 policies, including but not limited to these Regulations, fees, design, and construction matters. There may  
1261 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,  
1262 these shall only apply to the section and subsection in which it is stated.

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## Section 5 – Prohibitions and Limitations on Wastewater Discharges

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### 5.1 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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- 1309 8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.
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- 1311 9. Wastewater which constitutes a slug discharge as defined herein.
- 1312 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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- 1319 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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- 1321 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1322 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.
- 1323
- 1324 14. Any trucked or hauled pollutants not authorized under SECTION 11 of these Regulations.
- 1325 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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- 1330 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1331 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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- 1336 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1337 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
- 1338 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.
- 1339
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- 1341 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.
- 1342
- 1343 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 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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## 1353 5.2 CONDITIONALLY PROHIBITED DISCHARGES

1354 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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1357 to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW**  
 1358 **WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

1359  
 1360 A. Grease, Waxes, and Oils:

- 1361 1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)  
 1362 (a) Wastewater shall not exceed an average concentration of more than one hundred milli-  
 1363 grams per liter (100 mg/L) of such oil or grease.  
 1364 (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing  
 1365 Test Procedures for the Analysis of Pollutants.  
 1366 2. Oil or Grease of Animal or Vegetable Origin  
 1367 (a) Wastewater shall not exceed an average concentration of more than two hundred milli-  
 1368 grams per liter (200 mg/L) of such oil or grease.  
 1369 (b) Analyses for total oil and grease and for total petroleum oil and grease shall be performed  
 1370 in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of  
 1371 Pollutants. The difference between the hydrocarbon analysis and the total recoverable  
 1372 grease and oil analysis will be considered grease or oil of animal or vegetable origin.  
 1373 3. Wastewater containing substances which may solidify or become viscous at a temperature be-  
 1374 tween thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).  
 1375 4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION  
 1376 10 and SECTION 11 of this Regulation address provisions as they are applicable to hauled waste.

1377 B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater  
 1378 treatment processes employed.

1379 C. Holding tank waste.

1380 D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming  
 1381 pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including  
 1382 industrial wastewater), unless specifically authorized by the Director.

1383 **5.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS**

- 1384 A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards  
 1385 or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these  
 1386 Regulations.  
 1387 B. No person shall discharge wastewater in excess of the concentration or mass limit set forth in National  
 1388 Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as  
 1389 listed on an individual Discharge Permit. The Director shall establish permit limitations on industrial and  
 1390 Commercial Users on a case-by-case basis in accordance with SCDES and EPA regulations. Where appropri-  
 1391 ate and allowed by applicable regulations, the Director may impose concentration and/or mass limitations  
 1392 on a discharge.  
 1393 C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall  
 1394 discharge wastewater containing an excess of these pollutant limits.  
 1395 D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Dis-  
 1396 charge Permits to implement Local Limits and the requirements of SECTION 5.1 of these Regulations.

1397 **5.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS**

- 1398 A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter  
 1399 I, Subchapter N, Parts 405-471 and/or SECTION 5.3.  
 1400 B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified  
 1401 in S.C. R.61-9 403.



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- 1402 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part  
1403 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-  
1404 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the  
1405 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-  
1406 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-  
1407 corporated into the Pretreatment Program.
- 1408 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the  
1409 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or  
1410 mass limits in accordance with this Section.
  - 1411 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of  
1412 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-  
1413 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of  
1414 calculating effluent limitations applicable to individual Industrial Users.
  - 1415 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not  
1416 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC  
1417 R61-9 403.6I.
  - 1418 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,  
1419 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-  
1420 mination to convert concentration limits to mass limits is within the discretion of the Director.  
1421 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set  
1422 forth below.
    - 1423 (a) To be eligible for equivalent mass limits, the Industrial User must:
      - 1424 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-  
1425 nologies that substantially reduce water use during the term of its individual  
1426 wastewater discharge permit;
      - 1427 (ii) Currently use control and treatment technologies adequate to achieve compliance  
1428 with the applicable Categorical Pretreatment Standard, and not have used dilution  
1429 as a substitute for treatment (SECTION 5.5);
      - 1430 (iii) Provide sufficient information to establish the facility's actual average daily flow  
1431 (ADF) rate for all waste streams, based on data from a continuous effluent flow  
1432 monitoring device as well as the facility's long-term average production rate. Both  
1433 the actual ADF rate and the long-term average production rate must be representa-  
1434 tive of current operating conditions;
      - 1435 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-  
1436 cantly that equivalent mass limits are not appropriate to control the discharge; and
      - 1437 (v) Have consistently complied with all applicable Categorical Pretreatment Standards  
1438 during the period prior to the Industrial User's request for equivalent mass limits.
    - 1439 (b) An Industrial User subject to equivalent mass limits must:
      - 1440 (i) Maintain and effectively operate control and treatment technologies adequate to  
1441 achieve compliance with the equivalent mass limits;
      - 1442 (ii) Continue to record the facility's flow rates through the use of a continuous effluent  
1443 flow monitoring device;
      - 1444 (iii) Continue to record the facility's production rates and notify the Director whenever  
1445 production rates are expected to vary by more than twenty percent (20%) from its  
1446 baseline production rates determined in paragraph 5.4(C)(4)(a)(iii) of this Section.  
1447 Upon notification of a revised production rate, the Director will reassess the equiv-  
1448 alent mass limit and revise the limit as necessary to reflect changed conditions at  
1449 the facility; and

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- 1450 (iv) Continue to employ the same or comparable water conservation methods and  
1451 technologies as those implemented pursuant to paragraph 5.4(C)(4)(a)(i) of this  
1452 Section as long as it discharges under an equivalent mass limit.
- 1453 (c) When developing equivalent mass limits, the Director:
- 1454 (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the  
1455 regulated process(es) of the Industrial User by the concentration-based Daily Max-  
1456 imum and Monthly Average standards for the applicable Categorical Pretreatment  
1457 Standard and the appropriate unit conversion factor;
- 1458 (ii) Upon notification of a revised production rate, will reassess the equivalent mass  
1459 limit and recalculate the limit as necessary to reflect changed conditions at the fa-  
1460 cility; and
- 1461 (iii) May retain the same equivalent mass limit in subsequent individual wastewater  
1462 discharge permit terms if the Industrial User's actual ADF rate was reduced solely  
1463 as a result of the implementation of water conservation methods and technologies,  
1464 and the actual ADF rates used in the original calculation of the equivalent mass limit  
1465 were not based on the use of dilution as a substitute for treatment pursuant to  
1466 SECTION 5.5. The Industrial User must also be in compliance with these Regulations  
1467 regarding the prohibition of bypass.
- 1468 5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts  
1469 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to indi-  
1470 vidual Industrial Users. The conversion is at the discretion of the Director.
- 1471 (a) Once included in its permit, the Industrial User must comply with the equivalent limitations  
1472 developed in this Section in lieu of the promulgated Categorical Pretreatment Standards  
1473 from which the equivalent limitations were derived.
- 1474 (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum  
1475 daily discharge limitations and a second limit for calculating maximum Monthly Average, or  
1476 four (4) day average, limitations. Where such Standards are being applied, the same pro-  
1477 duction or flow figure shall be used in calculating both the average and the maximum equiv-  
1478 alent limitation.
- 1479 (c) Any Industrial User operating under a permit incorporating equivalent mass or concentra-  
1480 tion limits calculated from a production-based Standard shall notify the Director within two  
1481 (2) business days after the User has a reasonable basis to know that the production level  
1482 will significantly change within the next calendar month. Any User not notifying the Direc-  
1483 tor of such anticipated change will be required to meet the mass or concentration limits in  
1484 its permit that were based on the original estimate of the long-term average production  
1485 rate.

**5.5 DILUTION PROHIBITION**

1486 Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a dis-  
1487 charge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations de-  
1488 veloped by the OJRSA, State, or Federal Regulations.  
1489

**5.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS**

- 1490 A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/  
1491 slug control plan or other actions to control slug discharges. Users shall provide protection from accidental  
1492 discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent  
1493 accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner.  
1494 When required, detailed plans showing facilities and operating procedures to provide this protection shall  
1495 be submitted to the OJRSA for review and shall be approved by the OJRSA and SCDES as necessary before  
1496

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1497 construction of the facility. Review and approval of such plans and operating procedures shall not relieve  
1498 the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

- 1499 B. The accidental discharge/slug control plan when required shall be submitted to the Director and to SCDES  
1500 containing at a minimum the following:

- 1501 1. Description of discharge practices, including nonroutine batch discharges.
- 1502 2. Description of stored chemicals.
- 1503 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notifica-  
1504 tion must also be given for any discharge which would violate any of the prohibited discharges.
- 1505 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures in-  
1506 clude but are not limited to: inspection and maintenance of storage areas, handling and transfer of  
1507 materials, loading and unloading operations, control of plant site run-off, worker training, building  
1508 of containment structures or equipment, measure for containing toxic organic pollutants (including  
1509 solvents), and/or measures and equipment for emergency response.

### 1510 **5.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE**

- 1511 A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance  
1512 with Categorical Pretreatment Standards if the requirements of Paragraph 5.7(B) are met.
- 1513 B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of  
1514 upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evi-  
1515 dence, that:
- 1516 1. An upset occurred and the User can identify the cause(s) of the upset;
  - 1517 2. The facility was at the time being operated in a prudent and worker-like manner and in compliance  
1518 with applicable operation and maintenance procedures; and
  - 1519 3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or  
1520 Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays)  
1521 of becoming aware of the upset [if this information is provided orally, a written submission must  
1522 be provided within five (5) calendar days]:
    - 1523 (a) A description of the indirect discharge and cause of noncompliance;
    - 1524 (b) The period of noncompliance, including exact dates and times or, if not corrected, the an-  
1525 ticipated time the noncompliance is expected to continue; and
    - 1526 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-  
1527 compliance.
- 1528 C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an  
1529 upset shall have the burden of proof.
- 1530 D. Judicial Determination
- 1531 1. Users shall have the opportunity for a judicial determination on any claim of upset only in an en-  
1532 forcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined  
1533 in SECTION 9 herein.
  - 1534 2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges  
1535 to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon re-  
1536 duction, loss, or failure of its treatment facility until the facility is restored or an alternative method  
1537 of treatment is provided. This requirement applies in the situation where, among other things, the  
1538 primary source of power of the treatment facility is reduced, lost, or fails.

### 1539 **5.8 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION**

1540 Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations  
1541 of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or  
1542 longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter  
1543 characteristics of the wastewater.

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**5.9 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 10.
    4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**5.10 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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1592 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-  
 1593 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent  
 1594 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral  
 1595 report has been received within twenty-four (24) hours.

- 1596 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User  
 1597 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:  
 1598 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental  
 1599 damage; and  
 1600 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,  
 1601 retention of untreated wastewater, or maintenance during normal periods of equipment down-  
 1602 time. This condition is not satisfied if adequate backup equipment should have been installed in the  
 1603 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal  
 1604 periods of equipment downtime or preventative maintenance; and  
 1605 3. The Industrial User submitted notices as required in this Section.  
 1606 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-  
 1607 mines at it will meet the conditions listed in this section.

**5.11 RECOVERY OF PREVENTATIVE EXPENSES**

1608 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that  
 1609 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA  
 1610 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or  
 1611 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative  
 1612 measures shall be charged to and paid by the User and/or Owner.  
 1613

**5.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS**

1614 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to  
 1615 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-  
 1616 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving  
 1617 waters/biosolids.  
 1618

- 1619  
 1620 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-  
 1621 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on  
 1622 specified CEC; and specified information on Users' products and processes that may contribute to the cre-  
 1623 ation of discharge of CEC.  
 1624 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs  
 1625 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by  
 1626 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall  
 1627 include any existing data in the possession or control of the User and may include requirements for the  
 1628 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,  
 1629 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance  
 1630 with this Regulation.  
 1631 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User  
 1632 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 9.2) or  
 1633 otherwise pursuant to the terms of this Regulation actions by a User to address CEC.  
 1634 1. Such actions may include:  
 1635 (a) Further or routine monitoring requirements;  
 1636 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable  
 1637 or User-specific technology-based limits; and  
 1638 (c) Requirements for BMPs.



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1639 2. Any such requirements may be based on:

- 1640 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;  
 1641 (b) EPA or DHEC standards or criteria; or  
 1642 (c) Generally accepted criteria determinations by recognized national scientific entities.

### 1643 **5.13 QUATERNARY AMMONIUM COMPOUNDS**

1644 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-  
 1645 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long  
 1646 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection  
 1647 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial  
 1648 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's  
 1649 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-  
 1650 form the wastewater treatment.

- 1651  
 1652 A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right  
 1653 to ban or require the addition of chemicals that deactivate the QAC.  
 1654 B. OJRSA must approve the chemicals used to deactivate the QAC.  
 1655 C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs  
 1656 is subject to the enforcement actions delineated in this Regulation.

### 1657 **5.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1658 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to  
 1659 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,  
 1660 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,  
 1661 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-  
 1662 mum:

- 1663  
 1664 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION 5  
 1665 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then  
 1666 the facility will be required to install and maintain that equipment at their expense.  
 1667 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-  
 1668 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.  
 1669 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-  
 1670 struction or equipment installation.  
 1671 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of  
 1672 discharge to the sewer system.  
 1673 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids  
 1674 removal, then they must comply with applicable sections of this Regulation as well as SCDES requirements  
 1675 for a construction permit (SC R61-67).  
 1676 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to  
 1677 the enforcement actions set forth in SECTION 9.

### 1678 **5.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

- 1679 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition  
 1680 of a Satellite Sewer System (collectively referred to in SECTION 5.15 as a "Satellite System") shall be required  
 1681 to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.  
 1682 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not  
 1683 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per



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1684 day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite  
1685 System is being measured. A high recurrence interval storm shall be classified as the following per NOAA  
1686 Atlas 14 Point Precipitation Frequency Estimates:

- 1687 1. Five (5) year recurrence interval or greater
- 1688 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length  
1689 in minutes or days
- 1690 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude  
1691 or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-  
1692 site: PF Map: Contiguous US (noaa.gov)

1693 C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow  
1694 criteria shall be evaluated at each connection point independently of any other connection points, which  
1695 may necessitate data collection from the Satellite System's infrastructure.

1696 D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a  
1697 pump station as near to the connection point as practicable. All effort shall be made to establish a flow  
1698 monitoring point that minimizes:

- 1699 1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
- 1700 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any  
1701 other Satellite System flow monitoring points.

1702 E. The Satellite System shall provide metering data and any required follow up information to OJRSA for re-  
1703 view. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date  
1704 for that analysis.

1705 F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the  
1706 Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge  
1707 (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.

1708 G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Meas-  
1709 ured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow  $\leq$  Allowable Daily Flow).

1710 H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as  
1711 follows:

- 1712 1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influ-  
1713 ence. (See SECTION 5.15.1 for an example):

1714 (a) For a flowmeter with at least twelve (12) months of flow data:

- 1715 (i) Actual daily flows for the last twelve (12) months will be calculated for each month  
1716 and averaged to produce an average daily flow (ADF) for each month of data. Data  
1717 shall be reviewed to exclude any days with missing or questionable data that could  
1718 skew the calculation. For a month to have valid data to be included in the analysis,  
1719 at least seventy-five (75%) of the days within the month should have complete  
1720 data. A minimum of nine (9) months of valid data within the previous twelve (12)  
1721 month period should be used for the analysis; if there is less than nine (9) months  
1722 of valid data within the last twelve (12) months, then the evaluation period shall  
1723 extend to prior to the last twelve (12) month period until there is at least nine (9)  
1724 months of valid data.

- 1725 (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and  
1726 the month with the lowest ADF shall be designated as the ADF to be used in the  
1727 analysis.

1728 (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be  
1729 performed with as many months of data as possible. Once there is twelve (12) months of  
1730 data, the calculation shall be performed as detailed above.

1731 (c) ADF shall be recalculated annually.

1732 (d) For the ADF calculated in the above steps, the amount should be increased by a factor of  
1733 five percent (5%) (or else by a different factor if documented by the meter manufacturer

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- 1734 and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The  
 1735 maximum meter accuracy allowance that may be used is ten percent (10%).  
 1736 2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide*  
 1737 *for Estimating Inflow and Infiltration*) (See SECTION 5.15.2 for an example):  
 1738  $2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10)$   
 1739  $+ (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$   
 1740 *Where "X" represents each additional diameter pipe in the satellite sewer system*  
 1741 (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until oth-  
 1742 erwise verified.  
 1743 3. For any particular day (See SECTION 5.15.3 for an example):  
 1744  $Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage})]$   
 1745  $+ Allowable \text{ I\&I Flow}$   
 1746 I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC  
 1747 Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering  
 1748 practice.

1749 **5.15.1 Average Daily Flow Calculation Formula and Example**

1750 Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five per-  
 1751 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

1752 In looking at the last twelve (12) months of data, only eight (8) of the twelve (12) months have valid data for seventy-  
 1753 five percent (75%) or more of the days. Therefore, data for the highlighted months are thrown out, and November  
 1754 2020 data is used to obtain nine (9) most recent months of valid data.  
 1755

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

1760 **5.15.2 Allowable I&I Flow Calculation Formula and Example**

1761 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

1762

1763

1764

1765

1766

$$\text{Allowable I\&I Flow}^1 = 2,000 \text{ gpd} * [(2,200*4/5,280) + (9,800*6/5,280) + (107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) + (1,800*18/5,280)]$$

$$\underline{\text{Allowable I\&I Flow}} = 439,167 \text{ gpd}$$

1767

**5.15.3 Allowable Daily Flow Formula and Example**

1768

1769

1770

1771

1772

1773

$$\begin{aligned} \text{Allowable Daily Flow} &= [\text{Average Daily Flow (ADF)} \times (1 + \text{Meter Accuracy Percentage})] + \\ &\text{Allowable I\&I Flow}] + \text{Allowable I\&I Flow} \\ &= (474,201 \text{ gpd} * 1.05) + 439,167 \text{ gpd} \\ &= 497,911 \text{ gpd} + 439,167 \text{ gpd} \end{aligned}$$

$$\underline{\text{Allowable Daily Flow}} = 937,078 \text{ gpd}$$

1774

1775

1776

1777

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.

<sup>1</sup> NOTE: Must convert linear footage of pipe into miles by dividing by 5,280 feet per mile.

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1778 **Section 6 – Revenue System**1779 **6.1 FEES AND CHARGES AS REGULATION**

- 1780 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1781 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1782 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1783 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1784 developed for the following purposes:
- 1785 1. Industrial monitoring, inspections, and surveillance procedures;
  - 1786 2. Reviewing accidental discharge procedures and construction;
  - 1787 3. Reviewing permit applications and plans;
  - 1788 4. Reviewing appeals;
  - 1789 5. Special industrial discharges;
  - 1790 6. Recovering capital related expenditures or retiring bonded indebtedness;
  - 1791 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
  - 1792 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
  - 1793 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
  - 1794 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
  - 1795 to NPDES Permits and/or OJRSA Board of Commissioners;
  - 1796 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
  - 1797 expended for the system and/or its expansion;
  - 1798 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
  - 1799 to the sewer;
  - 1800 10. Construction and Compliance Inspections; and
  - 1801 11. Others deemed necessary by the OJRSA Board of Commissioners.

1802 **6.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**1803 Reference current version of *OJRSA Schedule of Fees*.

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1804 **Section 7 – Discharge Permits and Reporting**1805 **7.1 INDUSTRIAL USER DISCHARGE PERMITS**

- 1806 A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an offi-  
1807 cial application and file it with the OJRSA together with permit approval from any city having jurisdiction.  
1808 Approval shall be evidenced by written notice from the Director. The person shall provide all data required  
1809 by the current official application, copies of which shall be obtained from the Director (or his/her designee).  
1810 The Director shall evaluate the data and may require additional information. After evaluation and ac-  
1811 ceptance of the data provided, the Director may grant permission to discharge subject to the terms and  
1812 conditions provided herein. The Director may issue a Discharge Permit with specific limitations different  
1813 from those listed in these Regulations if it is determined that the discharge will otherwise comply with the  
1814 remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Dis-  
1815 charge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit applica-  
1816 tion. SIUs which through changes in the use of the premises or water usage cause a significant change in  
1817 wastewater volume, strength, or characteristic shall submit a new application prior to making the change  
1818 or alteration.
- 1819 B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not  
1820 discharged to the sewer are required to submit an application and will be placed under a zero discharge  
1821 categorical permit.
- 1822 C. Applicable persons and Users shall complete and submit an application, accompanied by any application  
1823 fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
- 1824 1. Name, address, and location (if different from the address) of the facility, name of the operator and  
1825 Owner;
  - 1826 2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held  
1827 by or for the facility;
  - 1828 3. Analytical data on wastewater constituents and characteristics including but not limited to those  
1829 mentioned in these Regulations;
  - 1830 4. Time and duration of discharge;
  - 1831 5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
  - 1832 6. Description of activities, facilities, and plant processes on the premises unless subject to the confi-  
1833 dentiality provisions of SECTION 7.12;
  - 1834 7. Where known, the nature and concentration of any pollutants in the wastewater which are limited  
1835 by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement re-  
1836 garding whether or not the person is complying or will comply with NCPS on a consistent basis, and  
1837 if not, whether additional pretreatment or operational modifications are required to comply with  
1838 applicable limitations or NCPS, or Local Limitations;
  - 1839 8. If additional pretreatment or operational modifications will be required to comply with limitations  
1840 or NCPS or Local Limitations, the shortest schedule by which the person will comply;
  - 1841 9. Where required to develop pretreatment standards, a brief description of each product produced  
1842 by type, amount, process or processes, and a rate of production;
  - 1843 10. Where required to develop pretreatment standards, type and amount of raw materials processed  
1844 (average and maximum per day);
  - 1845 11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
  - 1846 12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to  
1847 evaluate the permit application; and

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- 1848 13. Application Signatories and Certification – All wastewater discharge permit applications and Indus-  
 1849 trial User reports must contain the following Certification Statement and be signed by an Author-  
 1850 ized Representative of the Industrial User. These documents and records must be submitted to  
 1851 OJRSA with Wet Signature.  
 1852

1853 **I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE**  
 1854 **PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DE-**  
 1855 **IGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE**  
 1856 **INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO**  
 1857 **MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE**  
 1858 **INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE**  
 1859 **AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFI-**  
 1860 **CANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY**  
 1861 **OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.**  
 1862

- 1863 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant  
 1864 and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue  
 1865 or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee)  
 1866 shall draft the permit in accordance with the Regulation and State regulations. The draft industrial  
 1867 wastewater discharge permit will be submitted to SCDES for review and approval. The User shall have thirty  
 1868 (30) calendar days from the receipt of the draft permit to review and comment on the draft Permit. The  
 1869 Director shall issue the final Permit at the end of the comment period.
- 1870 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limi-  
 1871 tation, the Permit of Users subject to such standards shall be revised to require compliance with such stand-  
 1872 ard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation,  
 1873 has not previously submitted an application for a permit, the User shall apply for a Permit within one-hun-  
 1874 dred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing  
 1875 Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of  
 1876 an applicable standard, information regarding the nature and concentration of the regulated pollutant and  
 1877 a schedule for providing additional pretreatment, if necessary.
- 1878 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of  
 1879 permits except the following changes may be made upon thirty (30) calendar days' notice:  
 1880 1. Modifications of the monitoring program contained in the permit;  
 1881 2. Changes in the ownership of the discharge when no other change in the permit is indicated;  
 1882 3. A single modification of any Compliance Schedule not in excess of four (4) months,  
 1883 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not  
 1884 discharge until process or pretreatment facilities are operational; or  
 1885 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or reg-  
 1886 ulations, or other modifications determined necessary by the Regulatory Services Coordinator or  
 1887 Director under the Regulations.
- 1888 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached  
 1889 as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal  
 1890 regulations. Such conditions shall include but are not limited to the following:  
 1891 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date,  
 1892 expiration date, and effective date;  
 1893 2. A Statement of non-transferability;  
 1894 3. Applicable effluent limits which may include daily maximum and monthly average limits, including  
 1895 Best Management Practices (BMPs), based on NCPS or Local Limitations;



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- 1896 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These re-  
 1897 requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling loca-  
 1898 tion, sampling frequency, and sample type based on Federal, State, and local law.  
 1899 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to  
 1900 be present, in accordance with SECTION 7.4;  
 1901 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notifi-  
 1902 cation requirements for slug discharges as defined by SC R61-9 Part 403.5(b);  
 1903 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, re-  
 1904 quirements and Permit conditions;  
 1905 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 7.4 of this Regulation;  
 1906 or  
 1907 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limita-  
 1908 tions or other pretreatment requirements.
- 1909 H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years.  
 1910 A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The  
 1911 User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the  
 1912 expiration of the Permit.
- 1913 I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not  
 1914 be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or  
 1915 changed operation. In such event a new application shall be submitted with full information. The review of  
 1916 this application will be expedited if the new Owner or operator certifies:  
 1917 1. That there is no immediate intent to change the facility's operation and process;  
 1918 2. The date the new Owner or operator shall take over; and  
 1919 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying  
 1920 with the existing wastewater discharge permit.
- 1921 J. When requested by the Control Authority, a User must submit information on the nature and characteristics  
 1922 of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

**7.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE**

- 1923 A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreat-  
 1924 ment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision  
 1925 made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs  
 1926 subject to such NCPS shall be required to submit to the OJRSA a report which contains the information  
 1927 required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to  
 1928 commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation  
 1929 of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a  
 1930 report which contains the information required in SC R61-9.
- 1931 B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by  
 1932 SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.
- 1933 C. Users described within this Section shall submit the information set forth below:  
 1934 1. All information required in SECTION 7.1 of this Regulation.  
 1935 2. Measurement of Pollutants  
 1936 (a) The User shall provide the information required in OJRSA SUR 7.1(C).  
 1937 (b) The User shall take a minimum of one (1) representative sample to compile that data nec-  
 1938 essary to comply with the requirements of this Paragraph.  
 1939 (c) Samples should be taken immediately downstream from pretreatment facilities if such ex-  
 1940 ist or immediately downstream from the regulated process if no pretreatment exists. If  
 1941 other wastewaters are mixed with the regulated wastewater prior to pretreatment the  
 1942 User should measure the flows and concentrations necessary to allow use of the combined  
 1943

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- 1944 Wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the Pretreatment  
 1945 Standards. Where an alternate concentration or mass limit has been calculated in accord-  
 1946 ance with SC R61-9 403.6(f) this adjusted limit along with supporting data shall be submit-  
 1947 ted to the OJRSA.
- 1948 (d) Sampling and analysis shall be performed in accordance with SECTION 8.3.
- 1949 (e) The OJRSA may allow the submission of a baseline report which utilizes only historical data  
 1950 so long as the data provides information sufficient to determine the need for industrial  
 1951 pretreatment measures.
- 1952 (f) The baseline report shall indicate the time, date, and place of sampling and methods of  
 1953 analysis, and shall certify that such sampling and analysis is representative of normal work  
 1954 cycles and expected pollutant discharges to the POTW.
- 1955 3. Compliance Certification – A statement, reviewed by the User’s Authorized Representative as de-  
 1956 fined in SECTION 3.3 and certified by a qualified professional, indicating whether Pretreatment  
 1957 Standards are being met on a consistent basis, and, if not, whether additional operation and  
 1958 maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Stand-  
 1959 ards and pretreatment requirements.
- 1960 4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pre-  
 1961 treatment Standards, the shortest schedule by which the User will provide such additional pretreat-  
 1962 ment and/or O&M must be provided. The completion date in this schedule shall not be later than  
 1963 the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule  
 1964 pursuant to this Section must meet the requirements set out in SECTION 7.5 of these Regulations.
- 1965 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance  
 1966 with SECTION 7.11 of these Regulations and signed by an Authorized Representative as defined in  
 1967 SECTION 3.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signa-  
 1968 ture.

### 1969 **7.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

1970 Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment  
 1971 Standards, or in the case of a New Source following commencement of the introduction of wastewater into the  
 1972 POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA  
 1973 a report containing the information described in SECTION 7.1 of this Regulation. For Users subject to equivalent mass  
 1974 or concentration limits established in accordance with the procedures in SECTION 5.3, this Regulation shall contain a  
 1975 reasonable measure of the User’s long-term production rate. For all other Users subject to Categorical Pretreatment  
 1976 Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of opera-  
 1977 tion), this report shall include the User’s actual production during the appropriate sampling period. All compliance  
 1978 reports must be signed and certified in accordance with SECTION 7.1. All sampling will be done in conformance with  
 1979 SECTION 8.3.

### 1980 **7.4 PERIODIC COMPLIANCE REPORTS**

- 1981 A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause prob-  
 1982 lems, including any slug discharges.
- 1983 B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submit-  
 1984 ted on the User discharge monitoring report (DMR) form. The DMR must include the following information  
 1985 to be considered complete:
- 1986 1. DMR form completed correctly and submitted to OJRSA with a Wet Signature or are in compliance  
 1987 with 40 CFR Part 3 Cross Media Electronic Reporting Rule (CROMERR) if and when OJRSA’s CROM-  
 1988 MER is approved by EPA (*NOTE: The only exception is if the EPA and SCDES have approved other*  
 1989 *methods for DMR submittal and the OJRSA has approved the acceptance of such DMRs*).

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- 1990 (a) If no monitoring was required for a previous month, then the blank DMR form must be  
1991 signed and submitted with the words "No monitoring required".
- 1992 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the  
1993 signed DMR form must be submitted with the words "No Discharge" written across the  
1994 form.
- 1995 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12<sup>th</sup>) calendar day  
1996 of each month. The recognized date of acceptance is:
- 1997 (a) The paper form can be dropped off at OJRSA by the twelfth (12<sup>th</sup>).
- 1998 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12<sup>th</sup>) of the  
1999 month. Should the twelfth (12<sup>th</sup>) of the month fall on a weekend or holiday observed by the  
2000 US Postal Service, then the following day the US Postal Service is operating becomes the  
2001 submittal date based on the postmark. If the DMR was mailed by the twelfth (12<sup>th</sup>) but not  
2002 received by the OJRSA by the twenty-fourth (24<sup>th</sup>) day of the month, then it shall be consid-  
2003 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-  
2004 ance with these Regulations.
- 2005 3. DMR Components
- 2006 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-  
2007 ducted for the previous month.
- 2008 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no  
2009 flow for a day, then a zero (0) must be entered for that day.
- 2010 (c) Daily pH reporting log.
- 2011 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-  
2012 porting month.
- 2013 (e) An explanation for any violations (if necessary).
- 2014 (f) Additional information as set forth in the User's permit as part of a completed DMR.
- 2015 4. DMRs that do not contain all the information designated above and DMRs that are not filled out  
2016 completely will be considered incomplete and subjects the User to the enforcement actions set  
2017 forth in SECTION 9 of this Regulation. DMRs are considered incomplete if the:
- 2018 (a) Data is not reported correctly,
- 2019 (b) DMR does not have a Wet Signature and a date (unless using an EPA approved method as  
2020 stated in 7.4(B)(1)),
- 2021 (c) Flow sheet does not have all flows reported for each day,
- 2022 (d) Reporting period is not shown on the DMR, or
- 2023 (e) User failed to submit all required data as stated on the Permit.
- 2024 (f) DMRs that are not submitted with all this information by the twelfth (12<sup>th</sup>) will be consid-  
2025 ered incomplete and subject to enforcement.
- 2026 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**  
2027 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,  
2028 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR  
2029 was not complete before the due date. The User will be notified of the incomplete DMR in the  
2030 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as  
2031 stated in 7.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the  
2032 User be waiting on laboratory data, then the remaining data must be submitted on the DMR form  
2033 by the twelfth (12<sup>th</sup>) and a revised DMR submitted as soon as the missing data is received. Users  
2034 that notify OJRSA of the missing data before the date as stated in 7.4(B)(2) and submit this missing  
2035 information as soon as received will not be subject to enforcement actions.
- 2036 6. Reports for "No Discharge" Industrial Users are subject to these conditions and may have specific  
2037 reports in their Discharge Permit as necessary.
- 2038 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-  
2039 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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- 2040 Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used  
2041 for all sampling analysis.
- 2042 D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such  
2043 NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit  
2044 to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless re-  
2045 quired more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of  
2046 pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of  
2047 all measured or estimated average and maximum daily flows during the reporting period. At the discretion  
2048 of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates,  
2049 holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports  
2050 are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet  
2051 applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate.  
2052 In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the  
2053 discharge of the User. These reports shall contain the results of sampling and analysis of the discharge,  
2054 including the flow and the nature and concentration, or production and mass where requested by the  
2055 OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.
- 2056 E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sam-  
2057 pling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demon-  
2058 strated through sampling and other technical factors that the pollutant is neither present nor expected to  
2059 be present in the Discharge or is present only at background levels from intake water and without any  
2060 increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization  
2061 is subject to the following conditions:
- 2062 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary  
2063 wastewater discharged from the facility provided that the sanitary wastewater is not regulated by  
2064 an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
  - 2065 2. The monitoring waiver is valid only for the duration of the effective period of the individual Dis-  
2066 charge Permit, but in no case longer than five (5) years. The User must submit a new request for  
2067 the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
  - 2068 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data  
2069 from at least one (1) sampling of the facility's process wastewater prior to any treatment present  
2070 at the facility that is representative of all wastewater from all processes.
  - 2071 4. The request for a monitoring waiver must be signed in accordance with SECTION 3.3 and include the  
2072 Certification Statement in SECTION 7.1 (SC R61-9 403.6(b)(2)(ii)).
  - 2073 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present  
2074 if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for  
2075 that pollutant was used in the analysis.
  - 2076 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's  
2077 Permit. The reasons supporting the waiver and any information submitted by the User in its request  
2078 for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
  - 2079 7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the In-  
2080 dustrial User must certify on each report with the Statement in OJRSA SUR 7.1(C)(13), that there  
2081 has been no increase in the pollutant in its Wastestream due to activities of the Industrial 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 7, 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 7.1 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 SCDES.

2096 **7.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2097 The following conditions shall apply to the Compliance Schedule required by SECTION 7.1 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 **7.6 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 7.1 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 7.1 of this Regulation in response to changed or anticipated changed condi-  
2118 tions.

2119 **7.7 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 7.7(A). Employers shall ensure that



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2133 all employees, who could cause such a discharge to occur, are advised of the emergency notification pro-  
2134 cedure.

- 2135 D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director  
2136 immediately of any changes at its facility affecting the potential for a slug discharge.

**7.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING**

2137 If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours  
2138 of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and  
2139 analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) cal-  
2140 endar days after becoming aware of the violation. Resampling by the Industrial User is not required if OJRSA per-  
2141 forms sampling of the violated parameter at the Industrial User at least once a month, or if OJRSA performs sampling  
2142 at the User between the time when the initial sampling was conducted and the time when the User or OJRSA re-  
2143 ceives the results of this sampling.  
2144

**7.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE**

- 2145 A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and  
2146 State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed  
2147 of, would be a hazardous waste under 40 CFR part 261. Such notification must include:  
2148 1. Name of the hazardous waste as set forth in 40 CFR part 261;  
2149 2. The EPA hazardous waste number; and  
2150 3. The type of discharge (continuous, batch, or other).  
2151 B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the  
2152 POTW, the notification shall also contain the following information to the extent such information is known  
2153 and readily available to the IU:  
2154 1. An identification of the hazardous constituents contained in the wastes;  
2155 2. An estimation of the mass and concentration of such constituents in the wastewater discharged  
2156 during that calendar month; and  
2157 3. An estimation of the mass of constituents in the wastewater expected to be discharged during the  
2158 following twelve (12) months.  
2159 C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge  
2160 of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazard-  
2161 ous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9  
2162 403.12(g). The notification requirement does not apply to pollutants already reported under the self-mon-  
2163 itoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a cal-  
2164 endar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless  
2165 the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) aI261.33(e). Discharge of more than  
2166 fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute  
2167 hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subse-  
2168 quent months during which the IU discharges more than such quantities of any hazardous waste do not  
2169 require additional notification.  
2170 D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of haz-  
2171 ardous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the  
2172 EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge  
2173 of such substance within ninety (90) calendar days of the effective date of such regulations.  
2174 E. In the case of any notification, the IU shall certify that it has a program in place to reduce the volume and  
2175 toxicity of hazardous wastes generated to the degree it has determined to be economically practical.  
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**7.10 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 5.4(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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- 2190

**7.11 CERTIFICATION STATEMENTS**

2191 Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 7.4 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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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 7.4 OF THIS REGULATION.**

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**7.12 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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**7.13 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 SCDES may require that the User be issued an Industrial User Discharge Permit.
- 2220 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
- 2221
- 2222

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- 2223 are discouraged for monitoring purposes. The industrial process discharge may or may not be pre-  
2224 treated.
- 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,  
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 8 – Sampling and Monitoring**2255 **8.1 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 7.12. **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 7.12 of this Regulation to the specific facts and circumstances at issue.

**8.2 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

**8.3 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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**8.4 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 8.5 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 8.5(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 7.2 and 7.3 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 7.4 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 8.6 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 8.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING**

2376 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 5.1(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 9 – Enforcement**2382 **9.1 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 **9.2 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 9 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 9 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 9.6. 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 **9.3 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 **9.4 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 **9.5 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 9.2(G) and other sections of this Regulation.
- 2542 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 9.6 for such  
 2543 violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

#### 2544 **9.6 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 9.8.

2569 **9.7 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 **9.8 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 **9.9 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 **9.10 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 9 of this Regulation, which could include referral to the law enforce-  
2598 ment agency with jurisdiction for potential criminal investigation.

2599 **9.11 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 SCDES) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the Industrial  
2602 Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Pre-  
2603 treatment Standards and requirements. This publication will be done during the first quarter of each year for the  
2604 previous calendar year.

2605 **9.12 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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- 2609 1. Magnitude of the Violation
- 2610 (a) Unless a violation is Significant Noncompliance (SNC) as defined in the *OJRSA Sewer Use*
- 2611 *Regulation*, then the OJRSA Pretreatment Department will usually start with the minimum
- 2612 enforcement action; however, for severe violations that threaten the public health, envi-
- 2613 ronment, damage public and/or private property, penalties can be more stringent.
- 2614 (b) Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative
- 2615 Order. This order may include a Compliance Schedule requiring the User to comply with
- 2616 regulations by a specific date. The magnitude or severity of the violation is determined by
- 2617 whether the violation meets the definition of SNC. The significance of the violation will in-
- 2618 fluence the type of enforcement action taken by the Pretreatment Department based on
- 2619 this evaluation.
- 2620 2. Duration of the Violation
- 2621 (a) Prolonged periods of violation should subject the User to escalating enforcement actions.
- 2622 (b) Enforcement escalation does not depend on the severity of the violation.
- 2623 (c) Violations which result in SNC will be treated more severely due to the guidelines set forth
- 2624 by the State and the Federal government regulations.
- 2625 (d) Extended periods of noncompliance shall not be tolerated and enforcement actions will be
- 2626 taken to prevent this from occurring.
- 2627 (e) Chronic noncompliance will be addressed with escalating enforcement actions up to and
- 2628 including termination of sewer service to stop the noncompliance.
- 2629 (f) Prolonged violations that result in harm to the POTW will be addressed by enforcement
- 2630 actions, which include recovery of the costs to repair any damage.
- 2631 3. Effect of the Violation on the Receiving Water
- 2632 (a) Prevention of pass-through of pollutants to the water body is a major component of the
- 2633 development of acceptable limits for the User.
- 2634 (b) Each water body has established limits for pollutants to protect the organisms that live in
- 2635 the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit
- 2636 the POTW and potentially cause environmental harm.
- 2637 (c) The minimum enforcement action for a violation impacting receiving waters will include an
- 2638 Administrative Order, which is to include a penalty. The penalty will also include any pen-
- 2639 alties or fines paid by the POTW to a regulatory or response agency (e.g., SCDES, EPA,
- 2640 SCDNR, Oconee County Emergency Management, etc.) and may include damages for the
- 2641 destruction of natural resources, manmade structures, and/or the POTW. Termination of
- 2642 sewer service may be an option if noncompliance continues uncorrected.
- 2643 4. Effect of the Violation on the POTW
- 2644 (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed
- 2645 charges for correcting the impact.
- 2646 (b) Adverse impacts include, but are not limited to, the following:
- 2647 (i) Significant increases in treatment costs;
- 2648 (ii) Interference with POTW treatment processes;
- 2649 (iii) Harm to the general public or POTW personnel;
- 2650 (iv) Equipment damage;
- 2651 (v) Negative operational changes;
- 2652 (vi) Damage to the conveyance system piping through pipe corrosion or blockage;
- 2653 (vii) Explosion in conveyance system or POTW; and/or
- 2654 (viii) Sludge contamination resulting in increased disposal cost.
- 2655 (c) Any labor costs or repair costs will be passed onto the User that caused the adverse impact
- 2656 to occur in accordance with SECTION 9.6.
- 2657 (d) Minimum enforcement actions will include an Administrative Order with associated penal-
- 2658 ties including cost recovery for adverse impacts in accordance with SECTION 9.6.



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- 2659 5. Compliance History of the User
- 2660 (a) The compliance history of a User will be evaluated when assessing the severity of the vio-
- 2661 lation.
- 2662 (b) A User who has a pattern of recurring violations (which may be the same or different pa-
- 2663 rameters or regulatory requirements) can be an indication that the User does not take
- 2664 wastewater issues or environmental protection regulations seriously or their system is in-
- 2665 adequately designed for the specific wastewater conditions.
- 2666 (c) A User that has recurring violations has an increased likelihood of causing future significant
- 2667 violations.
- 2668 (d) A User who has recurring violations may be dealt with more severely to ensure that com-
- 2669 pliance is achieved.
- 2670 (e) A recurring violation history will result in more advanced enforcement actions being as-
- 2671 sessed against a User, up to and including termination of service.
- 2672 6. Good Faith of the User in Reporting, and Responding to, the Violation
- 2673 (a) A User who takes measures to correct the violation and take care of any issues as quickly
- 2674 as possible will have shown good faith efforts.
- 2675 (b) Good faith is demonstrated by cooperation and completion of corrective measures in a
- 2676 timely manner.
- 2677 (c) This effort will be considered when deciding what enforcement actions will be taken; how-
- 2678 ever, good faith does not eliminate the need to take an enforcement action.
- 2679 (d) Good faith is not defined as compliance with previous enforcement actions.
- 2680 (e) Recovery of costs from an upset will take place regardless of good faith actions that may
- 2681 have been taken.
- 2682 B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with
- 2683 the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
- 2684 1. All violations shall normally be identified and documented within thirty (30) calendar days of re-
- 2685 ceiving compliance information.
- 2686 2. Initial enforcement responses involving contact with the User and requesting information on cor-
- 2687 rective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
- 2688 3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar
- 2689 days of the initial enforcement response. For all continuing violations, the response will include a
- 2690 Compliance Schedule.
- 2691 4. Violations which threaten or affect health, property or environmental quality are considered emer-
- 2692 gencies and will receive immediate responses such as halting the discharge or terminating service.
- 2693 5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Admin-
- 2694 istrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.
- 2695 C. Industrial User Response to Noncompliance
- 2696 1. Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becom-
- 2697 ing aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submit-
- 2698 ted to report the violation. This form must be submitted to the Regulatory Services Coordinator or
- 2699 Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of
- 2700 the day on which it occurs (including weekends and holidays).
- 2701 2. The notification shall be followed by a written report, when required by the Regulatory Services or
- 2702 Pretreatment Coordinator, within five (5) business days. The report of noncompliance shall include:
- 2703 (a) A description of the characteristics of the noncompliance;
- 2704 (b) Sampling results;
- 2705 (c) A statement of the cause of noncompliance; and
- 2706 (d) An account of the time and duration of the violation including dates and times; or if not
- 2707 corrected, the anticipated time the noncompliance is expected to continue, and activities
- 2708 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.
- 2715 D. Assignment of Responsibilities
- 2716 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by  
2717 the Director to implement the Pretreatment Program and to enforce compliance with all Permits  
2718 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated  
2719 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this  
2720 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-  
2721 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee  
2722 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that  
2723 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either  
2724 through purposeful investigation or in the normal course of duties performed.
- 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.
- 2732 E. Enforcement Response Guide
- 2733 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based  
2734 on the whether the noncompliance involves:
- 2735 (a) Sampling, Monitoring, and Reporting (SECTION 9.12.1);  
2736 (b) Compliance Schedules (Construction Phases or Planning) (9.12.2);  
2737 (c) Effluent Limits (9.12.3);  
2738 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-  
2739 vestigations (9.12.4);  
2740 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 9.12.5;  
2741 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (9.12.6);  
2742 and/or  
2743 (g) Other Regulatory Violations (9.12.8).
- 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 9.1)
- 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.

2770 **9.12.1 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 9.6); Adjudicatory Hearing including penalty (SECTION 9.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 9.6); cost recovery (SECTION 9.6); 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 9.6).	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 9.6).	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 9.6); 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 9.6).	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 9.6); 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 9.6); cost recovery (SECTION 9.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 9.6); cost recovery (SECTION 9.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 9.6); 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 9.6).	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 9.6); 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 9.6); 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 9.6); criminal investigation; seek termination of water and/or sewer.	Dir

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9.12.2 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 9.6).	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 9.6); 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 9.6); 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 9.6); 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 9.6); 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 9.6).	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 9.6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6); criminal investigation; seek termination of water and/or sewer.	Dir

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9.12.3 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 9.6); 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 9.6); 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 9.6); 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 9.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); 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 9.6); 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 9.6); 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 9.6); 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 9.6); 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 9.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 9.6); 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 9.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 9.6); 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.

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**9.12.4 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 9.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); 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 9.6); 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 9.6); 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 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir

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**9.12.5 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 5.15)	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 9.6).	Eng, Dir, Atty

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**9.12.6 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 9.6); 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 9.6); 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 9.6); 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 9.6).	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 9.6); 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 9.6); 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 9.6); 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 9.6); 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 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 9.6)	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 9.6); 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 9.6); 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 9.6); 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 9.6)	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 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 9.6)	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 9.6); 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 9.6); 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 9.6); 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 9.6); 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 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 9.6)	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 9.6); 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 9.6); 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 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 9.6)	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 9.6); 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 9.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 9.6)	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 9.6).	
	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 9.6).	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 9.6);	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 9.6);	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 9.6).	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 9.6).	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 9.6);	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 9.6);	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 9.6); 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 9.6); criminal investigation; seek termination of User's water and/or sewer.	RSC, PC, Dir

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**9.12.7 Hauled Waste Acceptance Violations ERG**

Violation	Circumstances	Range of Response	Personnel
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Abuse of conditions established in Sections 11.1 and 11.2	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 9.6).	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 9.6).	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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9.12.8 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 9.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 9.6); 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 9.6).	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 9.6); 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 9.6); Adjudicatory Hearing; criminal investigation; seek termination of sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 9.6); 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 9.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 9.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); 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 9.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); 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 9.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 9.6); Adjudicatory Hearing; criminal investigation; seek termination of water and/or sewer.	RSC, PC, Dir

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**Section 10 – 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 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.

**10.1 PURPOSE**

- A. The FOG Control Program has been developed in accordance with SECTION 4 and SECTION 5 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 5.2.
- 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.

**10.2 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 9 of this Regulation.

**10.3 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 10.7.
- 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 10.7 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 two (2) units within the building.

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- 2822           2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June  
2823           30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do sub-  
2824           stantial modifications which include replacement of fifty percent (50%) or more of the drain lines  
2825           or plumbing within the building. Modifications must include the installation of a FOG Control Device  
2826           as set forth in this Regulation.
- 2827           D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with  
2828           SECTION 10.7 when five (5) or more units occupy a single building and share common wastewater drain lines  
2829           that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens  
2830           that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as con-  
2831           structed unless the facility has to do substantial modifications which include replacement of fifty percent  
2832           (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation  
2833           of a FOG Control Device as set forth in this Regulation.
- 2834           E. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative  
2835           impact on its conveyance or treatment system from FOG must be plumbed together through a common  
2836           drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.
- 2837           F. Food Service Establishments and FOG Generators
- 2838                 1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-  
2839                 constructed, or change ownership shall meet the requirements included herein prior to opening,  
2840                 expanding, or reopening the FSEs.
- 2841                 2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Reg-  
2842                 ulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues,  
2843                 manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior  
2844                 to installation.
- 2845                 3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3)  
2846                 compartment sink must have a FOG Control Device installed.
- 2847                 4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly in-  
2848                 stalled, maintained, and operating in accordance with this Regulation by no later than June 30,  
2849                 2024.
- 2850           G. Multi-Unit Commercial Facilities
- 2851                 1. New Multi-Unit Commercial Facilities
- 2852                         (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line con-  
2853                         nections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste  
2854                         line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or  
2855                         potential kitchen area, grease waste line will be connected to floor drains in the specified  
2856                         kitchen area, and will connect, or be able to connect, to other food service establishment  
2857                         kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two  
2858                         (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
- 2859                         (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF.  
2860                         Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen  
2861                         and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-  
2862                         out locations to accommodate a FOG Control Device of adequate size as approved in the  
2863                         *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity  
2864                         FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for  
2865                         multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Intercep-  
2866                         tors must be approved by the OJRSA prior to construction. A copy of the maintenance  
2867                         agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by  
2868                         the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider  
2869                         suitable physical property space and sewer gradient that will be conducive to the installa-  
2870                         tion of an exterior, in-ground gravity FCD when determining the building location.

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- 2871 (c) An Owner may elect to construct a MUCF without separate sewer plumbing; however, the  
 2872 Owner must provide a signed and notarized document that includes the following state-  
 2873 ment prior to approval of plans or issuance of a building permit:  
 2874

2875 I, \_\_\_\_\_ [Owner name here], **UNDERSTAND THAT IF A FOOD SERVICE ESTABLISH-**  
 2876 **MENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRO-**  
 2877 **DUCE OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE**  
 2878 **THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY**  
 2879 **WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR TO THE USER**  
 2880 **OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE**  
 2881 **DEVELOPMENT, WHICH INCLUDES:**

2882 [County TMS Number here]

2883 [County TMS Number here]

2884 **IF THE UNITS AND/OR PARCELS ARE SUBDIVIDED OR IF THE PROPERTY IS SOLD OR OTH-**  
 2885 **ERWISE TRANSFERRED, I ALSO UNDERSTAND THAT IT IS THE RESPONSIBILITY OF THE SITE**  
 2886 **OWNER(S) TO COMPLY WITH THESE REGULATIONS, AT NO EXPENSE TO THE OJRSA, PRIOR**  
 2887 **TO THE ESTABLISHMENT OF WATER AND SEWER SERVICE.**  
 2888

2889 2. Existing Multi-Unit Commercial Facilities

- 2890 (a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall  
 2891 be grandfathered and may not have to comply with provisions of this Section unless:  
 2892 (i) Negative impacts are placed on the public sewer system due to FOG generated  
 2893 from within the facility (e.g., blockages in the conveyance system). The OJRSA re-  
 2894 serves the right to require MUCF to install appropriate plumbing and FOG Control  
 2895 Devices if they are causing negative impact to the public sewer system.  
 2896 (ii) If an existing MUCF is replacing or updating internal piping for wastewater han-  
 2897 dling, then they shall comply with requirements of a New MUFC.

2898 **10.4 RIGHT OF ENTRY, INSPECTIONS, AND RECORDKEEPING**

- 2899 A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator's  
 2900 facility and the Hauled Waste Transporter's vehicle (SECTION 11.4) and facilities are incorporated fully within  
 2901 these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as  
 2902 required.  
 2903 B. FOG Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices  
 2904 or obtain representative samples and perform other duties as necessary to ensure compliance.  
 2905 C. The FOG Generator shall maintain FOG Control Device inspection records for review by OJRSA for a mini-  
 2906 mum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records. If  
 2907 authorized by OJRSA, electronic records may be submitted in accordance with SECTION 3.6.  
 2908 D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access  
 2909 to inspect records, obtain representative samples, and perform other duties as necessary to ensure com-  
 2910 pliance.  
 2911 E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler /  
 2912 plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must  
 2913 use the FOG Control Device Inspection Form as provided by the OJRSA.  
 2914 F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must  
 2915 notify the OJRSA within one (1) business day of conducting the inspection.  
 2916 G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-  
 2917 mented by the employee and the Director should be notified as soon as possible. The Director will discuss  
 2918 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 7.12. **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 7.12 of this Regulation to the specific facts and circumstances at issue.

**10.5 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.

**10.6 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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2965 Generator, the OJRSA will provide a written determination of the required FCD prior to installation. Addi-  
 2966 tionally, the survey will be considered a request to discharge to the OJRSA system. Approval must be  
 2967 granted by OJRSA prior to connecting the device to the public sewer.

- 2968 E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and  
 2969 installation of any FCD.
- 2970 F. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to  
 2971 OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well  
 2972 as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business days  
 2973 and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed  
 2974 by an OJRSA Authorized Representative. Prior to commencement of construction or installation, the FOG  
 2975 Generator shall secure applicable local building, plumbing, and other permits.
- 2976 G. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD and piping  
 2977 to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify  
 2978 the local building inspector if the installation does not meet the requirements of this Regulation.
- 2979 H. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without  
 2980 written approval from an OJRSA Authorized Representative. The design and installation instructions for the  
 2981 OJRSA are set forth in the *OJRSA Development Policy*.
- 2982 I. Automatic FOG Traps – After June 30, 2023, any change of ownership of an existing FSE or FSE reopening  
 2983 for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device  
 2984 and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device a unit ap-  
 2985 proved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this  
 2986 Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages  
 2987 in the conveyance system, etc.), then the device shall be replaced with a FOG Trap, Hydromechanical FOG  
 2988 Device, or FOG Interceptor that complies with these Regulations.
- 2989 J. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is  
 2990 able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the  
 2991 cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.
- 2992 K. For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA,  
 2993 such document shall be signed by:
- 2994 1. The Owner, or
  - 2995 2. General Manager; or
  - 2996 3. Manager, or
  - 2997 4. A specified individual authorized in writing by one of the above with the authority to bind the FOG  
 2998 Generator and to make representations to OJRSA on the FOG Generator's behalf.

**10.7 FOG GENERATOR CLASSIFICATIONS**

2999 OJRSA has established the following classifications for FOG Control Devices:

- 3000 A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-  
 3001 by-case basis.
- 3002 B. Facilities that provide dining space and vending machines with no food preparation other than microwave  
 3003 ovens and the like will be evaluated on a case-by-case basis.
- 3004 C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) FOG  
 3005 Trap or Hydromechanical FOG Device that meets minimum efficiency and installation requirements neces-  
 3006 sary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG**  
 3007 **GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
- 3009 1. Facilities without a ventilation hood system or filter as required by SC Department of Agriculture  
 3010 R61-25 (Retail Food Establishments);



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- 3011 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-  
 3012 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-  
 3013 ing ware with very limited culinary washing;
- 3014 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;  
 3015 4. Coffee Shops (small);  
 3016 5. Ice Cream Shops;  
 3017 6. Frozen Yogurt Shops;  
 3018 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;  
 3019 8. Doughnut Shops with baking only (no mixing of ingredients or frying);  
 3020 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;  
 3021 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-  
 3022 ing, and number of meals served);  
 3023 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary  
 3024 cleaning, number of meals served, and frequency meals are served);  
 3025 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-  
 3026 4)).
- 3027 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required  
 3028 by SC Department of Agriculture R61-25 (Retail Food Establishments), then they will be considered at least  
 3029 a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hydrome-  
 3030 chanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all effi-  
 3031 ciency and installation requirements necessary for this class. **REQUIRES FOG DEVICE SIZING CALCULATION**  
 3032 **SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
- 3033 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);  
 3034 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-  
 3035 ing, and number of meals served);  
 3036 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary  
 3037 cleaning, number of meals served, and frequency meals are served);  
 3038 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-  
 3039 sons);  
 3040 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)  
 3041 persons);  
 3042 6. Doughnut Shops with on-premises frying;  
 3043 7. Coffee Shops (large);  
 3044 8. Caterers;  
 3045 9. Convenience Stores serving food (with or without fuel pumps);  
 3046 10. Supermarket/Grocery Stores;  
 3047 11. Hotels with Kitchens as stated in OJRSA SUR 10.3(D); and  
 3048 12. Multi-Family Developments as stated in OJRSA SUR 10.3(C)(1) and (2) (under certain conditions and  
 3049 as justified by calculation requirements and approved by OJRSA).
- 3050 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A  
 3051 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet  
 3052 all efficiency and installation requirements necessary for this class. **REQUIRES SC LICENSED REGISTERED**  
 3053 **ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE**  
 3054 **CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
- 3055 1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-  
 3056 five (65) persons);  
 3057 2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to  
 3058 sixty-five (65) persons); and  
 3059 3. Multi-Family Developments as stated in OJRSA SUR 10.3(C)(1) and (2) (under certain conditions and  
 3060 as justified by calculation requirements and approved by OJRSA)

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- 3061 F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC**  
 3062 **LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING.**  
 3063 **OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
- 3064 1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run opera-  
 3065 tions.
  - 3066 2. Multi-Family Developments as stated in OJRSA SUR 10.3(C)(1) and (2).
- 3067 G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LI-**  
 3068 **CENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION**  
 3069 **SHEET AS APPROPRIATE TO APPLICATION.**
- 3070 1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable por-  
 3071 tions of the Sewer Use Regulation.
  - 3072 2. Others as appropriate.

## 3073 10.8 FOG CONTROL DEVICE DESIGN AND INSTALLATION REQUIREMENTS

- 3074 A. General Requirements
- 3075 1. No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
  - 3076 2. Garbage grinders are strictly prohibited where FCD are required.
  - 3077 3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.
- 3078 B. General FCD Requirements
- 3079 1. All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regula-  
 3080 tions and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the  
 3081 specifications detailed in the *OJRSA Development Policy*.
  - 3082 2. OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance  
 3083 and condition and may require repairs to, modifications, or replacement of FCDs as such.
  - 3084 3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA  
 3085 may provide a sizing calculation sheet for the FCD.
- 3086 C. FOG Trap Requirements
- 3087 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION  
 3088 10.7.
  - 3089 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
  - 3090 3. FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required  
 3091 flow and grease capacity.
  - 3092 4. Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are  
 3093 prohibited in accordance with OJRSA SUR 10.6(I).
  - 3094 5. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:  
 3095 (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;  
 3096 (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit  
 3097 (140°F);  
 3098 (c) Acidic or caustic cleaners (e.g., lye or root killer);  
 3099 (d) Fryer oil or grill trap FOG waste; and  
 3100 (e) FOG Control Additives (as defined in SECTION 3.3).
- 3101 D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall  
 3102 be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG de-  
 3103 vices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Intercep-  
 3104 tors.”
- 3105 E. FOG Interceptor Requirements
- 3106 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION  
 3107 10.7.
  - 3108 2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.

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- 3109 3. The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.<sup>1</sup>
- 3110 4. All FOG Interceptors shall be adequately secured against unauthorized access.
- 3111 5. All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
- 3112 6. Discharge of, or addition of, the following materials are strictly prohibited from disposal to an in-
- 3113 ground FOG Interceptor:
- 3114 (a) Acidic or caustic cleaners (e.g., lye or root killer); and
- 3115 (b) FOG control additives (as defined in SECTION 3.3).

**10.9 MAINTENANCE REQUIREMENTS**

- 3116 A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements
- 3117 as stated within this Section based on changes in operation, business hours, equipment, menu options,
- 3118 seating capacity, etc.
- 3119 B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased
- 3120 cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the
- 3121 contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the
- 3122 costs associated with repairing the system in accordance with SECTION 5.11 RECOVERY OF PREVENTATIVE EXPENS-
- 3123 ES and SECTION 9— Enforcement.
- 3124 C. FOG Traps
- 3125 1. **FOG TRAPS SHALL BE MAINTAINED ON A FREQUENCY FOR THE PROPER FUNCTION OF A FOG**
- 3126 **TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE BASIS;**
- 3127 **USING THE "25% RULE"<sup>2</sup> OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN**
- 3128 **THE EFFLUENT AFTER PASSING THROUGH THE DEVICE<sup>3</sup>; HOWEVER, CLEANING SHALL NOT EXCEED**
- 3129 **TWENTY-ONE (21) CALENDAR DAYS.**
- 3130 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.
- 3131 These records shall be maintained in accordance with SECTION 10.4.
- 3132 D. Hydromechanical FOG Devices
- 3133 1. **HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER'S**
- 3134 **RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A**
- 3135 **HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE**
- 3136 **DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS;**
- 3137 **HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED**
- 3138 **BY MANUFACTURER'S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRIT-**
- 3139 **TEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.**
- 3140 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These
- 3141 records shall be maintained in accordance with SECTION 10.4.
- 3142 E. FOG Interceptors
- 3143 1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS**
- 3144 **UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO**
- 3145 **CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REG-**
- 3146 **ULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EF-**
- 3147 **FLUENT AFTER PASSING THROUGH THE DEVICE<sup>4</sup>.** A reduced cleaning frequency may be granted on
- 3148 a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as
- 3149

<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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3150 stated with the functions of Section 10.10(E), that performed the cleaning and inspection to docu-  
 3151 ment proof that a reduced cleaning frequency will meet the requirements of this Regulation. Mod-  
 3152 ified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals  
 3153 exceed six (6) months.

- 3154 2. The following FOG Interceptor maintenance activities must be performed:
- 3155 (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top  
 3156 grease layer when the total accumulation of surface FOG (including floating solids) and set-  
 3157 tled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for  
 3158 more information) of the FOG Interceptor's inlet liquid depth if before the quarterly pump  
 3159 out requirement. Top skimming, decanting, or back-flushing of the device, its contents, sep-  
 3160 tage waste, solids, water, or other materials back into the FOG Interceptor for the purpose  
 3161 of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating  
 3162 water from FOG shall not discharge separated water into the FOG Interceptor or into the  
 3163 wastewater conveyance system.
- 3164 (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls  
 3165 and baffles.
- 3166 (c) Failure to meet these requirements shall result in enforcement actions as set forth in SEC-  
 3167 TION 9 of this Regulation.
- 3168 3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or  
 3169 contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other  
 3170 debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that  
 3171 ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the pri-  
 3172 vate sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste  
 3173 Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted  
 3174 into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility  
 3175 to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required  
 3176 on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION  
 3177 9.6 and/or OJRSA Schedule of Fees.

**10.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS**

3178 Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

- 3179 A. Comply with requirements in SECTION 10.9.
- 3180 B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
- 3181 C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste  
 3182 Transporter.
- 3183 D. Be responsible for determining the nature of the waste and completing a manifest before transport. A com-  
 3184 pleted FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the  
 3185 FOG Generator. The record must include the name, address, and phone number of the FOG Generator  
 3186 company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other  
 3187 material removed from the FCD, contracted cleaning frequency, the disposal location and address, the date  
 3188 of waste removal, the FOG Generator signature (if FOG Generator signature is not available, then it should  
 3189 be on file with the FOG Generator and Hauled Waste Transporter), and the hauler signature.
- 3190 E. Perform the following activities:
- 3191 1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load  
 3192 of FOG waste to the disposal site.
- 3193 2. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator.  
 3194 Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must  
 3195 notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues  
 3196

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3197 with the device should be taken while the device is empty and submitted to OJRSA with the notifi-  
3198 cation.

- 3199 3. Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain  
3200 certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler  
3201 or plumber hires a new employee in the period between training offerings by the OJRSA, then they  
3202 must make arrangements with OJRSA to obtain the training before performing an inspection. When  
3203 the next regular scheduled class is held, then the new employee will be subject to this training as  
3204 well in order to meet the training requirement set by OJRSA.  
3205 4.

**10.11 FEES**

3206 Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste  
3207 Transporters as stated in the *OJRSA Schedule of Fees*.  
3208

**10.12 COMPLIANCE ENFORCEMENT**

- 3209 A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance  
3210 with any of the requirements set forth in this Regulation may result in the initiation of enforcement action.  
3211 Violations of these provisions are subject to the enforcement provisions contained in SECTION 9 of the Reg-  
3212 ulation, which may include administrative and civil penalties. In addition, fines assessed for violations in-  
3213 volving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance ex-  
3214 penses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage  
3215 removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation,  
3216 costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer,  
3217 may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 9.12(E).  
3218 B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this  
3219 Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated com-  
3220 pliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause  
3221 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG  
3222 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to  
3223 increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance  
3224 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the  
3225 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-  
3226 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA  
3227 at least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for  
3228 failure to comply, additional time required for compliance, and steps taken to avoid further delays.  
3229 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-  
3230 porter to demonstrate compliance  
3231 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary  
3232 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-  
3233 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the  
3234 sewer line, and other enforcement actions set forth in SECTION 9 of this Regulation.  
3235 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement  
3236 action.  
3237

**10.13 REQUESTS FOR VARIANCE**

- 3238 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained  
3239 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)  
3240



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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 11 – Hauled Waste Acceptance

### 11.1 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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- 3286 3. There has been an emergency declaration by the President of the United States (or by a federal  
3287 agency authorized to do so) and/or the Governor of South Carolina, and the Executive Director has  
3288 determined that the hauled waste from outside of the OJRSA service area will not impact the treat-  
3289 ment plant process nor prohibit local waste haulers from delivering hauled waste for treatment. If  
3290 it is determined the OJRSA can accept such waste, then the Executive Director shall establish a  
3291 maximum amount of waste that can be accepted from such areas each day. The acceptance of such  
3292 waste under these circumstances, as well as the daily limits for such waste, may be altered,  
3293 amended, or terminated by the Executive Director, in his/her sole discretion, at any time.
- 3294 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic  
3295 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-  
3296 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-  
3297 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to  
3298 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from  
3299 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the  
3300 wastewater treatment plant.
- 3301 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall  
3302 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3303 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance  
3304 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3305 E. Abuse of the above requirements stated in SECTION 11.1 shall result in actions as detailed in SECTION 9.12.7.
- 3306 F. All Haulers will be permitted annually by OJRSA.
- 3307 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record  
3308 must include the name, address, and phone number of the FOG Generator company; the name(s) of the  
3309 individual(s) performing the work, the volume of the wastewater and other material removed from the  
3310 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the  
3311 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspec-  
3312 tion.

3313 **11.2 SPECIFIC CONDITIONS OF ACCEPTANCE**

- 3314 A. Acceptance of Hauled Waste
- 3315 1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled  
3316 Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
- 3317 2. Hauled waste is only accepted on business days during the hours of operation as posted at the  
3318 OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the  
3319 acceptance of hauled waste during normal acceptance periods due to issues with the treatment  
3320 plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA  
3321 shall not accept waste outside of these hours except under the following conditions:
- 3322 (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System  
3323 directly or indirectly connected to the OJRSA's wholesale or retail system; and
- 3324 (b) The emergency must originate on public or common property owned, operated, and main-  
3325 tained by the Satellite Sewer System. Events that occur on private property are not consid-  
3326 ered an emergency per this Regulation. The OJRSA reserves the right to confirm all infor-  
3327 mation regarding the emergency with the registered agent(s) of the Satellite Sewer System.
- 3328 (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA*  
3329 *Schedule of Fees* shall apply.
- 3330 (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste  
3331 afterhours, including waste from onsite wastewater systems and septic tanks.
- 3332 3. Abuse of the above requirements stated in SECTION 11.2 shall result in actions as detailed in SECTION  
3333 9.12.7.

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## 3334 B. Septic Tank Waste

## 3335 1. Acceptance From Within OJRSA Service Area

3336 (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service  
3337 area.3338 (b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior ap-  
3339 proval. Approval must be requested and granted in writing prior to discharge at OJRSA fa-  
3340 cilities.3341 (c) Sanitary wastewater from Nonresidential Users located outside the service area will not be  
3342 accepted under any circumstances.3343 (d) Loads mixed with Residential septic tank waste from inside and outside of the service area  
3344 shall not be accepted without prior approval; however, mixed loads that may contain Non-  
3345 residential septic tank wastewater from outside of the service area shall not be accepted  
3346 under any circumstances.3347 2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal  
3348 at the treatment facility.3349 3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to  
3350 discharge at OJRSA facilities.3351 4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Sched-*  
3352 *ule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA  
3353 service area.

## 3354 C. Portable Toilet Waste

## 3355 1. Acceptance From Within OJRSA Service Area

3356 (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.

3357 (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged  
3358 at OJRSA facilities without prior approval.3359 (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not  
3360 be accepted without prior approval.

3361 2. Portable toilet waste to be accepted must consist of sanitary waste only.

3362 3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, includ-  
3363 ing septic tank waste, prior to discharge at OJRSA facilities.3364 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-  
3365 posal at the treatment facility.3366 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*  
3367 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the  
3368 OJRSA service area.

## 3369 D. Beneficial Hauled Waste

3370 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled  
3371 waste may be accepted at locations and under conditions set forth in an approval letter.3372 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in  
3373 writing to the attention of the OJRSA Regulatory Services Coordinator.3374 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case  
3375 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions  
3376 and limitations may apply.3377 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as  
3378 a condition of acceptance of each designated beneficial hauled waste.

## 3379 E. Prohibited Wastes

3380 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.

3381 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-  
3382 tion to any facility connected to OJRSA facilities, including those that originate on private property  
3383 (e.g., private sewers).

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- 3384 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-  
3385 sidered hazardous under the RCRA regulations.

**11.3 HAULED WASTE TRANSPORTER REQUIREMENTS**

- 3386  
3387 A. The contents of a Hauled Waste Transporter operated by a SCDES-licensed hauler of holding tank waste  
3388 shall be discharged to the POTW only at a location approved by the Director. Such wastewater must have  
3389 prior written approval of the Director before being discharged. The discharge of this waste shall be subject  
3390 to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy of this  
3391 letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed hauler  
3392 shall provide the information requested as shown in the Regulation.
- 3393 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,  
3394 as stated in appropriate sections of this Regulation.
- 3395 C. Only wastes originating within the OJRSA's service area may be accepted.
- 3396 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to  
3397 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier  
3398 than January 1 and an ending date no later than December 31.
- 3399 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-  
3400 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-  
3401 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic  
3402 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-  
3403 cludes the following signed certification statement, which must include a Wet Signature from the Author-  
3404 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not  
3405 the Waste Hauler):

3406  
3407 **I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE PERFORMED APPROPRIATE**  
3408 **INVESTIGATION TO ENSURE THAT THE WASTEWATER TO BE DISCHARGED IS FROM NO OTHER SOURCE**  
3409 **THAN A SEPTIC TANK ORIGINATED IN OCONEE COUNTY OR WITHIN THE OJRSA SERVICE AREA, AND TO**  
3410 **THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL, TOXIC MATERIAL, OR INDUSTRIAL**  
3411 **MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY AD-**  
3412 **VERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.**

**11.4 INSPECTION AND MONITORING**

3413 In accordance with SECTION 8.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination  
3414 sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this  
3415 Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording  
3416 equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate doc-  
3417 umentation or satisfy compliance requirements.  
3418

**11.5 FEES AND CHARGES**

3419 Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA*  
3420 *Schedule of Fees*. If approved for acceptance as stated in SECTIONS 11.1 and 11.2, then fees and charges for other  
3421 forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-  
3422 case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to dis-  
3423 charge hauled waste at OJRSA facilities without proper payment of fees and charges.  
3424

**11.6 ENFORCEMENT**

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3426 Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures  
3427 that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in SECTION 9. En-  
3428 forcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

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3429 **Section 12 – Severability**

3430 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent  
3431 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-  
3432 tinue in full force and effect.

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3433 **Section 13 – Conflict**

3434 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby  
3435 repealed to the extent of such inconsistency or conflict.