



Oconee Joint Regional Sewer Authority

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MEMORANDUM

TO: *VIA EMAIL*
Board of Commissioners
Administrators for Seneca, Walhalla, and Westminster
West Union Mayor Linda Oliver

FROM: Chirs Eleazer, Executive Director

DATE: August 29, 2024

SUBJECT: Notes for draft Sewer Use Regulation revision

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 and propose the changes below. While reviewing the SUR, several other proposed revisions were included and are noted within the table. Unless otherwise indicated, the numbers in the left hand column of the table reference the line in the SUR to which a change was made. Note that only modifications requiring explanation are provided below—see the document in its entirety for all proposed changes, which are indicated using “redline” or “marked up” text in attached SUR draft.

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 (EXAMPLE) in the marked up document were moved. The location where they were moved from are indicated by green text with double strikethrough lines (EXAMPLE).
<i>General</i>	In Section 8.12 Enforcement Management Strategy, changed “terminate water and/or sewer” to “seek termination of water and/or sewer”
2	Update to revision table to be completed upon adoption of SUR

121	Update to Section 1 will be necessary upon adoption of SUR
403	Allowed smaller units for Multi-Family Developments on a case-by-case basis
472	Added definition of a Hotel with Kitchen
476	Added definition of a Hydromechanical FOG Device
551	Clarified what sewer plumbing is for a Multi-Family Development and removed information from the definition that is referenced later in the SUR
788	Made change to shared service/plumbing for Single-Family Residential that will allow shared services for up to two (2) units, meaning that certain facilities like townhomes can have a shared connection between two adjacent units and not be required to install a FOG Control Device.
800	Added definition of Special Pretreatment Device
842	Added definition for Wastestream
1002	Added section for electronic submittal of documents. <i>Note: This may be moved to a different section of the document prior to final draft is presented to Board.</i>
1257	Added sentence regarding specific variances that may be found elsewhere in the Regulation (e.g., variances for FOG devices)
2822	See comment for Line 788 above
2828	Added section for Hotels with Kitchens as defined in SUR
2908	Added comment to allow for acceptance of certain electronic records
2963	Paragraphs D and E were moved to Section 9.9 and placed in the appropriate section for FOG Interceptors
3012	Starting here and as applicable elsewhere following this section, references to the need of the NAICS codes to be provided to OJRSA has been removed
3015	Added language to allow for HFDs to be used for this class
3019	Changed regulations associated with Retail Food Establishments from SCDHEC to the SC Department of Agriculture, which took effect when SCDHEC dissolved on July 1, 2024. This was also changed as needed following this revision.
3039	Added language to allow for HFDs to be used for this class
3058	Added Hotels with Kitchens as a Class 2 facility
3059	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3061	Added language to allow for HFDs to be used for this class
3071	Added that Multi-Family Developments may be considered a Class 2 (under certain conditions)
3087	Grouped the contents of this section into General Requirements, General FCD, FOG Trap, HFDs, and FOG Interceptors for easier use
3108	Added requirement that FOG Traps be certified by PDI for flow and capacity
3119	Added design and installation requirements for HFD
3127	Added minimum retention time for liquid in FOG Interceptor, which is based on International Plumbing Code
3135	Added language that allows the OJRSA to consider maintenance requirements on a case-by-case basis, which are to be determined on any number of conditions
3138	Statement allowing the OJRSA to require increased cleaning if there is evidence of excess FOG in public sewer system
3144	Established objective criteria for cleaning FOG Traps, including the "25% Rule" (defined in footnote of SUR) or evidence of visible solids leaving the treatment device (defined "evidence" in footnote of SUR). Also changed the maximum cleaning cycle from two (2) weeks to twenty-one (21) calendar days for FOG Traps.

3152	Added maintenance requirements for HFD. Added that there shall be no evidence of prohibited solids or other matter in the effluent of the device.
3164	Most of these changes were from Section 9.6(D)
3175	Green font was moved from Section 9.6(E)
3176	Added that 25% Rule applies for FOG Interceptor maintenance
3185	Green font was moved from Section 9.6(E)
3207	Some of the companies do not know how often the interceptors are pumped out and a few have included this on their form, which is very helpful to the Regulatory Services Coordinator and Commercial Pretreatment & Construction Inspector
3208	Certain establishments have their facilities cleaned out afterhours, so there should be an agreement with a waste hauler and a copy of it should be at the facility and available to OJRSA upon request
3213	Moved here from Line 3213
3267	Starting here, numerous additions were made regarding maintenance variance requests, including the procedure for requesting a variance
3425	Removed "FOG Trap or Interceptor" because the OJRSA no longer accepts brown grease for disposal

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Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	South Carolina Department of Health and Environmental Control (SCDHEC) Approved Sewer Use Ordinance	SCDHEC
7/18/1995	Oconee County Ordinance 1995-07	Oconee County Council
10/3/2011	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
4/1/2017	Sewer Use Regulation revision	OJRSA Board of Commissioners
3/1/2018	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
8/23/2019	Non-substantial modification to correct discrepancy Enforcement Management Strategy	SCDHEC and OJRSA Board of Commissioners
10/01/2023	Comprehensive revision and inclusion of attachments into the main body of the Regulation, update to comply with SCDHEC Consent Order and CMOM requirements, and to further develop the FOG Management Program for OJRSA. Adopted by <i>OJRSA Resolution 2024-02</i> on 09/11/2023.	SCDHEC and OJRSA Board of Commissioners
XX/XX/XXXX	Minor revision of Regulation, mainly for FOG, Special Pretreatment Devices, and recordkeeping requirements	SCDES and OJRSA Board of Commissioners

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121 **Section 1 – Sewer Use Regulation Adoption and Approval**

122 These Regulations shall be in full force and effect from and after passage, approval, and publication, as provided
123 by law.

124
125 As reviewed by the Approval Authority (South Carolina Department of Health and Environmental Control) and ap-
126 proved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on August
127 7, 2023, a thirty (30) day public notice given on August 11, 2023 in *The Journal* (Seneca, South Carolina), on the
128 OJRSA website (www.orjsa.org), and on social media accounts updated by OJRSA.

129
130 The Approval Authority was made aware of the public notice and comment period on August 4, 2023.

131
132 A public comment period was granted from August 11, 2023, until the OJRSA Board of Commissioners Meeting on
133 the evening of September 11, 2023. The agency also accepted written comments as stated in the legal notices ad-
134 vertised in *The Journal* (Seneca, South Carolina) on August 11, 2023 and September 2, 2023; at [www.ojsa.org/](http://www.ojsa.org/info)
135 [info](http://www.ojsa.org/info); and on OJRSA social media accounts.

136
137 APPROVED and ADOPTED by *OJRSA Resolution 2024-02* by the Oconee Joint Regional Sewer Authority Board of
138 Commissioners on September 11, 2023 during the Board of Commissioners Meeting.

139
140 **EFFECTIVE DATE: 12:01 AM LOCAL TIME ON OCTOBER 1, 2023.**

141

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142 **Section 2 – Administrative Information**143 **2.1 PURPOSE AND POLICY**

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

150
 151 These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW)
 152 and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal
 153 laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations
 154 are:

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

167
 168 These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, author-
 169 izes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement
 170 activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures.
 171 These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users
 172 of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly
 173 Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these
 174 Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items
 175 set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the
 176 implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

177
 178 Requests for variances to these Regulations and OJRSA policies must be made in accordance with SECTION 3.17.

179 **2.2 APPLICATION OF REGULATIONS**

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

184 **2.3 DEFINITIONS**

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

187

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

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

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

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

205 Approval Authority shall mean the State of South Carolina, by and through the Department of Health and Environ-
206 mental Control, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and asso-
207 ciated regulations.

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

209 A. If the User is a corporation:

- 210 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal
211 business function, or any other person who performs similar policy or decision-making functions
212 for the corporation; or
213 2. The manager of one or more manufacturing, production, or operating facilities, provided the man-
214 ager is authorized to make management decisions that govern the operation of the regulated facil-
215 ity including having the explicit or implicit duty of making major capital investment recommenda-
216 tions, and initiate and direct other comprehensive measures to assure long-term environmental
217 compliance with environmental laws and regulations; can ensure that the necessary systems are
218 established or actions taken to gather complete and accurate information for individual wastewater
219 discharge permit requirements; and where authority to sign documents has been assigned or del-
220 egated to the manager in accordance with corporate procedures.

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

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

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

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

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- 275 Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.
- 276 Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Con-
277 trol Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease
278 retained in the control device.
- 279 Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste
280 as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.
- 281 Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and
282 a tasting room products for produced at the facility. *Also see Alcoholic Beverage.*
- 283 CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that
284 assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has
285 adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to elimi-
286 nate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of over-
287 flows on Waters of the State/United States, the environment, and public health.
- 288 Collection System. See definition for Conveyance System.
- 289 Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or
290 equivalent methods approved by EPA.
- 291 Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. *OJRSA cur-
292 rently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer
293 system.*
- 294 Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for
295 commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.
- 296 Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater,
297 are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional)
298 Users may be subject to Local Limits as determined by the Director.
- 299 Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative
300 Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address
301 a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may
302 include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA,
303 with failure to meet such deadlines subject to potential additional enforcement action as stated within the Reg-
304 ulation, including civil penalties.
- 305 Cumulative Consumer Price Index, as applicable to SECTION 8.6, shall mean the aggregate administrative, civil, or
306 criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index
307 as reported for the month of December each calendar year beginning with December 2023. *This amount shall
308 be rounded up or down to the next whole dollar.*
- 309 Contact Cooling Water. See definition for Cooling Water.
- 310 Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and
311 challenges to the environmental community as a result of:
- 312 A. The recent development of new chemicals or other products;
- 313 B. New or recently identified byproducts or waste products;
- 314 C. Newly discovered or suspected adverse health or environmental impacts;
- 315 D. Physical or chemical properties that are not fully evaluated or understood;
- 316 E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other
317 environmental program levels of control; and
- 318 F. Other factors.

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- 319 Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, phar-
320 maceuticals and their constituents, and steroids and hormones.
- 321 Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this
322 Regulation.
- 323 Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and
324 appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treat-
325 ment facility. The conveyance system is considered to be a component of the POTW.
- 326 Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling,
327 evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product,
328 intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water
329 can be generated from any cooling equipment blowdown or produced as a result of any cooling process through
330 either a single pass (once through) or recirculating system. There are two types of cooling water:
- 331 A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact
332 with any raw material, waste intermediate or final product, and which does not contain levels of contami-
333 nants detectably higher than that of intake water and does not have added chemicals for water treatment
334 at the facility.
- 335 B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact
336 means the water has chemical(s) added at the facility or comes into contact with the product produced at
337 the facility. This includes water contaminated through any means, including chemicals added for water
338 treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, pro-
339 cess materials, intermediate materials, final products, waste product, and/or wastewater.
- 340 County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any*
341 *county.*
- 342 Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-
343 four (24) hour period.
- 344 Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where
345 Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the
346 course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge
347 is the arithmetic average measurement of the pollutant concentration derived from all measurements taken
348 that day.
- 349 Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment
350 or solids that have settled in the tank or vessel.
- 351 Director. See definition for Executive Director.
- 352 Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic
353 wastewater source.
- 354 Discharge Permit. See definition for Permit.
- 355 Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and ~~SCDHECSCDES~~ approved
356 location.
- 357 Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail
358 store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*
- 359 Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, com-
360 mercial establishments, institutions and the like, but excluding industrial process wastes.
- 361 Duration of the Violation shall mean the length that the violation existed.

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- 362 Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for defini-
363 tion.
- 364 Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set
365 forth in SECTION 8 of this Regulation.
- 366 Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appro-
367 priate, the Administrator or other duly authorized official of the EPA.
- 368 Environmental Harm shall mean a pollutant effluent which:
369 A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;
370 B. Causes a violation of the POTW's NPDES permit (including water quality standards); or
371 C. Causes a pass-through.
- 372 Equivalent Permitting Record. See definition for Permit.
- 373 Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA*
374 *Sewer Use Regulation* or Industrial User permit.
- 375 Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the
376 person serving as the chief administrative officer (CAO) of the agency.
- 377 Existing Source shall mean any source of discharge that is not a New Source.
- 378 Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for
379 commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products
380 produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence
381 or amount of alcohol volume. *Also see Alcoholic Beverage.*
- 382 Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.
- 383 FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal
384 and/or vegetable or plant sources.
- 385 FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liq-
386 uefy the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices
387 must be cleaned manually to remove any FOG accumulation.
- 388 FOG Control Devices shall mean FOG Interceptors, FOG Traps, Hydromechanical FOG Device, or other OJRSA ap-
389 proved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment
390 works.
- 391 FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support
392 elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system
393 and treatment works. This program is detailed in SECTION 9 of these Regulations.
- 394 FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and
395 grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated
396 living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to
397 the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering and other such oper-*
398 *ations are considered a commercial purpose subject to FSE regulations*).
- 399 FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats,
400 oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Inter-
401 ceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not con-
402 sider these to be the same as under-the-sink FOG Traps or Hydromechanical FOG Devices and shall not be con-
403 strued as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity; however, smaller
404 devices will be considered by OJRSA on a case-by-case basis for Multi-Family Developments.

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- 405 FOG Permit. See definition for Permit.
- 406 FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the
407 responsibility of administering the provisions of the FOG Control Program to ensure User compliance with ap-
408 plicable laws, rules, regulations, and policies.
- 409 FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.
- 410 FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the ~~wastestream-~~
411 Wastestream. These are identified as an “under the sink” reservoir or a “floor trap” which is a small container
412 or tank with baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be
413 connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a “grease
414 interceptor” but should not be confused with a FOG Interceptor as defined by the OJRSA.
- 415 FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial oper-
416 ations through the use of a FOG Interceptor, Hydromechanical FOG Device, or FOG Trap.
- 417 FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to
418 include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within
419 the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumb-
420 ers must perform an inspection on a FCD when the device is being cleaned.
- 421 FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and ap-
422 pliances to the FOG Control Device.
- 423 Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where
424 several food preparation establishments having different Owners may share seating space or plumbing facilities.
- 425 Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or
426 making food available for consumption. Single-Family Residential locations and Multi-Family Developments with
427 four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator
428 and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes
429 (*catering operations are considered a commercial purpose subject to FSE regulations*). FSEs will include but are
430 not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens,
431 assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities,
432 and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establish-
433 ment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-
434 related wastes. Also see definition of FOG Generator.
- 435 Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A
436 force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.
- 437 Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events
438 must be unforeseeable and unavoidable, and not the result of the User’s actions, hence they are considered “an
439 act of God,” such as an earthquake, flood, or riot.
- 440 Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and
441 dispensing of food, and from the Commercial handling, storage, and sale of produce.
- 442 Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for
443 discharge into the sanitary sewer. These are commonly referred to as a “garbage disposal.”
- 444 Grab Sample shall mean a sample that is taken from a ~~wastestream~~ Wastestream without regard to the flow in the
445 ~~wastestream~~ Wastestream and over a period of time not to exceed fifteen (15) minutes.
- 446 Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous
447 rights, privileges, uses, or practices.

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- 448 Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such
449 as toilets and urinals. *This does not include process wastewater from industrial facilities.*
- 450 Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that
451 may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal
452 grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common
453 effluent line shared by a number of wash stations.
- 454 Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from ves-
455 sels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, Hydrome-
456 chanical FOG Devices, and vacuum pump tank trucks.
- 457 Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of
458 transporting solid and/or liquid waste products for treatment or disposal.
- 459 Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concen-
460 tration, or characteristics, may:
461 A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;
462 B. Pose a substantial hazard to human health or the environment if improperly handled; or
463 C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of
464 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal
465 law.
- 466 Hazardous Waste. See definition for Hazardous Material Item BC.
- 467 Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in
468 accordance with SCDHECSCDES and EPA regulations.
- 469 Hearing Officer shall be defined by OJRSA SUR 8.2(D)(5).
- 470 Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trail-
471 ers, septic tanks, and vacuum pump tank trucks.
- 472 Hotel with Kitchen shall mean a hotel, motel, inn, travel court, or other such facility with five (5) or more units for
473 lodging that have kitchens or kitchenettes in guest rooms that includes a sink and/or dishwasher for washing
474 dishes, cookware, utensils, etc. If the facility has a restaurant or prepares food, then that portion of the facility
475 shall be considered a Food Service Establishment.
- 476 Hydromechanical FOG Device shall mean a FOG Control Device that relies on the difference in specific gravity be-
477 tween wastewater and FOG to affect separation of FOG of FOG from wastewater, and may incorporate a flow
478 control device, air entrainment, and other means or principles to improve the efficacy of separation as demon-
479 strated by third-party testing, validation, and certification. Third-party testing for a HFD is to be performed by
480 an independent entity using specific equipment or devices that have been tested and meet or exceed standards
481 established by the certifying entity as recognized by the OJRSA Executive Director or his/her designee, which
482 may include but is not limited to, the National Sanitation Foundation (NSF), American Society of Mechanical
483 Engineers (ASME), Plumbing and Drainage Institute (PDI) or Canadian Standards Association (CAS) or combina-
484 tion of these and other entities to include the aforementioned requirements. Some jurisdictions refer to these
485 as “hydromechanical grease interceptors”.
- 486 Indirect Discharge. See definition for Discharge.
- 487 Industrial User shall mean a source of indirect discharge which does not constitute a “discharge of pollutants” under
488 regulations issued pursuant to Section 402 of Act. An Industrial User may or may not be a CIU and/or SIU.
- 489 Industrial User Permit. See definition for Permit.
- 490 Industrial Wastewater. See definition for Wastewater.

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

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

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

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

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

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

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

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

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

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

561 New Source shall mean:

- 562 A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the
 563 construction of which commenced after the publication of proposed Pretreatment Standards under Section
 564 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in ac-
 565 cordance with that section, provided that:
- 566 1. The building, structure, facility, or installation is constructed at a site at which no other source is
 567 located; or
 - 568 2. The building, structure, facility, or installation totally replaces the process or production equipment
 569 that causes the discharge of pollutants at an Existing Source; or
 - 570 3. The production or wastewater generating processes of the building, structure, facility, or installa-
 571 tion are substantially independent of an Existing Source at the same site. In determining whether
 572 these are substantially independent, factors, such as the extent to which the new facility is inte-
 573 grated with the existing plant and the extent to which the new facility is engaged in the same gen-
 574 eral type of activity as the Existing Source, should be considered.
- 575 B. Construction on a site at which an Existing Source is located results in a modification rather than a New
 576 Source, if the construction does not create a new building, structure, facility, or installation meeting the
 577 criteria of Section (I)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production
 578 equipment.
- 579 C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator
 580 has:

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- 581 1. Begun, or caused to begin, as part of a continuous onsite construction program:
 582 (a) any placement, assembly, or installation of facilities or equipment; or
 583 (b) significant site preparation work including clearing, excavation, or removal of existing build-
 584 ings, structures, or facilities which is necessary for the placement, assembly, or installation
 585 of New Source facilities or equipment; or
 586 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are
 587 intended to be used in its operation within a reasonable time. Options to purchase or contracts
 588 which can be terminated or modified without substantial loss, and contracts for feasibility, engi-
 589 neering, and design studies do not constitute a contractual obligation under this paragraph.

590 Noncontact Cooling Water. See definition for Cooling Water.

591 Non-Process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.

592 Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not
 593 limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educa-
 594 tional facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also in-
 595 clude apartments, condominiums, and other multi-unit housing complexes with a common sewer service lateral
 596 or system serving multiple units prior to connecting with a public sewer. Also see Single-Family Residential, Multi-
 597 Family Development, Hotel with Kitchen, Single-Family Residential, User, and others.*

598 Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling re-
 599 quirements but is permitted and may have other requirements to meet.

600 North American Industry Classification System or NAICS shall mean the standard reference classification system
 601 used by agencies for the United States business economy. It was developed under the auspices of the Executive
 602 Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to
 603 replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreat-
 604 ment regulations.

605 OJRSA shall mean the Oconee Joint Regional Sewer Authority.

606 Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sedi-
 607 ment and other liquid contaminants can be removed from wastewater prior to being discharged to the convey-
 608 ance system or treatment facility. These drain lines may come from variety of facilities including, but not limited
 609 to, covered parking garages, machine shops, service stations, and manufacturing facilities.

610 Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital
 611 related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, re-
 612 viewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to as-
 613 sure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regula-
 614 tions and assures optimal long-term facility management.

615 Owner shall mean an individual or entity in possession of title for land, building or other item. The Owner can be a
 616 claimer, controller, holder, homeowner, householder, landowner, landlord, lessor, occupier, person holding
 617 ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.

618 Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or
 619 concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of
 620 any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the viola-
 621 tion).

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

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

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- 625 A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this
626 purpose) issued to a User or facility after January 1, 1990.
- 627 B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and
628 tracking connections to the public sewer. This record may be issued to users before or since January 1,
629 1990.
- 630 C. FOG Permit is a permit to which a FSE or FOG Generator may be issued, and it is valid for a period of five
631 (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
- 632 D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the
633 potential to impact the POTW.
- 634 E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this defi-
635 nition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Per-
636 mit, as appropriate. It does not include the NPDES Permit.
- 637 F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land
638 Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of
639 the SC Pollution Control Act, or (SC R61-9 122 or 505).
- 640 G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.
- 641 Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company,
642 trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This
643 definition includes all Federal, State, and local governmental entities.
- 644 pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40
645 CFR Part 136, or equivalent methods approved by EPA.
- 646 Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer
647 system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices
648 or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on
649 individual sinks or on a common effluent line shared by a number of sinks.
- 650 Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.
- 651 Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge;
652 munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or dis-
653 charged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other
654 pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD,
655 toxicity, SS, odor) as may be defined by EPA, SCDHEGSCDES, or OJRSA regulations; discharged into water.
- 656 Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological
657 integrity of water.
- 658 Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration
659 of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing
660 such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological
661 processes; process changes; or by other means; except as prohibited by SC R61-9.403.6I. Appropriate pretreat-
662 ment technology includes control equipment, such as equalization tanks or facilities, for protection against
663 surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where
664 wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with
665 wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted
666 pretreatment limit calculated in accordance with SC R61-9 403.6(f).
- 667 Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment
668 Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Reg-
669 ulatory Services Coordinator, depending on who is authorized to perform this function.*
- 670 Pretreatment Facility. See definition for Pretreatment System.

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- 671 Pretreatment Program shall mean a program approved by SCDHECSCDES to enforce the national pretreatment pro-
672 gram requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Stand-
673 ards to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs
674 to proactively protect its infrastructure while overseeing its management responsibilities.
- 675 Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other
676 than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.
- 677 Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Stand-
678 ards, and Local Limits.
- 679 Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before dis-
680 charging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.
- 681 Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include
682 sewer services (“laterals” or “service laterals”). It is not a public sewer.
- 683 Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public
684 Service Commission.
- 685 Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of
686 certain substances; these prohibitions appear in SECTION 4 of these Regulations.
- 687 Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by
688 the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems
689 that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.
- 690 Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is
691 owned by the OJRSA. This definition includes any devices or systems used in the collection, storage, treatment,
692 recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyance systems that
693 transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other con-
694 veiances not connected to a facility providing transportation and/or treatment for wastewater.
- 695 Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform
696 wastewater analyses.
- 697 Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12)
698 month period.
- 699 Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the
700 Board of Commissioners.
- 701 Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA reg-
702 ulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This*
703 *position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*
- 704 Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential
705 User.
- 706 Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings,
707 minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance
708 facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities.
709 These devices may also be referred to as a “grit interceptor,” “sand trap,” or other such name.
- 710 Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.
- 711 Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision,
712 company, or other such party (all collectively referred to as “party” in this definition) that discharges to a system
713 that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-

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714 9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party
715 for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not
716 mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

717
718 A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite
719 Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General
720 Permit as issued by ~~SCDHEGSCDES~~ (or other such permit issued by ~~SCDHEGSCDES~~ and/or EPA) are those that
721 would require a construction permit under SC R61-67 if built today. There are two (2) basic situations that would
722 normally apply:

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

725
726 There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-
727 67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

728 Satellite Sewer System Permit. See definition for Permit.

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

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

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

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

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

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

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

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

743 Significant Industrial User shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

876 **2.4 ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

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| <ul style="list-style-type: none"> 877 °C: Celsius 878 °F: Fahrenheit 879 §: Section 880 ADF: Average Daily Flow (unit of volume during a pe- 881 riod of time) 882 ADMI: American Dye Manufacturers Institute 883 AO: Administrative Order 884 ASCE: American Society of Civil Engineers 885 <u>ASME: American Society of Mechanical Engineers</u> 886 ASTM: American Society of Testing and Materials-In- 887 ternational 888 Atty: OJRSA Attorney (General Counsel) and/or 889 Other Legal Counsel as Designated by OJRSA 890 Board of Commissioners 891 BMP or BMPs: Best Management Practice(s) 892 BOD: Biochemical Oxygen Demand 893 CAO: Chief Administrative Officer 894 CCPI: Cumulative Consumer Price Index 895 CEC: Contaminants of Emerging Concern 896 CEO: Chief Executive Officer | <ul style="list-style-type: none"> 897 CFR: Code of Federal Regulations 898 CIU: Categorical Industrial User 899 CMOM: Capacity, Management, Operation, and 900 Maintenance Audit 901 CPI: Consumer Price Index of All Urban Consumers 902 (CPI-U)—U.S. city average, All items (as issued by 903 the US Bureau of Labor Statistics) 904 COD: Chemical Oxygen Demand 905 CROMERR: Cross Media Electronic Reporting Rule 906 <u>CSA: Canadian Standards Association</u> 907 CWA: Clean Water Act 908 Dir: Executive Director of the OJRSA 909 DMR: Discharge Monitoring Report 910 e.g.: <i>Exempli Gratia</i>, Latin for “for example” 911 EPA: United States Environmental Protection Agency 912 ERG: Enforcement Response Guide 913 et seq.: <i>Et Sequentes</i>, Latin for “and the following” 914 FCD: FOG Control Device 915 FOG: Fats, Oils, and Grease |
|--|--|

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- 916 FOG Insp: FOG Inspector (or person(s) authorized to
- 917 serve in this capacity for the OJRSA)
- 918 FOIA: South Carolina Freedom of Information Act (SC
- 919 Law Title 30 Chapter 4)
- 920 FSE: Food Service Establishment
- 921 gal: Gallon (unit of volume)
- 922 gpd: Gallons per Day (unit of volume during a period
- 923 of time)
- 924 HFD: Hydromechanical FOG Device
- 925 I&I: Inflow and Infiltration
- 926 in.: Inch or Inches, as appropriate (unit of distance)
- 927 IU: Industrial User
- 928 kg: Kilogram (unit of mass)
- 929 lb (or lbs): Pound or Pounds, as appropriate (unit of
- 930 mass)
- 931 MB: Megabyte
- 932 mg/L: Milligrams per Liter (unit of concentration)
- 933 NAICS: North American Industry Classification Sys-
- 934 tem
- 935 NCPS: National Categorical Pretreatment Standard(s)
- 936 NH₃-N: Ammonia Nitrogen
- 937 No.: Number
- 938 NOAA: National Oceanic and Atmospheric Admin-
- 939 istration
- 940 NOSNC: Notice of Significant Noncompliance
- 941 NOV: Notice of Violation
- 942 NPDES: National Pollutant Discharge Elimination Sys-
- 943 tem
- 944 NSF: National Sanitation Foundation
- 945 O&M: Operation and Maintenance
- 946 OD: Oxygen Demand
- 947 OJRSA: Oconee Joint Regional Sewer Authority
- 948 OJRSA SUR xx (where “xx” is either letters and/or
- 949 numbers): Oconee Joint Regional Sewer Authority
- 950 Regulation (“xx” references the regulation)
- 951 OMB: Office of Management and Budget, an office
- 952 within the Executive Office of the President of the
- 953 United States
- 954 OSHA: Occupational Safety and Health Administra-
- 955 tion
- 956 PC: Pretreatment Coordinator or person(s) author-
- 957 ized to serve in this capacity by or Inspector for
- 958 the OJRSAPFAS: Per- and Polyfluoroalkyl Sub-
- 959 stances
- 960 PDF: Portable Document Format
- 961 PDI: Plumbing and Drainage Institute
- 962 pH: Potential of Hydrogen or Power of Hydrogen
- 963 (unit of acidity/basicity)
- 964 PL: Public Law
- 965 POTW: Publicly Owned Treatment Works
- 966 PU: Private Utility
- 967 QAC or QACs: Quaternary Ammonium Compound(s)
- 968 RSC: Regulatory Services Coordinator or Inspector
- 969 (or person(s) authorized to serve in this capacity
- 970 for the OJRSA)
- 971 SC Rxx (where “xx” is either letters and/or numbers):
- 972 South Carolina Regulation (“xx” references the
- 973 regulation)
- 974 RCRA: Resource Conservation and Recovery Act
- 975 SC: South Carolina
- 976 SCADA: Supervisory Control and Data Acquisition
- 977 SCDES: South Carolina Department of Environmental
- 978 Services or any successor agency
- 979 SCDHEC: South Carolina Department of Health and
- 980 Environmental Control, successor agency to
- 981 SCDES or any successor agency
- 982 SDWA: Safe Drinking Water Act
- 983 SIC: Standard Industrial Classification System
- 984 SIU: Significant Industrial User
- 985 SNC: Significant Noncompliance
- 986 SS: Suspended Solids
- 987 SU: Standard Units for pH Measurements
- 988 SUR: *OJRSA Sewer Use Regulation*
- 989 SWDA: Solid Waste Disposal Act
- 990 TKN: Total Kjeldahl Nitrogen
- 991 TMS: Tax Map System
- 992 TRC: Technical Review Criteria
- 993 TSS: Total Suspended Solids
- 994 US: United States
- 995 USC: United States Code
- 996 WEF: Water Environment Federation

997 **2.5 DOCUMENT FORMAT**

998 This manual contains fonts and styles that mean certain things, including points of emphasis or reference other

999 sections or materials. Below is a list of the types used within this manual and what it represents when encountered

1000 in the *OJRSA Sewer Use Regulation*.

1001

BOLD CAPITAL LETTERS
Dashed Underline

Important point of emphasis
 Name of a form to use for documenting a referenced task

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<i>Italic 'Cambria Math' Font</i>	Mathematic or chemistry formula
<i>Italics</i>	Title of books, manuals, and other documents or unfamiliar foreign words
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
<u>Underlined</u>	Word being defined (limited to SECTION 2.3)
<u><i>Underlined Italics</i></u>	A note of emphasis

2.6 ELECTRONIC SUBMITTAL OF DOCUMENTS

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

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

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1018 **Section 3 – Use of Sewers**1019 **3.1 USE OF SYSTEM CONSTITUTES ACCEPTANCE**

1020 The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User’s consent and
 1021 agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations
 1022 promulgated hereunder, including enforcement and penalty provisions.

1023 **3.2 SEWER SYSTEMS**

- 1024 A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This re-
 1025 quirement shall not apply to systems which are owned by multiple public entities.
- 1026 B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or
 1027 County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line
 1028 shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby
 1029 the PU covenants to restrict future conveyances of the Sewer System as follows:
- 1030 1. The PU and its successors agree that any and all future conveyances of the Sewer System are re-
 1031 stricted and limited to conveyances to a single entity of the entire system of gravity lines, force
 1032 mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations
 1033 of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as iden-
 1034 tified in the *OJRSA Development Policy*;
 - 1035 2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the
 1036 Sewer System in its entirety is owned by a public entity.
 - 1037 3. Further, the application to OJRSA will include an opinion from the PU’s legal counsel that such PU
 1038 is authorized to own and operate the Sewer System and to enter into the contracts by which it
 1039 gained ownership and control of the system.
- 1040 C. Sewer Systems that are to remain privately owned must be permitted by [SCDHEGSCDES](#) and/or the OJRSA
 1041 as a Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance
 1042 with the [SCDHEGSCDES](#) Satellite Sewer System Permit or other such permit or requirement of [SCDHEGSCDES](#)
 1043 and these Regulations.
- 1044 D. Service requests inside the service area of a Member City, municipality, or County sewer.
- 1045 1. All requests for service inside the service area of a Member City, municipality, or County shall be
 1046 under the direction and approval of a Member City, municipality or County. This provision allows
 1047 the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such
 1048 Sewer System a part of the Member City, municipality, or County’s Sewer System.
 - 1049 2. The application for service to OJRSA shall be under the direction and approval of the Member City,
 1050 municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or
 1051 subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured
 1052 for more than thirty (30) calendar days, then the Member City, municipality, or County will assume
 1053 ownership, operational, maintenance, and financial responsibility for the PU.
 - 1054 3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which
 1055 such entity obtained control of the system. A term of that contract shall require ownership of the
 1056 system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System
 1057 becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for
 1058 an unsafe or unsanitary operating condition. The contract will include express provision giving
 1059 OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary
 1060 thereto.

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3.3 PERMITS REQUIRED

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- A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
 - B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Industrial Users must also comply with OJRSA SUR 3.3(D) and 6.1.
 - C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
 - D. Industrial Users
 1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit Application and Questionnaire and obtain approval to connect and use the sewer facilities, regardless of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
 2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as provided by the Director or his/her designee. This application shall be obtained from the OJRSA.
 - E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source Wastewater Discharge Permit.

3.4 RESPONSIBILITY OF COSTS

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All costs and expense incident to the installation and connection of building sewers and/or extension of the conveyance system shall be borne by the Owner.

3.5 USE OF PUBLIC SEWERS REQUIRED

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- A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and with regulations of SCDHECSCDES.
 - B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
 - C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unusual or specific circumstances, the Director may waive this provision. This requirement shall not apply to any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic system permitted by SCDHECSCDES in compliance with S.C. Regulation 61-56. Such properties may continue to utilize their existing septic systems until and unless SCDHECSCDES requires those properties to connect to public sewer pursuant to S.C. Regulation 61-56.
 - D. Exceptions
 1. Force mains shall not be considered accessible and shall not be utilized by any User for direct connection of sewer service.
 2. Where annexation or easements to cross adjacent property are required to connect to the wastewater system at the time of application, then sewer shall not be considered accessible. A 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.

3.6 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.

3.7 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 4.2(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.

3.8 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.

3.9 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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- 1151 C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall
 1152 be connected to private wastewater disposal systems subject to the requirements of the County or
 1153 SCDHECSCDES.

3.10 COMPLIANCE WITH OTHER REGULATIONS

1154 The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and
 1155 backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the mate-
 1156 rials and procedures set forth in *ASCE Manual of Practice No. 60*. And *WEF Manual of Practice No. FD-5* shall govern.
 1157 All joints of the building sewer shall be tight and waterproof.
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3.11 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER

- 1159 A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement
 1160 floor.
 1161 B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater
 1162 carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the
 1163 building sewer.
 1164 C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable
 1165 building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gas-
 1166 tight and watertight.
 1167 D. Any deviation from the prescribed procedures and materials must be approved by the Director or in ac-
 1168 cordance with the *OJRSA Development Policy* before installation.
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3.12 SUPERVISION OF BUILDING SEWER CONSTRUCTION

1170 The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection
 1171 and connection to the public sewer no less than two (2) full business days prior to making the connection. The
 1172 OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer.
 1173 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect
 1174 the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work
 1175 shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596,
 1176 the Occupational Safety and Health Act of 1970.
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3.13 SPECIAL PRETREATMENT DEVICES

- 1178 A. All Special Pretreatment Devices may be subject to construction and operational permitting by
 1179 SCDHECSCDES.
 1180 B. FOG Control Devices
 1181 1. FOG Interceptors, Hydromechanical FOG Devices (HFD), and FOG Traps shall be provided when they
 1182 are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts,
 1183 sand, or other harmful ingredients as required by SECTION 9 of these Regulations. Applicable facili-
 1184 ties for these systems include those identified in that Section; except that such devices shall not be
 1185 required for Single-Family Residential or dwelling units unless associated with regulated Multi-Fam-
 1186 ily Developments or a Hotel with Kitchen as stated in OJRSA SUR 9.3(C).
 1187 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall
 1188 be located as to be readily and easily accessible for cleaning and inspection with adequate and
 1189 approved security mechanisms installed to prevent unauthorized access or use.
 1190 3. Where installed, all FOG Interceptors, HFDs, and FOG Traps shall be maintained and secured by the
 1191 Owner at their expense and in continuously efficient operation at all times.
 1192 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-
 1193 posal by appropriate means of the captured material and shall maintain records of the dates and
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- 1195 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body
 1196 as appropriate.
- 1197 5. Any removal and hauling of collected materials shall be performed according to applicable State,
 1198 Federal, and Local regulations.
- 1199 6. Additional requirements and regulatory guidance for the installation, operation, and maintenance
 1200 of FOG Interceptors, HFD, and FOG Traps can be found in the *OJRSA Development*.
- 1201 C. Oil and Grit Removal Systems
- 1202 1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for
 1203 the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for
 1204 these systems include, but are not limited to, car washes, auto maintenance shops, mechanical
 1205 maintenance shops, industries, etc.
- 1206 2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall
 1207 be located as to be readily and easily accessible for cleaning and inspection with adequate and
 1208 approved security mechanisms installed to prevent unauthorized access or use.
- 1209 3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and se-
 1210 cured by the Owner at their expense in continuously efficient operation at all times.
- 1211 4. In maintenance of these devices, the Owner shall be responsible for the proper removal and dis-
 1212 posal by appropriate means of the captured material and shall maintain records of the dates and
 1213 means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body
 1214 as appropriate.
- 1215 5. Any removal and hauling of collected materials shall be performed according to applicable State,
 1216 Federal, and Local regulations.
- 1217 6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months un-
 1218 less the facility can document that four (4) months does not affect the functionality of the devices
 1219 or impact the sewer system.
- 1220 7. Additional requirements and regulatory guidance for the installation, operation, and maintenance
 1221 of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.
- 1222 D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to
 1223 meet the requirements of SECTIONS 4.4 and 4.9, Industries or other Users are required to install specialized
 1224 equipment on a case-by-case basis as determined by the OJRSA and/or SCDHEGSCDES in order to:
- 1225 1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment fa-
 1226 cilities that will interfere with their operations or pass-through untreated or undertreated;
- 1227 2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
- 1228 3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
- 1229 4. Protect employees and others that perform work on the conveyance system and/or treatment fa-
 1230 cilities.
- 1231 E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply
 1232 with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair
 1233 Trap/Interceptors, and Plaster Separators.

3.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE

- 1234 A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
- 1235 B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections (“lat-
 1236 erals”), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
- 1237 C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and
 1238 pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g.,
 1239 SCDHEGSCDES).
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- 1241 D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for
- 1242 engineering standards or regulations met per SECTION 3.14, and be inspected and approved by County or
- 1243 Member City Codes Department (or other as appropriate), OJRSA, and/or SCDHECSCDES.

1244 **3.15 CONNECTION CONSTITUTES CONSENT**

1245 Connection to the OJRSA’s system shall constitute consent and agreement by the User to be bound by and to abide
1246 with all OJRSA Regulations and requirements.

1247 **3.16 SPECIFICATIONS FOR CONNECTIONS TO SEWER**

1248 Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA*
1249 *Development Policy*.

1250 **3.17 VARIANCES**

- 1251 A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or
- 1252 State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and
- 1253 may be included in a Discharge Permit or other written document as issued by OJRSA.
- 1254 B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and
- 1255 State laws.
- 1256 C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and
- 1257 policies, including but not limited to these Regulations, fees, design, and construction matters. There may
- 1258 be specific variance requirements within certain sections of the Regulation, and unless otherwise noted,
- 1259 these shall only apply to the section and subsection in which it is stated.

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Section 4 – Prohibitions and Limitations on Wastewater Discharges

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4.1 PROHIBITED DISCHARGES

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

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- 1306 8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.
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- 1308 9. Wastewater which constitutes a slug discharge as defined herein.
- 1309 10. Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
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- 1316 11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
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- 1318 12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
- 1319 13. Any pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
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- 1321 14. Any trucked or hauled pollutants not authorized under SECTION 10 of these Regulations.
- 1322 15. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts observable and/or measurable color to the treatment plant's effluent thereby violating the OJRSA's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
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- 1327 16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- 1328 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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- 1332 18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- 1333 19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
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- 1335 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.
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- 1338 C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
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- 1340 D. Inflow Prohibitions: Any wastewater drains located outside the building must be covered with a roof or hatch and also have a berm or appropriate stormwater barrier around it to prevent the drainage of stormwater into the sewer (e.g., mop basin, sampling point, etc.). Outdoor grated cleanouts are not allowed in the OJRSA territory to prevent the introduction of stormwater to the sewer, which includes industrial and other ~~wastestream~~ Wastestream sampling points. Dumpster pad drains are not allowed to be connected to any system that discharges wastewater to the OJRSA wastewater treatment plant. Any outside drain must be approved by OJRSA and will be evaluated on a case-by-case basis. Outside sampling locations are also included in this requirement. The sampling location must have an aluminum or lightweight cover to prevent stormwater from getting into the sewer line. A notch can be cut out of the lid to allow sampling tubing for the composite sampler.
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4.2 CONDITIONALLY PROHIBITED DISCHARGES

1350 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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1354 to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW**
 1355 **WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

1356 A. Grease, Waxes, and Oils:

- 1357 1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
- 1358 (a) Wastewater shall not exceed an average concentration of more than one hundred milli-
- 1359 grams per liter (100 mg/L) of such oil or grease.
- 1360 (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing
- 1361 Test Procedures for the Analysis of Pollutants.
- 1362 2. Oil or Grease of Animal or Vegetable Origin
- 1363 (a) Wastewater shall not exceed an average concentration of more than two hundred milli-
- 1364 grams per liter (200 mg/L) of such oil or grease.
- 1365 (b) Analyses for total oil and grease and for total petroleum oil and grease shall be performed
- 1366 in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of
- 1367 Pollutants. The difference between the hydrocarbon analysis and the total recoverable
- 1368 grease and oil analysis will be considered grease or oil of animal or vegetable origin.
- 1369 3. Wastewater containing substances which may solidify or become viscous at a temperature be-
- 1370 tween thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).
- 1371 4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION
- 1372 9 and SECTION 10 of this Regulation address provisions as they are applicable to hauled waste.
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1374 B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater
 1375 treatment processes employed.

1376 C. Holding tank waste.

1377 D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming
 1378 pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including
 1379 industrial wastewater), unless specifically authorized by the Director.

1380 **4.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS**

- 1381 A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards
 1382 or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these
 1383 Regulations.
- 1384 B. No person shall discharge wastewater in excess of the concentration or mass limit set forth in National
 1385 Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as
 1386 listed on an individual Discharge Permit. The Director shall establish permit limitations on industrial and
 1387 Commercial Users on a case-by-case basis in accordance with ~~SCDHEC~~SCDES and EPA regulations. Where
 1388 appropriate and allowed by applicable regulations, the Director may impose concentration and/or mass
 1389 limitations on a discharge.
- 1390 C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall
 1391 discharge wastewater containing an excess of these pollutant limits.
- 1392 D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Dis-
 1393 charge Permits to implement Local Limits and the requirements of SECTION 4.1 of these Regulations.

1394 **4.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS**

- 1395 A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter
 1396 I, Subchapter N, Parts 405-471 and/or SECTION 4.3.
- 1397 B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified
 1398 in S.C. R.61-9 403.

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- 1399 C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part
1400 of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the initia-
1401 tion of a discharge. These specific limits and definitions of duration and maximums shall be on file at the
1402 OJRSA's office and available upon request. Future changes or additions to these limitations shall be devel-
1403 oped, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically in-
1404 corporated into the Pretreatment Program.
- 1405 1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the
1406 concentration of a pollutant in wastewater, the Director may impose equivalent concentration or
1407 mass limits in accordance with this Section.
 - 1408 2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of
1409 pollutant per unit of production, the Director may convert the limits to equivalent limitations ex-
1410 pressed either as mass of pollutant discharged per day or effluent concentration for purposes of
1411 calculating effluent limitations applicable to individual Industrial Users.
 - 1412 3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not
1413 regulated by the same Standard, the Director may impose an alternate limit in accordance with SC
1414 R61-9 403.6I.
 - 1415 4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations,
1416 an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The deter-
1417 mination to convert concentration limits to mass limits is within the discretion of the Director.
1418 OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set
1419 forth below.
 - 1420 (a) To be eligible for equivalent mass limits, the Industrial User must:
 - 1421 (i) Employ, or demonstrate that it will employ, water conservation methods and tech-
1422 nologies that substantially reduce water use during the term of its individual
1423 wastewater discharge permit;
 - 1424 (ii) Currently use control and treatment technologies adequate to achieve compliance
1425 with the applicable Categorical Pretreatment Standard, and not have used dilution
1426 as a substitute for treatment (SECTION 4.5);
 - 1427 (iii) Provide sufficient information to establish the facility's actual average daily flow
1428 (ADF) rate for all waste streams, based on data from a continuous effluent flow
1429 monitoring device as well as the facility's long-term average production rate. Both
1430 the actual ADF rate and the long-term average production rate must be representa-
1431 tive of current operating conditions;
 - 1432 (iv) Not have daily flow rates, production levels, or pollutant levels that vary so signifi-
1433 cantly that equivalent mass limits are not appropriate to control the discharge; and
 - 1434 (v) Have consistently complied with all applicable Categorical Pretreatment Standards
1435 during the period prior to the Industrial User's request for equivalent mass limits.
 - 1436 (b) An Industrial User subject to equivalent mass limits must:
 - 1437 (i) Maintain and effectively operate control and treatment technologies adequate to
1438 achieve compliance with the equivalent mass limits;
 - 1439 (ii) Continue to record the facility's flow rates through the use of a continuous effluent
1440 flow monitoring device;
 - 1441 (iii) Continue to record the facility's production rates and notify the Director whenever
1442 production rates are expected to vary by more than twenty percent (20%) from its
1443 baseline production rates determined in paragraph 4.4(C)(4)(a)(iii) of this Section.
1444 Upon notification of a revised production rate, the Director will reassess the equiv-
1445 alent mass limit and revise the limit as necessary to reflect changed conditions at
1446 the facility; and

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- 1447 (iv) Continue to employ the same or comparable water conservation methods and
 1448 technologies as those implemented pursuant to paragraph 4.4(C)(4)(a)(i) of this
 1449 Section as long as it discharges under an equivalent mass limit.
- 1450 (c) When developing equivalent mass limits, the Director:
- 1451 (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the
 1452 regulated process(es) of the Industrial User by the concentration-based Daily Max-
 1453 imum and Monthly Average standards for the applicable Categorical Pretreatment
 1454 Standard and the appropriate unit conversion factor;
- 1455 (ii) Upon notification of a revised production rate, will reassess the equivalent mass
 1456 limit and recalculate the limit as necessary to reflect changed conditions at the fa-
 1457 cility; and
- 1458 (iii) May retain the same equivalent mass limit in subsequent individual wastewater
 1459 discharge permit terms if the Industrial User's actual ADF rate was reduced solely
 1460 as a result of the implementation of water conservation methods and technologies,
 1461 and the actual ADF rates used in the original calculation of the equivalent mass limit
 1462 were not based on the use of dilution as a substitute for treatment pursuant to
 1463 SECTION 4.5. The Industrial User must also be in compliance with these Regulations
 1464 regarding the prohibition of bypass.
- 1465 5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts
 1466 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to indi-
 1467 vidual Industrial Users. The conversion is at the discretion of the Director.
- 1468 (a) Once included in its permit, the Industrial User must comply with the equivalent limitations
 1469 developed in this Section in lieu of the promulgated Categorical Pretreatment Standards
 1470 from which the equivalent limitations were derived.
- 1471 (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum
 1472 daily discharge limitations and a second limit for calculating maximum Monthly Average, or
 1473 four (4) day average, limitations. Where such Standards are being applied, the same pro-
 1474 duction or flow figure shall be used in calculating both the average and the maximum equiv-
 1475 alent limitation.
- 1476 (c) Any Industrial User operating under a permit incorporating equivalent mass or concentra-
 1477 tion limits calculated from a production-based Standard shall notify the Director within two
 1478 (2) business days after the User has a reasonable basis to know that the production level
 1479 will significantly change within the next calendar month. Any User not notifying the Direc-
 1480 tor of such anticipated change will be required to meet the mass or concentration limits in
 1481 its permit that were based on the original estimate of the long-term average production
 1482 rate.

4.5 DILUTION PROHIBITION

1483 Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a dis-
 1484 charge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations de-
 1485 veloped by the OJRSA, State, or Federal Regulations.
 1486

4.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

- 1487 A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/
 1488 slug control plan or other actions to control slug discharges. Users shall provide protection from accidental
 1489 discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent
 1490 accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner.
 1491 When required, detailed plans showing facilities and operating procedures to provide this protection shall
 1492 be submitted to the OJRSA for review and shall be approved by the OJRSA and **SCDHECSDDES** as necessary
 1493

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1494 before construction of the facility. Review and approval of such plans and operating procedures shall not
 1495 relieve the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

- 1496 B. The accidental discharge/slug control plan when required shall be submitted to the Director and to
 1497 SCDHEGSCDES containing at a minimum the following:

- 1498 1. Description of discharge practices, including nonroutine batch discharges.
- 1499 2. Description of stored chemicals.
- 1500 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notifica-
 1501 tion must also be given for any discharge which would violate any of the prohibited discharges.
- 1502 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures in-
 1503 clude but are not limited to: inspection and maintenance of storage areas, handling and transfer of
 1504 materials, loading and unloading operations, control of plant site run-off, worker training, building
 1505 of containment structures or equipment, measure for containing toxic organic pollutants (including
 1506 solvents), and/or measures and equipment for emergency response.

1507 **4.7 UPSET PROVISION AS AN AFFIRMATIVE DEFENSE**

- 1508 A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance
 1509 with Categorical Pretreatment Standards if the requirements of Paragraph 4.7(B) are met.
- 1510 B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of
 1511 upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evi-
 1512 dence, that:
- 1513 1. An upset occurred and the User can identify the cause(s) of the upset;
 - 1514 2. The facility was at the time being operated in a prudent and worker-like manner and in compliance
 1515 with applicable operation and maintenance procedures; and
 - 1516 3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or
 1517 Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays)
 1518 of becoming aware of the upset [if this information is provided orally, a written submission must
 1519 be provided within five (5) calendar days]:
 - 1520 (a) A description of the indirect discharge and cause of noncompliance;
 - 1521 (b) The period of noncompliance, including exact dates and times or, if not corrected, the an-
 1522 ticipated time the noncompliance is expected to continue; and
 - 1523 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-
 1524 compliance.
- 1525 C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an
 1526 upset shall have the burden of proof.
- 1527 D. Judicial Determination
- 1528 1. Users shall have the opportunity for a judicial determination on any claim of upset only in an en-
 1529 forcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined
 1530 in SECTION 8 herein.
 - 1531 2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges
 1532 to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon re-
 1533 duction, loss, or failure of its treatment facility until the facility is restored or an alternative method
 1534 of treatment is provided. This requirement applies in the situation where, among other things, the
 1535 primary source of power of the treatment facility is reduced, lost, or fails.

1536 **4.8 NOTICE OF PROCESS CHANGE/INTERRUPTION OF OPERATION**

1537 Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations
 1538 of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or
 1539 longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter
 1540 characteristics of the wastewater.

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4.9 PRETREATMENT

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- A. Users shall provide wastewater pretreatment as required to comply with these Regulations or Discharge Permit and shall achieve compliance with these Regulations and all Categorical Pretreatment Standards within the specified time limitations. A permit to construct pretreatment facilities shall be obtained from [SCDHECSCDES](#) (see SC R61-67). Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review. Submittal of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director prior to the initiation of the changes.
- B. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. The pretreatment system tanks and pipes must be labeled to clearly show the process and what is added to the wastewater.
- C. Additional Pretreatment Measures
1. Whenever deemed necessary, the Director may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewer ~~wastestream~~ Wastestreams from industrial ~~wastestream~~ Wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of these Regulations.
 2. A Significant Industrial User (SIU) [or Categorical Industrial User (CIU) as all CIUs are SIUs] may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow over a period determined by the Director. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A Discharge Permit may be issued solely for flow equalization in order to prevent a heavy flow discharge into the sewer.
 3. FOG Interceptors, Hydromechanical FOG Devices, FOG Traps, Oil/Water Interceptors, or Sand/Oil Interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease, oil, or sand; except that such interceptors shall not be required for Residential Users as defined in these Regulations. All interception units shall be of type and capacity as stated in the *OJRSA Development Policy* and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at their expense, as stated in SECTION 9.
 4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

4.10 BYPASS AS AN AFFIRMATIVE DEFENSE

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- A. Any User which bypasses treatment facilities as defined in SC R61-9 403.17 shall comply with the requirements of that State regulation and applicable other Federal and State regulations.
- B. An Industrial User may allow a bypass to occur only when it does not cause National Categorical Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.
- C. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least ten (10) calendar days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays), from the time the Industrial User becomes aware of the bypass.

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- 1589 D. A written submission shall be provided within five (5) calendar days of the time the Industrial User becomes
 1590 aware of the bypass. The written submission shall contain a description of the bypass and its cause; the
 1591 duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the an-
 1592 ticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent
 1593 reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral
 1594 report has been received within twenty-four (24) hours.
- 1595 E. The Director may take enforcement action against an Industrial User for a bypass, except where the User
 1596 establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:
 1597 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental
 1598 damage; and
 1599 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,
 1600 retention of untreated wastewater, or maintenance during normal periods of equipment down-
 1601 time. This condition is not satisfied if adequate backup equipment should have been installed in the
 1602 exercise of reasonable engineering judgment to prevent a bypass which occurred during normal
 1603 periods of equipment downtime or preventative maintenance; and
 1604 3. The Industrial User submitted notices as required in this Section.
- 1605 F. The Director may approve an anticipated bypass after considering its adverse effects if the Director deter-
 1606 mines at it will meet the conditions listed in this section.

4.11 RECOVERY OF PREVENTATIVE EXPENSES

1607 When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that
 1608 the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA
 1609 may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or
 1610 cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative
 1611 measures shall be charged to and paid by the User and/or Owner.
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4.12 CONTROL OF CONTAMINANTS OF EMERGING CONCERNS

1613 OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to
 1614 the POTW, human health and the environment through pass-through and other impacts addressed by this Regula-
 1615 tion. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving
 1616 waters/biosolids.
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- 1619 A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (inten-
 1620 tional or incidental), discharge as a wastewater or other waste constituent, or other information or data on
 1621 specified CEC; and specified information on Users' products and processes that may contribute to the cre-
 1622 ation of discharge of CEC.
- 1623 B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs
 1624 identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by
 1625 OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall
 1626 include any existing data in the possession or control of the User and may include requirements for the
 1627 User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data,
 1628 and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance
 1629 with this Regulation.
- 1630 C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User
 1631 Permit (through either a new permit, reissuance, or amendment), by Administrative Order (SECTION 8.2) or
 1632 otherwise pursuant to the terms of this Regulation actions by a User to address CEC.
 1633 1. Such actions may include:
 1634 (a) Further or routine monitoring requirements;

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- 1635 (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable
 1636 or User-specific technology-based limits; and
 1637 (c) Requirements for BMPs.
 1638 2. Any such requirements may be based on:
 1639 (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;
 1640 (b) EPA or DHEC standards or criteria; or
 1641 (c) Generally accepted criteria determinations by recognized national scientific entities.

1642 **4.13 QUATERNARY AMMONIUM COMPOUNDS**

1643 Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfac-
 1644 tants that can impact cell walls and membranes after short periods of time and can remain active for relatively long
 1645 periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection
 1646 potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial
 1647 facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's
 1648 wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that per-
 1649 form the wastewater treatment.

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

1656 **4.14 WASTEWATER FROM PRODUCERS OF ALCOHOLIC AND FERMENTED BEVERAGES**

1657 The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to
 1658 change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case,
 1659 must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages,
 1660 whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a mini-
 1661 mum:

- 1662 A. The pH of the wastewater from the above listed industries must comply with the criteria listed in SECTION 4
 1663 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then
 1664 the facility will be required to install and maintain that equipment at their expense.
 1665 B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or block-
 1666 ing flow in sewer lines is prohibited from discharge to the wastewater conveyance system.
 1667 C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility con-
 1668 struction or equipment installation.
 1669 D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of
 1670 discharge to the sewer system.
 1671 E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids
 1672 removal, then they must comply with applicable sections of this Regulation as well as ~~SCDHECSCDES~~
 1673 requirements for a construction permit (SC R61-67).
 1674 F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to
 1675 the enforcement actions set forth in SECTION 8.
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1677 **4.15 EXCESSIVE INFLOW AND INFILTRATION FROM SYSTEMS AND CONNECTIONS NOT OWNED BY OJRSA**

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- 1678 A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition
 1679 of a Satellite Sewer System (collectively referred to in SECTION 4.15 as a "Satellite System") shall be required
 1680 to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
- 1681 B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not
 1682 qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per
 1683 day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite
 1684 System is being measured. A high recurrence interval storm shall be classified as the following per NOAA
 1685 Atlas 14 Point Precipitation Frequency Estimates:
 1686 1. Five (5) year recurrence interval or greater
 1687 2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length
 1688 in minutes or days
 1689 3. Location of most applicable weather station shall be obtained by entering the latitude / longitude
 1690 or street address of the flowmeter location into the Point Precipitation Frequency Estimate web-
 1691 site: PF Map: Contiguous US (noaa.gov)
- 1692 C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow
 1693 criteria shall be evaluated at each connection point independently of any other connection points, which
 1694 may necessitate data collection from the Satellite System's infrastructure.
- 1695 D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a
 1696 pump station as near to the connection point as practicable. All effort shall be made to establish a flow
 1697 monitoring point that minimizes:
 1698 1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
 1699 2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any
 1700 other Satellite System flow monitoring points.
- 1701 E. The Satellite System shall provide metering data and any required follow up information to OJRSA for re-
 1702 view. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date
 1703 for that analysis.
- 1704 F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the
 1705 Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge
 1706 (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.
- 1707 G. Compliance – For every day, at each connection point, the Satellite Sewer System is in compliance if Meas-
 1708 ured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow \leq Allowable Daily Flow).
- 1709 H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as
 1710 follows:
 1711 1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influ-
 1712 ence. (See SECTION 4.15.1 for an example):
 1713 (a) For a flowmeter with at least twelve (12) months of flow data:
 1714 (i) Actual daily flows for the last twelve (12) months will be calculated for each month
 1715 and averaged to produce an average daily flow (ADF) for each month of data. Data
 1716 shall be reviewed to exclude any days with missing or questionable data that could
 1717 skew the calculation. For a month to have valid data to be included in the analysis,
 1718 at least seventy-five (75%) of the days within the month should have complete
 1719 data. A minimum of nine (9) months of valid data within the previous twelve (12)
 1720 month period should be used for the analysis; if there is less than nine (9) months
 1721 of valid data within the last twelve (12) months, then the evaluation period shall
 1722 extend to prior to the last twelve (12) month period until there is at least nine (9)
 1723 months of valid data.
 1724 (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and
 1725 the month with the lowest ADF shall be designated as the ADF to be used in the
 1726 analysis.

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- (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be performed with as many months of data as possible. Once there is twelve (12) months of data, the calculation shall be performed as detailed above.
 - (c) ADF shall be recalculated annually.
 - (d) For the ADF calculated in the above steps, the amount should be increased by a factor of five percent (5%) (or else by a different factor if documented by the meter manufacturer and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The maximum meter accuracy allowance that may be used is ten percent (10%).
2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide for Estimating Inflow and Infiltration*) (*See SECTION 4.15.2 for an example*):
- $$2,000 \text{ gpd} * [(Miles \text{ of } 8\text{-inch diameter pipe} * 8) + (Miles \text{ of } 10\text{-inch diameter pipe} * 10) + (Miles \text{ of } 12\text{-inch diameter pipe} * 12) \dots + (Miles \text{ of } X\text{-inch diameter} * X)]$$
- Where "X" represents each additional diameter pipe in the satellite sewer system
- (a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until otherwise verified.
3. For any particular day (*See SECTION 4.15.3 for an example*):
- $$Allowable \text{ Daily Flow} = [Average \text{ Daily Flow (ADF)} * (1 + Meter \text{ Accuracy Percentage}) + Allowable \text{ I\&I Flow}]$$
- I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering practice.

4.15.1 Average Daily Flow Calculation Formula and Example

Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five 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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1756 Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This
 1757 amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a
 1758 value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.

1759 **4.15.2 Allowable I&I Flow Calculation Formula and Example**

1760 This same system has the following size pipes in their system:

Size (inches)	Length of Sewer (Linear Feet)
4	2,200
6	9,800
8	107,000
10	10,500
12	7,200
15	800
18	1,800

1761
 1762 $Allowable\ I\&I\ Flow^1 = 2,000\ gpd * [(2,200*4/5,280) + (9,800*6/5,280) +$
 1763 $(107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) +$
 1764 $(1,800*18/5,280)]$
 1765 $Allowable\ I\&I\ Flow = 439,167\ gpd$

1766 **4.15.3 Allowable Daily Flow Formula and Example**

1767 $Allowable\ Daily\ Flow = [Average\ Daily\ Flow\ (ADF) * (1 + Meter\ Accuracy\ Percentage)] +$
 1768 $Allowable\ I\&I\ Flow] + Allowable\ I\&I\ Flow$
 1769 $= (474,201\ gpd * 1.05) + 439,167\ gpd$
 1770 $= 497,911\ gpd + 439,167\ gpd$
 1771 $Allowable\ Daily\ Flow = 937,078\ gpd$
 1772

1773 Therefore, all daily flows would be measured against this threshold and any individual days (not average daily flow
 1774 for the month) measuring above 937,078 gpd would be out of compliance, unless the system was under the influ-
 1775 ence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA)
 1776 or an abnormal authorized discharge as recognized by the OJRSA.

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

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1777 **Section 5 – Revenue System**1778 **5.1 FEES AND CHARGES AS REGULATION**

- 1779 A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.
- 1780 B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of
- 1781 these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commission-
- 1782 ers and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be
- 1783 developed for the following purposes:
- 1784 1. Industrial monitoring, inspections, and surveillance procedures;
 - 1785 2. Reviewing accidental discharge procedures and construction;
 - 1786 3. Reviewing permit applications and plans;
 - 1787 4. Reviewing appeals;
 - 1788 5. Special industrial discharges;
 - 1789 6. Recovering capital related expenditures or retiring bonded indebtedness;
 - 1790 7. Other charges, including User charges based on billable flow and excessive pollutant discharges to
 - 1791 the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal
 - 1792 system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus,
 - 1793 Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes
 - 1794 to NPDES Permits and/or OJRSA Board of Commissioners;
 - 1795 8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs
 - 1796 expended for the system and/or its expansion;
 - 1797 9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged
 - 1798 to the sewer;
 - 1799 10. Construction and Compliance Inspections; and
 - 1800 11. Others deemed necessary by the OJRSA Board of Commissioners.

1801 **5.2 DETERMINATION AND SCHEDULE OF FEES AND CHARGES**1802 Reference current version of *OJRSA Schedule of Fees*.

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1803 **Section 6 – Discharge Permits and Reporting**1804 **6.1 INDUSTRIAL USER DISCHARGE PERMITS**

- 1805 A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an offi-
 1806 cial application and file it with the OJRSA together with permit approval from any city having jurisdiction.
 1807 Approval shall be evidenced by written notice from the Director. The person shall provide all data required
 1808 by the current official application, copies of which shall be obtained from the Director (or his/her designee).
 1809 The Director shall evaluate the data and may require additional information. After evaluation and ac-
 1810 ceptance of the data provided, the Director may grant permission to discharge subject to the terms and
 1811 conditions provided herein. The Director may issue a Discharge Permit with specific limitations different
 1812 from those listed in these Regulations if it is determined that the discharge will otherwise comply with the
 1813 remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Dis-
 1814 charge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit applica-
 1815 tion. SIUs which through changes in the use of the premises or water usage cause a significant change in
 1816 wastewater volume, strength, or characteristic shall submit a new application prior to making the change
 1817 or alteration.
- 1818 B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not
 1819 discharged to the sewer are required to submit an application and will be placed under a zero discharge
 1820 categorical permit.
- 1821 C. Applicable persons and Users shall complete and submit an application, accompanied by any application
 1822 fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
- 1823 1. Name, address, and location (if different from the address) of the facility, name of the operator and
 1824 Owner;
 - 1825 2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held
 1826 by or for the facility;
 - 1827 3. Analytical data on wastewater constituents and characteristics including but not limited to those
 1828 mentioned in these Regulations;
 - 1829 4. Time and duration of discharge;
 - 1830 5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
 - 1831 6. Description of activities, facilities, and plant processes on the premises unless subject to the confi-
 1832 dentiality provisions of SECTION 6.12;
 - 1833 7. Where known, the nature and concentration of any pollutants in the wastewater which are limited
 1834 by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement re-
 1835 garding whether or not the person is complying or will comply with NCPS on a consistent basis, and
 1836 if not, whether additional pretreatment or operational modifications are required to comply with
 1837 applicable limitations or NCPS, or Local Limitations;
 - 1838 8. If additional pretreatment or operational modifications will be required to comply with limitations
 1839 or NCPS or Local Limitations, the shortest schedule by which the person will comply;
 - 1840 9. Where required to develop pretreatment standards, a brief description of each product produced
 1841 by type, amount, process or processes, and a rate of production;
 - 1842 10. Where required to develop pretreatment standards, type and amount of raw materials processed
 1843 (average and maximum per day);
 - 1844 11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
 - 1845 12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to
 1846 evaluate the permit application; and

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- 1847 13. Application Signatories and Certification – All wastewater discharge permit applications and Indus-
 1848 trial User reports must contain the following Certification Statement and be signed by an Author-
 1849 ized Representative of the Industrial User. These documents and records must be submitted to
 1850 OJRSA with Wet Signature.
 1851

1852 **I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE**
 1853 **PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DE-**
 1854 **IGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE**
 1855 **INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO**
 1856 **MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE**
 1857 **INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE**
 1858 **AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFI-**
 1859 **CANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY**
 1860 **OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.**
 1861

- 1862 D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant
 1863 and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue
 1864 or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee)
 1865 shall draft the permit in accordance with the Regulation and State regulations. The draft industrial
 1866 wastewater discharge permit will be submitted to SCDHECSCDES for review and approval. The User shall
 1867 have thirty (30) calendar days from the receipt of the draft permit to review and comment on the draft
 1868 Permit. The Director shall issue the final Permit at the end of the comment period.
- 1869 E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limi-
 1870 tation, the Permit of Users subject to such standards shall be revised to require compliance with such stand-
 1871 ard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation,
 1872 has not previously submitted an application for a permit, the User shall apply for a Permit within one-hun-
 1873 dred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing
 1874 Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of
 1875 an applicable standard, information regarding the nature and concentration of the regulated pollutant and
 1876 a schedule for providing additional pretreatment, if necessary.
- 1877 F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of
 1878 permits except the following changes may be made upon thirty (30) calendar days' notice:
 1879 1. Modifications of the monitoring program contained in the permit;
 1880 2. Changes in the ownership of the discharge when no other change in the permit is indicated;
 1881 3. A single modification of any Compliance Schedule not in excess of four (4) months,
 1882 4. Modification of Compliance Schedules in permits for New Sources where the New Source will not
 1883 discharge until process or pretreatment facilities are operational; or
 1884 5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or reg-
 1885 ulations, or other modifications determined necessary by the Regulatory Services Coordinator or
 1886 Director under the Regulations.
- 1887 G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached
 1888 as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal
 1889 regulations. Such conditions shall include but are not limited to the following:
 1890 1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date,
 1891 expiration date, and effective date;
 1892 2. A Statement of non-transferability;
 1893 3. Applicable effluent limits which may include daily maximum and monthly average limits, including
 1894 Best Management Practices (BMPs), based on NCPS or Local Limitations;

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- 1895 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These re-
 1896 quirements shall include an identification of pollutants (or BMPs) to be monitored, sampling loca-
 1897 tion, sampling frequency, and sample type based on Federal, State, and local law.
 1898 5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to
 1899 be present, in accordance with SECTION 6.4;
 1900 6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notifi-
 1901 cation requirements for slug discharges as defined by SC R61-9 Part 403.5(b);
 1902 7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, re-
 1903 quirements and Permit conditions;
 1904 8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 6.4 of this Regulation;
 1905 or
 1906 9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limita-
 1907 tions or other pretreatment requirements.
- 1908 H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years.
 1909 A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The
 1910 User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the
 1911 expiration of the Permit.
- 1912 I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not
 1913 be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or
 1914 changed operation. In such event a new application shall be submitted with full information. The review of
 1915 this application will be expedited if the new Owner or operator certifies:
 1916 1. That there is no immediate intent to change the facility's operation and process;
 1917 2. The date the new Owner or operator shall take over; and
 1918 3. Acknowledgement is made that the new Owner or operator has full responsibility for complying
 1919 with the existing wastewater discharge permit.
- 1920 J. When requested by the Control Authority, a User must submit information on the nature and characteristics
 1921 of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

6.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE

- 1922 A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreat-
 1923 ment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision
 1924 made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs
 1925 subject to such NCPS shall be required to submit to the OJRSA a report which contains the information
 1926 required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to
 1927 commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation
 1928 of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a
 1929 report which contains the information required in SC R61-9.
- 1930 B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by
 1931 SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.
- 1932 C. Users described within this Section shall submit the information set forth below:
 1933 1. All information required in SECTION 6.1 of this Regulation.
 1934 2. Measurement of Pollutants
 1935 (a) The User shall provide the information required in OJRSA SUR 6.1(C).
 1936 (b) The User shall take a minimum of one (1) representative sample to compile that data nec-
 1937 essary to comply with the requirements of this Paragraph.
 1938 (c) Samples should be taken immediately downstream from pretreatment facilities if such ex-
 1939 ist or immediately downstream from the regulated process if no pretreatment exists. If
 1940 other wastewaters are mixed with the regulated wastewater prior to pretreatment the
 1941 User should measure the flows and concentrations necessary to allow use of the combined
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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 7.3.
- (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 2.3 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 6.5 of these Regulations.
- 5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance with SECTION 6.11 of these Regulations and signed by an Authorized Representative as defined in SECTION 2.3. Reports and other supporting documents must be submitted to OJRSA with Wet Signature.

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6.3 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 6.1 of this Regulation. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in SECTION 4.3, 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 6.1. All sampling will be done in conformance with SECTION 7.3.

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6.4 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 (e.g., CROMERR) (NOTE: The only exception is if the EPA and ~~SCDHEGSCDES~~ have approved other methods for DMR submittal and the OJRSA has approved the acceptance of such DMRs).

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- 1989 (a) If no monitoring was required for a previous month, then the blank DMR form must be
1990 signed and submitted with the words “No monitoring required”.
- 1991 (b) If a facility does not discharge wastewater to the sewer during a calendar month, then the
1992 signed DMR form must be submitted with the words “No Discharge” written across the
1993 form.
- 1994 2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12th) calendar day
1995 of each month. The recognized date of acceptance is:
- 1996 (a) The paper form can be dropped off at OJRSA by the twelfth (12th).
- 1997 (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12th) of the
1998 month. Should the twelfth (12th) of the month fall on a weekend or holiday observed by the
1999 US Postal Service, then the following day the US Postal Service is operating becomes the
2000 submittal date based on the postmark. If the DMR was mailed by the twelfth (12th) but not
2001 received by the OJRSA by the twenty-fourth (24th) day of the month, then it shall be consid-
2002 ered late. It is the responsibility of the User to ensure it is received by the OJRSA in accord-
2003 ance with these Regulations.
- 2004 3. DMR Components
- 2005 (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was con-
2006 ducted for the previous month.
- 2007 (b) Flow reporting form with flows shown for every day of the calendar month. If there was no
2008 flow for a day, then a zero (0) must be entered for that day.
- 2009 (c) Daily pH reporting log.
- 2010 (d) Copies of any violation reporting forms that were submitted for the monitoring for the re-
2011 porting month.
- 2012 (e) An explanation for any violations (if necessary).
- 2013 (f) Additional information as set forth in the User’s permit as part of a completed DMR.
- 2014 4. DMRs that do not contain all the information designated above and DMRs that are not filled out
2015 completely will be considered incomplete and subjects the User to the enforcement actions set
2016 forth in SECTION 8 of this Regulation. DMRs are considered incomplete if the:
- 2017 (a) Data is not reported correctly,
- 2018 (b) DMR does not have a Wet Signature ~~wet signature~~ and a date (unless using an EPA approved
2019 method as stated in 6.4(B)(1)),
- 2020 (c) Flow sheet does not have all flows reported for each day,
- 2021 (d) Reporting period is not shown on the DMR, or
- 2022 (e) User failed to submit all required data as stated on the Permit.
- 2023 (f) DMRs that are not submitted with all this information by the twelfth (12th) will be consid-
2024 ered incomplete and subject to enforcement.
- 2025 5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE.**
2026 If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time,
2027 so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR
2028 was not complete before the due date. The User will be notified of the incomplete DMR in the
2029 enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as
2030 stated in 6.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the
2031 User be waiting on laboratory data, then the remaining data must be submitted on the DMR form
2032 by the twelfth (12th) and a revised DMR submitted as soon as the missing data is received. Users
2033 that notify OJRSA of the missing data before the date as stated in 6.4(B)(2) and submit this missing
2034 information as soon as received will not be subject to enforcement actions.
- 2035 6. Reports for “No Discharge” Industrial Users are subject to these conditions and may have specific
2036 reports in their Discharge Permit as necessary.
- 2037 C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) desig-
2038 nated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the

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2039 Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used
 2040 for all sampling analysis.

2041 D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such
 2042 NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit
 2043 to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless re-
 2044 quired more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of
 2045 pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of
 2046 all measured or estimated average and maximum daily flows during the reporting period. At the discretion
 2047 of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates,
 2048 holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports
 2049 are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet
 2050 applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate.
 2051 In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the
 2052 discharge of the User. These reports shall contain the results of sampling and analysis of the discharge,
 2053 including the flow and the nature and concentration, or production and mass where requested by the
 2054 OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.

2055 E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sam-
 2056 pling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demon-
 2057 strated through sampling and other technical factors that the pollutant is neither present nor expected to
 2058 be present in the Discharge or is present only at background levels from intake water and without any
 2059 increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization
 2060 is subject to the following conditions:

- 2061 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary
 2062 wastewater discharged from the facility provided that the sanitary wastewater is not regulated by
 2063 an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
- 2064 2. The monitoring waiver is valid only for the duration of the effective period of the individual Dis-
 2065 charge Permit, but in no case longer than five (5) years. The User must submit a new request for
 2066 the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
- 2067 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data
 2068 from at least one (1) sampling of the facility's process wastewater prior to any treatment present
 2069 at the facility that is representative of all wastewater from all processes.
- 2070 4. The request for a monitoring waiver must be signed in accordance with SECTION 2.3 and include the
 2071 Certification Statement in SECTION 6.1 (SC R61-9 403.6(b)(2)(ii)).
- 2072 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present
 2073 if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for
 2074 that pollutant was used in the analysis.
- 2075 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's
 2076 Permit. The reasons supporting the waiver and any information submitted by the User in its request
 2077 for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
- 2078 7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the In-
 2079 dustrial User must certify on each report with the Statement in OJRSA SUR 6.1(C)(13), that there
 2080 has been no increase in the pollutant in its ~~wastestream~~ Wastestream due to activities of the Indus-
 2081 trial User.
- 2082 8. In the event that a waived pollutant is found to be present or is expected to be present because of
 2083 changes that occur in the User's operations, the User must immediately: Comply with the monitor-
 2084 ing requirements in SECTION 6, or other more frequent monitoring requirements imposed by the
 2085 Director and notify the Regulatory Services Coordinator.
- 2086 9. This provision does not supersede certification processes and requirements established in Categori-
 2087 cal Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Stand-
 2088 ard.

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- 2089 10. All periodic compliance reports must be signed and certified in accordance with SECTION 6.1 of this
2090 Regulation.
- 2091 11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring
2092 and flow measurement facilities shall be properly operated, kept clean, and maintained in good
2093 working order at all times. The failure of a User to keep its monitoring facility in good working order
2094 shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- 2095 12. All monitoring waivers must be approved by SCDHEGSCDES.

2096 **6.5 COMPLIANCE SCHEDULE PROGRESS REPORTS**

2097 The following conditions shall apply to the Compliance Schedule required by SECTION 6.1 of this Regulation:

- 2098 A. The schedule shall contain progress increments in the form of dates for the commencement and completion
2099 of major events leading to the construction and operation of additional pretreatment required for the User
2100 to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engi-
2101 neer, completing preliminary and final plans, executing contracts for major components, commencing and
2102 completing construction, and beginning and conducting routine operation);
- 2103 B. No increment referred to above shall exceed nine (9) months;
- 2104 C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14)
2105 calendar days following each date in the schedule and the final date of compliance including, as a minimum,
2106 whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,
2107 the steps being taken by the User to return to the established schedule; and
- 2108 D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

2109 **6.6 REPORTS OF CHANGED CONDITIONS**

- 2110 A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations
2111 or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days
2112 before the change.
- 2113 B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed
2114 necessary to evaluate the changed condition, including the submission of a wastewater discharge permit
2115 application under SECTION 6.1 of this Regulation.
- 2116 C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Dis-
2117 charge Permit under SECTION 6.1 of this Regulation in response to changed or anticipated changed condi-
2118 tions.

2119 **6.7 REPORTS OF POTENTIAL PROBLEMS**

- 2120 A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine,
2121 episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential
2122 problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of
2123 the time or day the incident occurs. This notification shall include the location of the discharge, type of
2124 waste, concentration and volume, if known, and corrective actions taken by the User.
- 2125 B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit
2126 a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User
2127 to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, dam-
2128 age, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any
2129 other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or
2130 other liability which may be imposed pursuant to this Regulation.
- 2131 C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising em-
2132 ployees who to call in the event of a discharge described in Paragraph 6.7(A). Employers shall ensure that

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

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

6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

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

6.9 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTE

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

6.10 USER RECORDS

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- 2178 A. Users subject to the reporting requirements of this Regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under OJRSA SUR 4.4(D). Records shall include:
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- 2183 1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
- 2184 2. The dates analyses were performed;
- 2185 3. Who performed the analyses;
- 2186 4. The analytical techniques or methods used; and
- 2187 5. The results of such analyses.
- 2188 B. Records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or OJRSA, or where the User has been specifically notified of a longer retention period by the Director.
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6.11 CERTIFICATION STATEMENTS

2191 Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on SECTION 6.4 must certify on each report with the following statement that there has been no increase in the pollutant in its ~~wastewater~~ Wastestream due to activities of the User. The certification statement, including a Wet Signature, shall be provided by the Authorized Representative and must include the following:

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2197 **BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE PRETREATMENT STANDARD FOR 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF: THERE HAS BEEN NO INCREASE IN THE LEVEL OF _____ [list pollutant(s)] IN THE WASTEWATERS DUE TO THE ACTIVITIES AT THE FACILITY SINCE FILING OF THE LAST PERIODIC REPORT UNDER SECTION 6.4 OF THIS REGULATION.**

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6.12 CONFIDENTIALITY

2203 **INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS, MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH FOIA LAWS OR TO OTHER GOVERNMENTAL AGENCY WITHOUT RESTRICTION UNLESS THE USER SPECIFICALLY REQUESTS AND IS ABLE TO DEMONSTRATE TO THE SATISFACTION OF THE DIRECTOR, THAT THE RELEASE OF SUCH INFORMATION WOULD DIVULGE INFORMATION, PROCESSES, OR METHODS OF PRODUCTION ENTITLED TO PROTECTION AS TRADE SECRETS OF THE USER. WHEN REQUESTED BY THE PERSON FURNISHING THE REPORT, THE PORTIONS OF A REPORT WHICH THE DIRECTOR HAS DETERMINED MIGHT DISCLOSE TRADE SECRETS OR SECRET PROCESSES SHALL NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC. IT SHALL, HOWEVER, BE MADE AVAILABLE UPON WRITTEN REQUEST TO GOVERNMENTAL AGENCIES FOR USES RELATED TO THESE REGULATIONS, THE NPDES PERMIT, OR OTHER USES DETERMINED APPROPRIATE BY THE DIRECTOR. THE INFORMATION SHALL BE AVAILABLE FOR USE BY THE STATE IN JUDICIAL REVIEW OR ENFORCEMENT PROCEEDINGS INVOLVING THE PERSON FURNISHING THE INFORMATION. WASTEWATER CONSTITUENTS AND CHARACTERISTICS SHALL NOT BE RECOGNIZED AS CONFIDENTIAL INFORMATION.**

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6.13 PRETREATMENT LOCAL LIMITS AND ALLOCATION METHODOLOGY

- 2217 A. Industrial User Discharge Permit Review
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- 2219 1. After review of the Industrial Discharge Permit Application and Questionnaire form, SIC, and NAICS, the Director and/or SCDHEGSCDES may require that the User be issued an Industrial User Discharge Permit. The Discharge Permit itself may apply to either total industrial process discharge or to a combined sanitary/industrial ~~wastewater~~ Wastestream discharge; however, sanitary/industrial
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- 2223 combined ~~wastestream~~Wastestreams are discouraged for monitoring purposes. The industrial pro-
 2224 cess discharge may or may not be pretreated.
- 2225 2. During the review process, unique conditions are established for each industrial category. The final
 2226 Discharge Permit specifies the exact conditions which are applicable to the specific permittee
 2227 (User). In the permit process, specific self-monitoring characterization of the wastewater is re-
 2228 quired for certain industrial categories. Every Discharge Permit has established selected pollutants
 2229 for self-monitoring purposes, which are established through Categorical Pretreatment Standards or
 2230 the pollutants that are present and/or are suspected of being present in the wastewater discharge.
 2231 If the User has been determined to be categorical, effluent parameters will be based upon the EPA's
 2232 Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL
 2233 BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS,
 2234 WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pre-
 2235 treatment Standards must be included in the Discharge Permit, even though the User may not dis-
 2236 charge all or any of the regulated pollutants.
- 2237 3. Reporting frequency is at the discretion of the Director. Contributing factors are:
 2238 (a) Categorical Requirements,
 2239 (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type
 2240 and concentrations of pollutants in the ~~wastestream~~Wastestream,
 2241 (c) Past compliance history, and
 2242 (d) Reasonable potential to adversely affect the sewer system.
- 2243 4. Discharge Permit limits will be developed based on the historical data from an industry and the
 2244 Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on
 2245 need and pollutants of concern for the permitted industry.
- 2246 B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water recla-
 2247 mation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to de-
 2248 velop technically based limits for Significant Industrial Users under the Pretreatment Program. The head-
 2249 works analysis is calculated through a required design loading program utilizing treatment efficiencies, pro-
 2250 cess inhibition levels, and water quality criteria on the receiving stream. The information obtained from the
 2251 headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a
 2252 specific criteria on the total allowable loading for the WRF and may significantly alter total allowable load-
 2253 ing. Total allowable loading is at the discretion of the Director.

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2254 **Section 7 – Sampling and Monitoring**2255 **7.1 RIGHT OF ENTRY AND INSPECTIONS**

- 2256 A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper cre-
 2257 dentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter
 2258 upon any property of Users to determine whether the User is complying with all the requirements of these
 2259 Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall al-
 2260 low OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying
 2261 records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and
 2262 filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their prem-
 2263 ises for said purposes. Where a User has security measures in force which would require proper identifica-
 2264 tion and clearance before entry into their premises, the User shall make necessary arrangements with their
 2265 security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to
 2266 enter, without delay, for the purposes of performing their specific responsibilities.
- 2267 B. The SIU inspection and sampling plan is as follows:
- 2268 1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
 - 2269 2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire,
 - 2270 then OJRSA can inspect and sample the facility more often than annually.
 - 2271 3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and
 - 2272 sample the facility more often than annually.
 - 2273 4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often
 - 2274 than annually; especially if the causative agent is known and the SIU has this pollutant in their
 - 2275 wastewater.
 - 2276 5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more
 - 2277 often than annually.
 - 2278 6. If the collection system has blockages or issues and the SIU discharges to that collection system
 - 2279 section, then OJRSA can inspect and sample the SIU more often than annually.
 - 2280 7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the
 - 2281 facility more often than annually.
 - 2282 8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction
 - 2283 permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment
 - 2284 system.
 - 2285 9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event
 - 2286 of an emergency where the public health or the environment can be impacted.
 - 2287 10. Should OJRSA need to gather site specific information to administer the pretreatment program,
 - 2288 then OJRSA can inspect and sample the SIU more often than annually.
- 2289 C. The Nonresidential User inspection and sampling plan is as follows:
- 2290 1. OJRSA can inspect and sample each User within the first year of the start of discharge.
 - 2291 2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to
 - 2292 the violation.
 - 2293 3. If the collection system has blockages or issues and the User discharges to that collection system
 - 2294 section, then OJRSA can inspect and sample the User.
 - 2295 4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and
 - 2296 sample the User as part of their evaluation of their pretreatment program update.
 - 2297 5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and
 - 2298 sample the User as required by this regulation.

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- 2299 6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often
 2300 if the User has the potential to cause the upset.
 2301 7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.
 2302 8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where
 2303 the public health or the environment can be impacted.
 2304 9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.
 2305 D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be docu-
 2306 mented by the employee and the Director should be notified as soon as possible. The Director will discuss
 2307 the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with
 2308 appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling.
 2309 Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set
 2310 forth in this Regulation.
 2311 E. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CAN-**
 2312 **NOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREE-**
 2313 **MENTS.** Any records that are reviewed during the inspection and must be kept confidential must be
 2314 stamped with the word “confidential” and OJRSA will adhere to the confidentiality provisions set forth in
 2315 this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and
 2316 the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

7.2 COMPLIANCE DETERMINATION

- 2317
 2318 A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of com-
 2319 posite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour
 2320 period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific
 2321 circumstances.
 2322 B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User’s property,
 2323 or require installation of, such devices as are necessary to conduct sampling and/or metering of the User’s
 2324 operations.
 2325 C. OJRSA may require the User to install monitoring equipment as necessary. The facility’s sampling and mon-
 2326 itoring equipment shall be maintained at all times in a safe and proper operating condition by the User at
 2327 its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to
 2328 ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and avail-
 2329 able to OJRSA upon request.
 2330 D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or
 2331 sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not
 2332 be replaced. The costs of clearing or removing such access shall be borne by the User.
 2333 E. Unreasonable delays in allowing OJRSA personnel access to the User’s premises shall be a violation of this
 2334 Regulation and subject to the enforcement actions set forth in this regulation.

7.3 ANALYSIS OF INDUSTRIAL WASTEWATERS

2335 All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit
 2336 Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR
 2337 Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard.
 2338 If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the
 2339 EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question,
 2340 sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling
 2341 and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.
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7.4 SAMPLING FREQUENCY

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2344 Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and
 2345 limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct
 2346 compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categori-
 2347 cal Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set
 2348 forth in the Industrial User Discharge Permit as issued by OJRSA.

2349 **7.5 SAMPLE COLLECTION**

- 2350 A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate
 2351 sampling and analysis performed during the period covered by the report, based on data that is repre-
 2352 sentative of conditions occurring during the reporting period.
- 2353 B. Except as indicated in this Paragraph and 7.5(C), the User must collect wastewater samples using twenty-
 2354 four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite
 2355 sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite sam-
 2356 pling or grab sampling is authorized, the samples must be representative of the discharge.
- 2357 C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic com-
 2358 pounds must be obtained using grab collection techniques.
- 2359 D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required
 2360 in SECTIONS 6.2 and 6.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples
 2361 must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for
 2362 facilities for which historical sampling data do not exist; for facilities for which historical sampling data are
 2363 available, OJRSA may authorize a lower minimum. For the reports required by SECTION 6.4 the Industrial
 2364 User is required to collect the number of grab samples necessary to assess and assure compliance by with
 2365 applicable Pretreatment Standards and requirements.

2366 **7.6 SAMPLING STRUCTURE**

- 2367 A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA
 2368 may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The
 2369 purpose of this structure is so that a representative sample of the User's discharge to the sewer system
 2370 may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA person-
 2371 nel and shall be constructed in compliance with OJRSA specifications for these types of structures.
- 2372 B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the struc-
 2373 ture to be located in public right-of-way in certain cases when an onsite location would be impractical.
 2374 Approval for location in a public right-of-way must be obtained by the appropriate governing body.

2375 **7.7 pH EFFLUENT LIMITATIONS UNDER CONTINUOUS MONITORING**

2376 Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 4.1(B)(4) except excursions
 2377 from the range are permitted subject to the following limitations:

- 2378 A. The total time during which the pH values are outside the required range of pH values shall not exceed
 2379 two (2) hours in any calendar month; and
- 2380 B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

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2381 **Section 8 – Enforcement**2382 **8.1 ENFORCEMENT MANAGEMENT STRATEGY**

2383 The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed
 2384 by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforce-
 2385 ment.

2386 **8.2 ADMINISTRATIVE ORDERS, REMEDIES, AND PENALTIES**

- 2387 A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these
 2388 Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Per-
 2389 mit, the Director or his/her designee may serve upon such a person an appropriate written notice stating
 2390 the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may
 2391 require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15)
 2392 calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory
 2393 correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission
 2394 of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the
 2395 notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice
 2396 of Significant Noncompliance (NOSNC). Refer to SECTION 8 of this Regulation.
- 2397 B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come
 2398 into compliance with the discharge permit.
- 2399 1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary
 2400 compliance, or other similar documents establishing an agreement with the person responsible for
 2401 the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall
 2402 include specific action to be taken by the person to correct the violation within a time period spec-
 2403 ified by the Consent Order and contain other terms and conditions. A violation of a Consent Order
 2404 shall constitute a violation or violations under this Regulation.
 - 2405 2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any
 2406 provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any
 2407 other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the
 2408 User responsible for the discharge directing that the User come into compliance within a specified
 2409 time. If the User does not come into compliance within the time provided, sewer service may be
 2410 discontinued unless adequate treatment facilities, devices, or other related appurtenances are in-
 2411 stalled and properly operated. Compliance Orders also may contain other requirements to address
 2412 the noncompliance, including additional self-monitoring and management practices designed to
 2413 minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend
 2414 the deadline for compliance established for a Pretreatment Standard or requirement, nor does a
 2415 Compliance Order relieve the User of liability for any violation, including any continuing violation.
 2416 Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other
 2417 action against the User.
 - 2418 3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement
 2419 actions have failed to bring a User into compliance with their Discharge Permit.
 - 2420 (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this
 2421 Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pre-
 2422 treatment Standard or requirement, or that the User’s past violations are likely to recur,
 2423 the Director may issue a Cease and Desist Order to the User directing it to cease and desist
 2424 all such violations and directing the User to:
 - 2425 (i) Immediately comply with all requirements; and

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- 2426 (ii) Take such appropriate remedial or preventive action as may be needed to properly
 2427 address a continuing or threatened violation, including halting operations and/or
 2428 terminating the discharge.
- 2429 (b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking
 2430 any other action against the User.
- 2431 C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User
 2432 and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The
 2433 Consent Order Agreement may contain such other terms and conditions, including but not limited to, pro-
 2434 visions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pre-
 2435 treatment, and payment of all administrative costs, expenses, attorney’s fees, and civil penalties.
- 2436 D. Notice to Show Cause at Adjudicatory Hearing
- 2437 1. The Director may order any User who causes or is responsible for an unauthorized discharge or
 2438 other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action
 2439 should not be taken. A notice shall be served on the User specifying the time and place for the
 2440 hearing, the proposed enforcement action, the reasons for such action, and a request that the User
 2441 show cause why this proposed enforcement action should not be taken.
- 2442 2. Service – The notice of the hearing to the User shall be served personally, by registered or certified
 2443 mail (return receipt requested), or other trackable means to ensure delivery is made to the User at
 2444 least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OF-
 2445 FICER OF THE USER.**
- 2446 3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause
 2447 Hearing
- 2448 (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) cal-
 2449 endar days following mailing of any final administrative action or decision by the OJRSA to
 2450 the User on any violation, application, permit, certificate, or other licensing matter.
- 2451 (b) A request for an Informal Conference prior to the show cause hearing may be made by a
 2452 User but not to delay the hearing date. If the request is granted, an Informal Conference
 2453 may be held by the Director or their designee to explore ways and means to obtain compli-
 2454 ance by consent without the necessity of a formal Adjudicatory Hearing.
- 2455 4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath
 2456 and transcribed by a court reporter. A copy of the transcript shall be made available to any member
 2457 of a party to the hearing upon payment of the usual charges thereof to the court reporter employed
 2458 to provide said transcription.
- 2459 5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudi-
 2460 catory Hearing. The Hearing Officer shall have no connection with the preparation or presentation
 2461 of the evidence at the hearing.
- 2462 6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set
 2463 forth in SECTION 8 of this Regulation.
- 2464 E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions,
 2465 prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding
 2466 agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons
 2467 in violation to perform any or all of the following:
- 2468 1. Comply forthwith;
- 2469 2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
- 2470 3. Take appropriate remedial or preventative action in the event of a continuing or threatened viola-
 2471 tion;
- 2472 4. Prohibit or reduce the discharge;
- 2473 5. Provide wastewater storage or flow equalization;
- 2474 6. Make payment by the User to cover added costs of handling and treatment costs and the adminis-
 2475 trative costs of the enforcement action;

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- 2476 7. Post performance bonds;
- 2477 8. Act to take other steps to achieve compliance;
- 2478 9. Pay fines and penalties to OJRSA;
- 2479 10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the
- 2480 OJRSA for the hearing or enforcement procedure.
- 2481 F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of
- 2482 this Regulation as described in SECTION 8.6. Prior to the imposition of civil penalties, an adjudicatory hearing
- 2483 will be offered to the User.
- 2484 G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DIS-**
- 2485 **CHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER TO STOP AN ACTUAL OR THREATENED DISCHARGE**
- 2486 **WHICH PRESENTS OR MAY PRESENT AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE HEALTH**
- 2487 **OR WELFARE OF PERSONS OR THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM**
- 2488 **OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DIS-**
- 2489 **CHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR**
- 2490 **MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency sus-
- 2491 pension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calen-
- 2492 dar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit
- 2493 terminated. The User shall submit a detailed written statement describing the causes of the violations and
- 2494 the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE**
- 2495 **EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE**
- 2496 **DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE**
- 2497 **SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination
- 2498 of the violations or the risk for damage to life, health, property, and/or the environment has subsided.
- 2499 H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or appli-
- 2500 cable State and Federal regulations, is subject to having their permission to discharge revoked. The Director
- 2501 may revoke any Permit for the following reasons:
- 2502 1. Failure to factually report the wastewater constituents and characteristics of their discharge;
- 2503 2. Failure to report significant changes in operations or wastewater constituents and characteristics;
- 2504 3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
- 2505 4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer
- 2506 system that connects with OJRSA conveyance and/or treatment facilities;
- 2507 5. Tampering with or deliberately altering monitoring equipment;
- 2508 6. Falsifying DMRs or other reports;
- 2509 7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment
- 2510 plant process, sludge disposal practices or requirements, or other modifications of a similar nature
- 2511 that impact the OJRSA's ability to accept industrial or other wastewaters;
- 2512 8. For causes necessitating an emergency suspension;
- 2513 9. Discharge of wastewater prohibited by these Regulations;
- 2514 10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms
- 2515 of the wastewater discharge permit or these Regulations;
- 2516 11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.
- 2517 I. A User whose permission to discharge has been revoked may apply for new permission to discharge and
- 2518 shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however,
- 2519 the OJRSA is under no obligation to allow the User to reconnect.

2520 **8.3 JUDICIAL REMEDIES**

2521 Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the

2522 wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

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2523 Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Admin-
 2524 istrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal
 2525 or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

2526 **8.4 INJUNCTIVE RELIEF**

2527 The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction,
 2528 damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or reg-
 2529 ulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time
 2530 or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User
 2531 or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of
 2532 any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, tak-
 2533 ings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or respon-
 2534 sible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation
 2535 of State or Federal Pollution Control laws, rules, or regulations.

2536 **8.5 CRIMINAL VIOLATIONS**

- 2537 A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper
 2538 Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with
 2539 criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has au-
 2540 thority to take actions to protect life, health, property, and/or the environment using means detailed in
 2541 Paragraph 8.2(G) and other sections of this Regulation.
- 2542 B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in SECTION 8.6 for such
 2543 violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

2544 **8.6 PENALTIES, FEES, AND COST RECOVERY FOR VIOLATIONS**

- 2545 A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.
- 2546 B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or per-
 2547 mit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees
 2548 associated with enforcement action may be taken against the User in violation of Regulations. These costs
 2549 may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time
 2550 of the violation.
- 2551 C. Administrative and Civil Penalties:
- 2552 1. A User will be subject to administrative and civil penalties up to two thousand dollars (\$2,000) per
 2553 violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the
 2554 maximum amount that may be administrated for each violation, per day the violation occurred
 - 2555 2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct of-
 2556 fense. In case of monthly or long-term discharge limits, fines may be assessed for each day during
 2557 the period of violation. The OJRSA shall have such remedies for the collection of such assessments
 2558 as it has for collection of other service charges.
- 2559 D. Payment of Costs -
- 2560 1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal
 2561 violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to
 2562 OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or
 2563 criminal penalties. Payments not received by the due date are subject to late fees as stated in the
 2564 *OJRSA Schedule of Fees*.
 - 2565 2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater
 2566 or discharges in excess of the limitations required under its permits or the Regulations of the
 2567 OJRSA.

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2568 E. Failure to Pay – See SECTION 8.8.

2569 **8.7 PERFORMANCE BONDS**

2570 The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of
2571 these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory
2572 bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the
2573 costs of any scheduled improvements and to achieve consistent compliance.

2574 **8.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT**

2575 The Director shall have the right to discontinue sewer service to the property of a User of such service in the event
2576 of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been
2577 given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA
2578 or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis
2579 of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of
2580 ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of
2581 disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the
2582 notice as provided under the OJRSA Regulations.

2583 **8.9 TENANT RESPONSIBILITY**

- 2584 A. In matters where the property was used without a formal or informal arrangement, the Owner of the prop-
2585 erty shall be held responsible. *The burden of proof for providing a binding version of a formal or informal*
2586 *agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such
2587 evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of
2588 OJRSA costs.
- 2589 B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal
2590 arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or
2591 indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of
2592 these Regulations and recovery of OJRSA costs.

2593 **8.10 VANDALISM**

2594 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or pre-
2595 vent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation
2596 of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be
2597 subject to the sanctions established in SECTION 8 of this Regulation, which could include referral to the law enforce-
2598 ment agency with jurisdiction for potential criminal investigation.

2599 **8.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE**

2600 The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA
2601 and/or ~~SCDH&CSCDES~~) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the
2602 Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with ap-
2603 plicable Pretreatment Standards and requirements. This publication will be done during the first quarter of each
2604 year for the previous calendar year.

2605 **8.12 ENFORCEMENT MANAGEMENT STRATEGY**

- 2606 A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider
2607 the following criteria when determining a proper response to the violation and the context of the User’s
2608 prior violations:

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1. Magnitude of the Violation
 - (a) Unless a violation is Significant Noncompliance (SNC) as defined in the *OJRSA Sewer Use Regulation*, then the OJRSA Pretreatment Department will usually start with the minimum enforcement action; however, for severe violations that threaten the public health, environment, damage public and/or private property, penalties can be more stringent.
 - (b) Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative Order. This order may include a Compliance Schedule requiring the User to comply with regulations by a specific date. The magnitude or severity of the violation is determined by whether the violation meets the definition of SNC. The significance of the violation will influence the type of enforcement action taken by the Pretreatment Department based on this evaluation.
 2. Duration of the Violation
 - (a) Prolonged periods of violation should subject the User to escalating enforcement actions.
 - (b) Enforcement escalation does not depend on the severity of the violation.
 - (c) Violations which result in SNC will be treated more severely due to the guidelines set forth by the State and the Federal government regulations.
 - (d) Extended periods of noncompliance shall not be tolerated and enforcement actions will be taken to prevent this from occurring.
 - (e) Chronic noncompliance will be addressed with escalating enforcement actions up to and including termination of sewer service to stop the noncompliance.
 - (f) Prolonged violations that result in harm to the POTW will be addressed by enforcement actions, which include recovery of the costs to repair any damage.
 3. Effect of the Violation on the Receiving Water
 - (a) Prevention of pass-through of pollutants to the water body is a major component of the development of acceptable limits for the User.
 - (b) Each water body has established limits for pollutants to protect the organisms that live in the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit the POTW and potentially cause environmental harm.
 - (c) The minimum enforcement action for a violation impacting receiving waters will include an Administrative Order, which is to include a penalty. The penalty will also include any penalties or fines paid by the POTW to a regulatory or response agency (e.g., ~~SCDHECSCDES~~, EPA, SCDNR, Oconee County Emergency Management, etc.) and may include damages for the destruction of natural resources, manmade structures, and/or the POTW. Termination of sewer service may be an option if noncompliance continues uncorrected.
 4. Effect of the Violation on the POTW
 - (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed charges for correcting the impact.
 - (b) Adverse impacts include, but are not limited to, the following:
 - (i) Significant increases in treatment costs;
 - (ii) Interference with POTW treatment processes;
 - (iii) Harm to the general public or POTW personnel;
 - (iv) Equipment damage;
 - (v) Negative operational changes;
 - (vi) Damage to the conveyance system piping through pipe corrosion or blockage;
 - (vii) Explosion in conveyance system or POTW; and/or
 - (viii) Sludge contamination resulting in increased disposal cost.
 - (c) Any labor costs or repair costs will be passed onto the User that caused the adverse impact to occur in accordance with SECTION 8.6.
 - (d) Minimum enforcement actions will include an Administrative Order with associated penalties including cost recovery for adverse impacts in accordance with SECTION 8.6.

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5. Compliance History of the User
 - (a) The compliance history of a User will be evaluated when assessing the severity of the violation.
 - (b) A User who has a pattern of recurring violations (which may be the same or different parameters or regulatory requirements) can be an indication that the User does not take wastewater issues or environmental protection regulations seriously or their system is inadequately designed for the specific wastewater conditions.
 - (c) A User that has recurring violations has an increased likelihood of causing future significant violations.
 - (d) A User who has recurring violations may be dealt with more severely to ensure that compliance is achieved.
 - (e) A recurring violation history will result in more advanced enforcement actions being assessed against a User, up to and including termination of service.
 6. Good Faith of the User in Reporting, and Responding to, the Violation
 - (a) A User who takes measures to correct the violation and take care of any issues as quickly as possible will have shown good faith efforts.
 - (b) Good faith is demonstrated by cooperation and completion of corrective measures in a timely manner.
 - (c) This effort will be considered when deciding what enforcement actions will be taken; however, *good faith does not eliminate the need to take an enforcement action.*
 - (d) Good faith is not defined as compliance with previous enforcement actions.
 - (e) Recovery of costs from an upset will take place regardless of good faith actions that may have been taken.
 - B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
 1. All violations shall normally be identified and documented within thirty (30) calendar days of receiving compliance information.
 2. Initial enforcement responses involving contact with the User and requesting information on corrective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
 3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar days of the initial enforcement response. For all continuing violations, the response will include a Compliance Schedule.
 4. Violations which threaten or affect health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
 5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Administrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.
 - C. Industrial User Response to Noncompliance
 1. Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becoming aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submitted to report the violation. This form must be submitted to the Regulatory Services Coordinator or Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of the day on which it occurs (including weekends and holidays).
 2. The notification shall be followed by a written report, when required by the Regulatory Services or Pretreatment Coordinator, within five (5) business days. The report of noncompliance shall include:
 - (a) A description of the characteristics of the noncompliance;
 - (b) Sampling results;
 - (c) A statement of the cause of noncompliance; and
 - (d) An account of the time and duration of the violation including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities being taken to reduce, eliminate, and prevent recurrence of the violation.

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- 2709 3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit
2710 the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.
2711 4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which
2712 may be incurred as a result of damage to the POTW, persons or property, or environmental harm;
2713 nor shall such notification relieve the User of any fines, civil penalties, or other liability which may
2714 be imposed by this Regulation or other applicable laws.

D. Assignment of Responsibilities

- 2715 1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by
2716 the Director to implement the Pretreatment Program and to enforce compliance with all Permits
2717 and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated
2718 by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this
2719 Section) to coordinate the collection of evidence for use in enforcement actions, possible civil liti-
2720 gation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee
2721 or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that
2722 an illegal activity could be observed, sampled, or documented by any OJRSA employee, either
2723 through purposeful investigation or in the normal course of duties performed.
2724 2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, which-
2725 ever OJRSA employee or consultant is in position to do so may be used to collect evidence of the
2726 violation. The Coordinator may employ the services of outside laboratories or consultants in the
2727 collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon
2728 to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence,
2729 compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's
2730 attorney(s) in preparing and executing enforcement actions.
2731

E. Enforcement Response Guide

- 2732 1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based
2733 on the whether the noncompliance involves:
2734 (a) Sampling, Monitoring, and Reporting (SECTION 8.12.1);
2735 (b) Compliance Schedules (Construction Phases or Planning) (8.12.2);
2736 (c) Effluent Limits (8.12.3);
2737 (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field In-
2738 vestigations (8.12.4);
2739 (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 8.12.5;
2740 (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (8.12.6);
2741 and/or
2742 (g) Other Regulatory Violations (8.12.8).
2743 2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate
2744 enforcement responses to various types of noncompliance and appropriate OJRSA personnel to
2745 implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND**
2746 **DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**
2747 3. The Director may delegate his/her role and authority in any enforcement action as deemed appro-
2748 priate. (SECTION 8.1)
2749 4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES
2750 Permit, and other locally established regulations.
2751 5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.
2752 6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Con-
2753 ference or Notice of Violation when the violation does not meet the criteria of Significant Noncom-
2754 pliance (SNC) or when the User is cooperative in quickly resolving the problems.
2755 7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems
2756 will incur more severe enforcement actions, up to and including termination of sewer service.
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- 8. Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance Schedule for which the User is to follow.
- 9. The enforcement actions chosen for a particular violation or group of violations will be appropriate and representative of the magnitude and nature of the violation. *Enforcement actions for ongoing violations shall be progressive and more severe as the violations continue.* When violations are initially found, an enforcement action will be taken at that time. At the end of each calendar quarter, each user will be evaluated for SNC. If a user is found to be in SNC for the violation(s), then additional enforcement actions will be taken as delineated in this ERG. The enforcement actions taken will be adequate to promote a timely solution to the violations.
- 10. Enforcement actions taken against each User shall be considered individually and are not necessarily based on penalties, actions, and/or fines issued to other Users who were in violation.

8.12.1 Sampling, Monitoring, and Reporting Violations ERG

Violation	Circumstances	Range of Response	Personnel
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	NOV with response required within ten (10) business days.	RSC, PC
	Industrial User does not respond to NOV and/or AO.	AO; civil action and penalties (SECTION 8.6); Adjudicatory Hearing including penalty (SECTION 8.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action; seek termination of terminate water and/or sewer.	RSC, PC, Dir
	No response received.	Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	Dir
	Report is improperly signed or certified, or is otherwise incomplete, first offense.	NOV.	RSC, PC
	Report is improperly signed or certified, or is otherwise incomplete, after notice by POTW.	AO; Adjudicatory Hearing; civil action and penalties (SECTION 8.6).	RSC, PC
	Isolated not significant violation; Report less than forty-five (45) calendar days late.	NOV.	RSC, PC
	Significant - Report forty-five (45) calendar days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC
	Reports are always late or no report at all.	AO and/or penalty; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir

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	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory Hearing; seek <u>termination of</u> terminate water and/or sewer.	RSC, PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	RSC, PC
	Unintentional use of incorrect sample collection techniques.	NOV.	RSC, PC
	Unintentional use of incorrect sample type.	NOV.	RSC, PC
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	NOV - Response required within ten (10) business days; AO.	RSC, PC
	No response received.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV; request corrected form.	RSC, PC
	Recurring deficiencies.	AO and/or penalty (SECTION 8.6).	RSC, PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	RSC, PC
	Continued violations- Remains uncorrected forty-five (45) calendar days or more - SNC.	NOSNC; AO; Adjudicatory Hearing; penalty.	RSC, PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	RSC, PC
	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Improper sampling, no evidence of intent.	NOV; AO.	RSC, PC

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	Improper sampling - Evidence of negligence or intent.	AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate-water and/or sewer.	RSC, Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation; seek termination of terminate-water and/or sewer.	Dir

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8.12.2 Compliance Schedules ERG (Construction Phases or Planning)

Violation	Circumstances	Range of Response	Personnel
Missed interim date	Will not cause late final date or other interim dates (less than ninety (90) calendar days).	NOV.	RSC, PC
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, good cause for delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, no good cause or delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC PC, Dir
	Missed milestone by more than ninety (90) calendar days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action.	RSC, PC, Dir
	Missed milestone by more than forty-five (45) calendar days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); seek termination of terminate-water and/or sewer.	RSC, PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action; request criminal investigation; seek termination of terminate-water and/or sewer.	RSC, PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; Adjudicatory Hearing.	RSC, PC, Dir
	Ninety (90) calendar days or more outstanding - Failure or refusal to comply - Without good or valid cause - SNC.	AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
Failure to install monitoring equipment	Delay of less than forty-five (45) calendar days.	NOV; AO.	RSC, PC
	Delay of forty-five (45) calendar days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Cost recovery and	RSC, PC, Dir

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		civil penalties for each additional day (SECTION 8.6). Temporary sewer ban.	
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <u>seek termination of</u> terminate water and/or sewer.	Dir

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8.12.3 Effluent Limit Violations ERG

Violation	Circumstances	Range of Response	Personnel
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	RSC, PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	RSC, PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing.	RSC, PC, Dir
	Violations that are recurring and/or SNC (meet chronic definition); no damage to POTW and/or environment.	If violation has already been corrected - NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <u>seek termination of</u> terminate water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 8.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; <u>seek termination of</u> 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, bypass, or improper operation of pretreatment facility	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; <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 8.6); 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 8.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 8.6); criminal investigation; <u>seek termination of terminate</u> water and/or sewer.	RSC, Dir
	First (1 st) offense - User aware of requirement.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; <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.

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8.12.4 Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations ERG

Violation	Circumstances	Range of Response	Personnel
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	NOV and/or AO.	RSC, PC

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	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Violation of Discharge Permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	RSC, PC
	Evidence of negligence or intent - SNC.	Adjudicatory Hearing; criminal investigation; sewer ban.	RSC, PC, Dir
Entry denial or consent withdrawn; copies of records denied; permission to photograph, videotape or electronically record image denied	Entry denied or consent withdrawn; Copies of records denied; electronic recordings denied.	Return to User (obtain a warrant if necessary); NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir

2775 **8.12.5 Excessive Inflow and Infiltration from Satellite Sewer Systems and Other Users ERG**

Violation	Circumstances	Range of Response	Personnel
Excessive inflow and infiltration from systems and connections not owned by OJRSA (for each location identified by OJRSA through means and methods detailed in SECTION 4.15)	Initial violation.	NOV.	Eng, Dir, Atty
	Second (2 nd) violation.	AO; Adjudicatory Hearing.	Eng, Dir, Atty
	Third (3 rd) 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 th) and subsequent violations.	AO; Adjudicatory Hearing; civil penalties (SECTION 8.6).	Eng, Dir, Atty

2776 **8.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit)**
2777 **ERG**

Violation	Circumstances	Range of Response	Personnel
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Failure to install FOG Control Device (FCD)	First (1 st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 nd) violation.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 rd) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of Terminate water and/or sewer.	RSC, PC, Dir
	No response to notifications.	Seek termination of Terminate water and/or sewer.	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; cost recovery (SECTION 8.6).	RSC, PC, Dir, Atty
FCD not maintained as required	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6);	RSC, PC, Dir

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		seek termination of terminate water and/or sewer.	
	Failure to address FCD maintenance issues within timeframes set forth by OJRSA.	Seek termination of Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Structure failure of FCD	First (1 st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2 nd) violation.	NOV; penalty up to one-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3 rd) violation.	SNC; AO to repair structural failures or install new FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4 th) violation.	Seek termination of Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Failure to address FCD structure failure within timeframes set forth by OJRSA.	Seek termination of Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
	Failure to maintain records	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.
Two (2) incidents within a rolling twenty-four (24) month period.		NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir

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	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars (\$200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Failure to properly maintain records after previous enforcement actions.	Seek termination of Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to allow access	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Seek termination of Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Use of prohibited FOG Control Additives	First (1 st) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); seek termination of terminate water and/or sewer.	RSC, PC, Dir
	Second (2 nd) violation.	Seek termination of Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir

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	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
FOG waste hauler / plumber fails to properly clean and maintain FCD	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber fails to submit records to OJRSA in timely manner	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars (\$100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars (\$400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber discharges wastewater, FOG, or other prohibited materials back into the FCD	First (1 st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate User's water and/or sewer.	RSC, PC, Dir
FOG waste hauler / plumber decants	First (1 st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification;	RSC, PC, Dir

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wastewater back into the FCD or sewer system		cost recovery and civil penalties (SECTION 8.6); criminal investigation; seek termination of terminate User's water and/or sewer.	
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8.12.7 Hauled Waste Acceptance Violations ERG

Violation	Circumstances	Range of Response	Personnel
Abuse of conditions established in Sections 10.1 and 10.2	First (1 st) violation.	Noncompliance notification letter sent to Hauled Waste Transporter company Owner ¹ detailing violation; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC
	Second (2 nd) violation.	Suspension of violator's Waste Hauler License for two (2) months or after all outstanding fees have been received by OJRSA, whichever is later; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC, Dir
	Third (3 rd) violation.	Permanent suspension of violator's Waste Hauler License and notification to SCDHEG SCDES of Hauled Waste Transporter's status. The company and person, regardless of whether he works for the same company or another Hauled Waste Transporter, will no longer be able to dispose of product at OJRSA facilities.	RSC, PC, Dir

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8.12.8 Other Regulatory Violations ERG

Violation	Circumstances	Range of Response	Personnel
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to properly operate and maintain pre-treatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within ten (10) business days; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir

¹ As stated on Waste Hauler License.

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	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	RSC, PC
	Inspection finds files incomplete or missing (evidence of intent).	Civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); penalty.	RSC, PC, Dir
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	RSC, PC
	Minor, evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Failure to mitigate non-compliance or curtail production	No damage to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within ten (10) business days.	RSC, PC
	Recurring violation.	AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; seek termination of terminate water and/or sewer.	RSC, PC, Dir

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2781 **Section 9 – Fats, Oils, and Grease (FOG) Control Program**

2782 The OJRSA is mandated by Federal and State regulations to prevent the discharge of untreated sewer to the envi-
 2783 ronment. OJRSA is subject to enforcement actions from ~~SCDHECSCDES~~ and/or EPA when untreated wastewater
 2784 reaches the environment. Fats, oils, and grease (FOG) can block the sewer lines and cause the untreated sanitary
 2785 wastewater to overflow into the environment. In order to address this requirement, the OJRSA has established the
 2786 following FOG Control Program, which is also supported by the OJRSA Development Policy and other policies as
 2787 applicable.

2788 **9.1 PURPOSE**

- 2789 A. The FOG Control Program has been developed in accordance with SECTION 3 and SECTION 4 of this Regulation
 2790 with its purpose being to provide for the regulation of the collection, control, and transportation of non-
 2791 hazardous FOG of animal or vegetable origin generated by Users. All Users, including FOG Generators such
 2792 as Food Service Establishments, must comply with established grease limits as contained in SECTION 4.2.
 2793 B. Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on all the
 2794 following criteria:
- 2795 1. Properly sized and approved FOG Control Devices;
 - 2796 2. Approval and implementation of Best Management Plans;
 - 2797 3. Placement of FOG control signs above FOG Generator sinks;
 - 2798 4. Regularly scheduled maintenance of FOG Control Device(s);
 - 2799 5. Documentation of maintenance and proper disposal;
 - 2800 6. Employee education and training; and
 - 2801 7. Demonstrated adherence to established quantitative concentration or mass limit(s) as measured
 2802 at the nearest accessible point prior to FOG Generator's connection to the public sewer.

2803 **9.2 DUTIES**

- 2804 A. The Director has the authority to enforce compliance with Permits and Regulations. Acting under the Direc-
 2805 tor is the Regulatory Services Coordinator or his/her assigned representative(s) (e.g., FOG Program Coordi-
 2806 nator), who shall be responsible for implementing this Regulation.
 2807 B. The Regulatory Services Coordinator or their assigned representatives shall be responsible for all adminis-
 2808 trative actions such as inspections, plan review, analyses, and records maintenance.
 2809 C. Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the des-
 2810 ignated and assigned OJRSA representatives.
 2811 D. Duties regarding the enforcement of these requirements are outlined in SECTION 8 of this Regulation.

2812 **9.3 APPLICABILITY**

- 2813 A. The FOG Control Program is applicable to all Nonresidential Users who generate or transport FOG. The
 2814 Regulation also applies to Hauled Waste Transporters of the FOG generated from these and other facilities.
 2815 Classifications for the types of FOG Generators can be found in SECTION 9.7.
 2816 B. All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation
 2817 or any FOG Permit issued by OJRSA.
 2818 C. Devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated
 2819 Multi-Family Developments as follows:
- 2820 1. Multi-Family Developments shall be required to install a FOG Control Device in compliance with
 2821 SECTION 9.7 when five (5) or more units occupy a single building and where the individual living units
 2822 share a common wastewater drain line that serves more than ~~one-two (2)~~ (24) units within the building.

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- 2823 2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June
 2824 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do sub-
 2825 stantial modifications which include replacement of fifty percent (50%) or more of the drain lines
 2826 or plumbing within the building. Modifications must include the installation of a FOG Control Device
 2827 as set forth in this Regulation.

2828 D. Hotels with Kitchens in guest rooms shall be required to install a FOG Control Device in compliance with
 2829 SECTION 9.7 when five (5) or more units occupy a single building and share common wastewater drain lines
 2830 that serve more than two (2) guest units within the building. This will apply to all new Hotels with Kitchens
 2831 that are issued a Capacity Permit after September 30, 2024. Existing facilities will be grandfathered as con-
 2832 structed unless the facility has to do substantial modifications which include replacement of fifty percent
 2833 (50%) or more of the drain lines or plumbing within the building. Modifications must include the installation
 2834 of a FOG Control Device as set forth in this Regulation.

2835 D.E. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative
 2836 impact on its conveyance or treatment system from FOG must be plumbed together through a common
 2837 drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.

2838 E.F. Food Service Establishments and FOG Generators

- 2839 1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, re-
 2840 constructed, or change ownership shall meet the requirements included herein prior to opening,
 2841 expanding, or reopening the FSEs.
 2842 2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Reg-
 2843 ulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues,
 2844 manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior
 2845 to installation.
 2846 3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3)
 2847 compartment sink must have a FOG Control Device installed.
 2848 4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly in-
 2849 stalled, maintained, and operating in accordance with this Regulation by no later than June 30,
 2850 2024.

2851 F.G. Multi-Unit Commercial Facilities

- 2852 1. New Multi-Unit Commercial Facilities
- 2853 (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line con-
 2854 nections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste
 2855 line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or
 2856 potential kitchen area, grease waste line will be connected to floor drains in the specified
 2857 kitchen area, and will connect, or be able to connect, to other food service establishment
 2858 kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two
 2859 (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
 2860 (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF.
 2861 Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen
 2862 and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-
 2863 out locations to accommodate a FOG Control Device of adequate size as approved in the
 2864 *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity
 2865 FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for
 2866 multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Intercep-
 2867 tors must be approved by the OJRSA prior to construction. A copy of the maintenance
 2868 agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by
 2869 the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider
 2870 suitable physical property space and sewer gradient that will be conducive to the installa-
 2871 tion of an exterior, in-ground gravity FCD when determining the building location.

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

I, _____ [Owner name here], **UNDERSTAND THAT IF A FOOD SERVICE ESTABLISHMENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRODUCER OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR TO THE USER OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE DEVELOPMENT, WHICH INCLUDES:**

[County TMS Number here]

[County TMS Number here]

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

2. Existing Multi-Unit Commercial Facilities

(a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall be grandfathered and may not have to comply with provisions of this Section unless:

- (i) Negative impacts are placed on the public sewer system due to FOG generated from within the facility (e.g., blockages in the conveyance system). The OJRSA reserves the right to require MUCF to install appropriate plumbing and FOG Control Devices if they are causing negative impact to the public sewer system.
- (ii) If an existing MUCF is replacing or updating internal piping for wastewater handling, then they shall comply with requirements of a New MUFC.

9.4 RIGHT OF ENTRY, INSPECTIONS, AND RECORDKEEPING

- A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator’s facility and the Hauled Waste Transporter’s vehicle (SECTION 10.4) and facilities are incorporated fully within these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as required.
- B. FOG Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices or obtain representative samples and perform other duties as necessary to ensure compliance.
- C. The FOG Generator shall maintain FOG Control Device inspection records ~~on-site~~ for review by OJRSA for a minimum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records. *If authorized by OJRSA, electronic records may be submitted in accordance with SECTION 2.6.*
- D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access to inspect records, obtain representative samples, and perform other duties as necessary to ensure compliance.
- E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler / plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must use the FOG Control Device Inspection Form as provided by the OJRSA.
- F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must notify the OJRSA within one (1) business day of conducting the inspection.
- G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be documented by the employee and the Director should be notified as soon as possible. The Director will discuss the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with

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appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling. Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Response Guide set forth in this Regulation

- H. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CANNOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREEMENTS.** Any records that are reviewed during the inspection and must be kept confidential must be stamped with the word “confidential” and OJRSA will adhere to the confidentiality requirements set forth in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

9.5 PERMITTING

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

9.6 FOG GENERATOR ADMINISTRATIVE REQUIREMENTS

- A. Best Management Practices
1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive discharges of FOG to the public sewer and to ensure proper performance of FOG Control Devices (FCD).
 2. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans, and food containers into the trash before washing; having signage posted at sinks (e.g., “Hand Washing Only,” “Scrape Plates before washing,” “No Fats, Oils, or Grease,” etc.); having proper sink, floor sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Container; and establishing procedures for observing and approving all maintenance activities that require access to the FCD.
 3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.
- B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with established limits and standards. Requirements and details for FCD are found in the *OJRSA Development Policy*. In some circumstances, FOG Traps or Hydromechanical FOG Devices (HFD) may be allowed if:
1. It is determined by OJRSA that a FOG Trap or HFD provides adequate control due to site specific conditions; and/or
 2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor impractical and/or unserviceable.
- C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator’s expense. It is the FOG Generator’s responsibility to ensure that proper maintenance of the device includes removal of all contents including floating materials, wastewater, and solids at a maintenance frequency which will allow proper operation of the FCD. The FOG Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of the disposal.
- ~~D. At no time shall the cleaning frequency of the FCD exceed ninety (90) calendar days unless approved in writing by OJRSA. Approval will be granted on a case-by-case situation with submittal by the FOG Generator documenting proof that a reduced cleaning frequency will meet the requirements of this Regulation. Some~~

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FOG Generators may need to consider a more frequent pumping schedule to meet the requirements of this Regulation.

~~E.~~ FOG Interceptors must be pumped in full (complete removal of all contents) when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the FOG Interceptor's inlet liquid depth if before the ninety (90) calendar day pump-out requirement. Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 of this Regulation.

~~F.~~ D. FOG Generators required to install new or replacement devices shall request and complete a Food Service Establishment Questionnaire as provided by OJRSA. The survey, along with the FCD specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the FOG Generator, the OJRSA will provide a written determination of the required FCD prior to installation. Additionally, the survey will be considered a request to discharge to the OJRSA system. Approval must be granted by OJRSA prior to connecting the device to the public sewer.

~~G.~~ E. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and installation of any ~~FGD~~ FCD.

~~H.~~ F. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business days and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed by an OJRSA Authorized Representative. Prior to commencement of construction or installation, the FOG Generator shall secure applicable local building, plumbing, and other permits.

~~I.~~ G. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD and piping to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify the local building inspector if the installation does not meet the requirements of this Regulation.

~~J.~~ H. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without written approval from an OJRSA Authorized Representative. The design and installation instructions for the OJRSA are set forth in the *OJRSA Development Policy*.

~~K.~~ I. Automatic FOG Traps – After June 30, 2023, any change of ownership of an existing FSE or FSE reopening for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device ~~with a unitone~~ approved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages in the conveyance system, etc.), then the device shall be replaced with a FOG Trap, Hydromechanical FOG Device, or FOG Interceptor that complies with these Regulations.

~~L.~~ J. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.

~~M.~~ K. _____ For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA, such document shall be signed by:

1. The Owner, or
2. General Manager; or
3. Manager, or
4. A specified individual authorized in writing by one of the above with the authority to bind the FOG Generator and to make representations to OJRSA on the FOG Generator's behalf.

9.7 FOG GENERATOR CLASSIFICATIONS

OJRSA has established the following classifications for FOG Control Devices:

- A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-by-case basis. ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~

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- 3013 B. Facilities that provide dining space and vending machines with no food preparation other than microwave
3014 ovens and the like will be evaluated on a case-by-case basis.
- 3015 C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) ~~grease~~
3016 ~~trap~~ FOG Trap or Hydromechanical FOG Device that meets minimum efficiency and installation require-
3017 ments necessary for this class. REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY
3018 FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.
- 3019 1. Facilities without a ventilation hood system or filter as required by SCDHEC-SC Department of Agri-
3020 culture R61-25 (Retail Food Establishments);
 - 3021 2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sand-
3022 wiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serv-
3023 ing ware with very limited culinary washing;
 - 3024 3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
 - 3025 4. Coffee Shops (small);
 - 3026 5. Ice Cream Shops;
 - 3027 6. Frozen Yogurt Shops;
 - 3028 7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
 - 3029 8. Doughnut Shops with baking only (no mixing of ingredients or frying);
 - 3030 9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
 - 3031 10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary clean-
3032 ing, and number of meals served);
 - 3033 11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary
3034 cleaning, number of meals served, and frequency meals are served);
 - 3035 12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-
3036 4)).
- 3037 D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required
3038 by SC Department of Agriculture SCDHEC R61-25 (Retail Food Establishments), then they will be considered
3039 at least a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. A Hy-
3040 dromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet all
3041 efficiency and installation requirements necessary for this class. REQUIRES FOG DEVICE SIZING CALCULA-
3042 TION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.
3043 The facility will need to provide their applicable NAICS code(s) to OJRSA.
- 3044 1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
 - 3045 2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary clean-
3046 ing, and number of meals served);
 - 3047 3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary
3048 cleaning, number of meals served, and frequency meals are served);
 - 3049 4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) per-
3050 sons);
 - 3051 5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65)
3052 persons);
 - 3053 6. Doughnut Shops with on-premises frying;
 - 3054 7. Coffee Shops (large);
 - 3055 8. Caterers;
 - 3056 9. Convenience Stores serving food (with or without fuel pumps);
 - 3057 10. Supermarket/Grocery Stores;
 - 3058 11. Hotels with Kitchens as stated in OJRSA SUR 9.3(D); and
 - 3059 ~~10.12.~~ Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain condi-
3060 tions and as justified by calculation requirements and approved by OJRSA).
- 3061 E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. A
3062 Hydromechanical FOG Device may be considered by OJRSA on a case-by-case basis; however, it must meet

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all efficiency and installation requirements necessary for this class. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.** ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~

1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-five (65) persons);
2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to sixty-five (65) persons); and
- ~~2.3. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2) (under certain conditions and as justified by calculation requirements and approved by OJRSA).~~

F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.** ~~The facility will need to provide their applicable NAICS code(s) to OJRSA.~~

1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run operations.
2. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2).

G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**

1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable portions of the Sewer Use Regulation.
2. Others as appropriate.

9.8 FOG CONTROL DEVICE **DESIGNS** AND INSTALLATION REQUIREMENTS

A. General Requirements

- ~~A.1.~~ No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
2. Garbage grinders are strictly prohibited where FCD are required.
3. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.

~~All FCDs shall have a minimum retention time of thirty (30) minutes.~~

B. General FCD Requirements

- ~~B.1.~~ All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regulations and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the specifications detailed in the *OJRSA Development Policy*.
- ~~C.2.~~ OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance and condition and may require repairs to, modifications, or replacement of FCDs as such.
3. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.

~~D.A. Garbage grinders are strictly prohibited where FCD are required.~~

~~E.A. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.~~

~~F.A. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.~~

G.C. FOG Trap Requirements

1. There is a minimum acceptable size devices based on the classification system as stated in SECTION 9.7.
2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
- ~~2.3.~~ FOG Trap devices must be certified by the Plumbing and Drainage Institute (PDI) for the required flow and grease capacity.

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3110 ~~3-4.~~ Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are
 3111 ~~prohibited in accordance with OJRSA SUR 9.6(IK).~~

- 3112 4-5. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:
- 3113 (a) Plumbing of fixtures as identified in the OJRSA Development Policy;
 - 3114 (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit
 - 3115 (140°F);
 - 3116 (c) Acidic or caustic cleaners (e.g., lye or root killer);
 - 3117 (d) Fryer oil or grill trap FOG waste; and
 - 3118 (e) FOG Control Additives (as defined in SECTION 2.3).

3119 D. Hydromechanical FOG Devices – Hydromechanical FOG Device design and installation requirements shall
 3120 be the same as those for a FOG Trap as stated within this Section, except that: Hydromechanical FOG de-
 3121 vices must be sized by and meet the requirements of ASME A112.14.3 “Hydromechanical Grease Intercep-
 3122 tors.”

3123 H.E. FOG Interceptor Requirements

- 3124 1. There is a minimum acceptable size devices based on the classification system as stated in SECTION
- 3125 9.7.
- 3126 2. The OJRSA Development Policy contains the design and installation requirements for a FOG Trap.
- 3127 ~~2-3.~~ The minimum liquid residence time in the FOG Interceptor shall be thirty (30) minutes.¹
- 3128 ~~3-4.~~ All FOG Interceptors shall be adequately secured against unauthorized access.
- 3129 ~~4-5.~~ All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
- 3130 ~~5-6.~~ Discharge of, or addition of, the following materials are strictly prohibited from disposal to an in-
- 3131 ground FOG Interceptor:
- 3132 (a) Acidic or caustic cleaners (e.g., lye or root killer); and
- 3133 (b) FOG control additives (as defined in SECTION 2.3).

3134 **9.9 MAINTENANCE REQUIREMENTS**

- 3135 A. The OJRSA reserves the right to require changes in device type or size and/or maintenance requirements
 3136 as stated within this Section based on changes in operation, business hours, equipment, menu options,
 3137 seating capacity, etc.
- 3138 B. If OJRSA experiences FOG related maintenance issues on its collection system, OJRSA may require increased
 3139 cleaning of FCDs or may conduct sampling to determine the source of the excess FOG in the system. If the
 3140 contribution of the excess FOG is attributed to a particular FOG Generator, they may be charged for the
 3141 costs associated with repairing the system in accordance with SECTION 4.11 RECOVERY OF PREVENTATIVE EX-
 3142 PENSES and SECTION 8– Enforcement.

3143 A.C. FOG Traps

- 3144 1. **FOG TRAPS SHALL BE MAINTAINED ON A WEEKLY BASIS FREQUENCY FOR THE PROPER FUNCTION**
 3145 **OF A FOG TRAP. THE CLEANING FREQUENCY WILL BE ESTABLISHED BY OJRSA ON A CASE-BY-CASE**
 3146 **BASIS; USING THE “25% RULE”² OR IF THERE IS EVIDENCE OF SOLIDS OR OTHER PROHIBITED MAT-**
 3147 **TER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE³; HOWEVER, CLEANING SHALL NOT**
 3148 **EXCEED TWENTY-ONE (21) CALENDAR DAYS. ~~Modified maintenance schedules must be approved~~**
 3149 **~~by the OJRSA but in no case will cleaning intervals exceed two (2) weeks.~~**
- 3150 2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance.
 3151 These records shall be maintained in accordance with SECTION 9.4.

¹ As stated in the International Plumbing Code.

² 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.

³ “Evidence” may be the presence of visual observation of solids passing through the FCD and/or analytical sampling results in excess of limits as stated in the SUR.

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D. Hydromechanical FOG Devices

1. **HYDROMECHANICAL FOG DEVICES (HFD) SHALL BE MAINTAINED BASED ON MANUFACTURER'S RECOMMENDED CLEANING SCHEDULE AND CALCULATIONS FOR THE PROPER FUNCTION OF A HFD AND THERE SHALL BE NO EVIDENCE OF SOLIDS IN THE EFFLUENT DISCHARGED FROM THE DEVICE. THE CLEANING FREQUENCY WILL BE APPROVED BY OJRSA ON A CASE-BY-CASE BASIS; HOWEVER, IT SHALL NOT EXCEED THIRTY-ONE (31) CALENDAR DAYS UNLESS OTHERWISE NOTED BY MANUFACTURER'S RECOMMENDATIONS OR CALCULATIONS, WHICH SHALL REQUIRE WRITTEN APPROVAL BY OJRSA PRIOR TO IMPLEMENTATION.**
2. Food Service Establishments (FSEs) shall maintain a detailed, written log of HFD maintenance. These records shall be maintained in accordance with SECTION 9.4.

B.E. FOG Interceptors

1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS UNLESS APPROVED IN WRITING BY OJRSA; HOWEVER, SOME FOG GENERATORS MAY NEED TO CONSIDER A MORE FREQUENT PUMPING SCHEDULE TO MEET THE REQUIREMENTS OF THIS REGULATION. THERE SHALL BE NO EVIDENCE OF SOLIDS OR OTHER PROHIBITED MATTER IN THE EFFLUENT AFTER PASSING THROUGH THE DEVICE¹. A reduced cleaning frequency may be granted on a case-by-case situation with submittal by the FOG Generator and Hauled Waste Transporter, as stated with the functions of Section 9.10(E), that performed the cleaning and inspection to document proof that a reduced cleaning frequency will meet the requirements of this Regulation. Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals exceed six (6) months.**
2. The following FOG Interceptor maintenance activities must be performed:
 - (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top grease layer **when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) (The "25% Rule," see footnote on page 80 for more information)** of the FOG Interceptor's inlet liquid depth if before the quarterly pump out requirement. Top skimming, decanting, or back-flushing of the device, its contents, septage waste, solids, water, or other materials back into the FOG Interceptor for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from FOG shall not discharge separated water into the FOG Interceptor or into the wastewater conveyance system.
 - (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls and baffles.
 - (c) **Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 ~~SECTION 8~~ of this Regulation.**
3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the private sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION 8.6 and/or *OJRSA Schedule of Fees*.

9.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS

¹ "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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Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

- A. Comply with requirements in SECTION 9.9.
- 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.~~

9.11 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*.

9.12 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 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 8.12(E).
- B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated compliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause

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3245 blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG
 3246 Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA
 3247 to increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance
 3248 Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the
 3249 Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for en-
 3250 forcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at
 3251 least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for
 3252 failure to comply, additional time required for compliance, and steps taken to avoid further delays.

- 3253 C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Trans-
 3254 porter to demonstrate compliance
- 3255 D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary
 3256 sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regula-
 3257 tion. These actions may include providing as-built drawings for the facility, mapping and inspection of the
 3258 sewer line, and other enforcement actions set forth in SECTION 8 of this Regulation.
- 3259 E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement
 3260 action.

9.13 REQUESTS FOR VARIANCE

- 3261 A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained
 3262 in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30)
 3263 calendar days of the FOG Generator or Hauled Waste Transporter being notified of a requirement or Com-
 3264 pliance Schedule. The request for variance must specifically state the reason for the request and how the
 3265 User will ensure demonstrated compliance with established limits.

- 3266 B. Conditional maintenance variances may be granted at the discretion of the Executive Director or his/her
 3267 designee ~~Regulatory Services Coordinator~~ and will typically require additional control measures be placed
 3268 on the User to ensure compliance which may include but are not limited to: additional maintenance re-
 3269 quirements, more stringent Best Management Practices, monitoring requirements (or additional require-
 3270 ments), permit(s) and/or cost recovery. In no case shall a variance be issued in lieu of compliance with es-
 3271 tablished numerical limits or when damage to the conveyance system, public sewer, or treatment facility is
 3272 evident. Requests for variances regarding a reduction in cleaning frequency are to be made through the
 3273 following procedure:

- 3274 1. The FOG Generator must request in writing a reduction of its FCD cleaning frequency using the FOG
 3275 Variance Request Form.
- 3276 2. All work associated with the variance request is to be performed at the FOG Generator's expense
 3277 and must be paid prior to conducting the inspection, sampling, and/or analysis in accordance with
 3278 the OJRSA Schedule of Fees.
- 3279 3. OJRSA will perform an evaluation of the facility and the capability of the FCD to determine if a
 3280 reduction in cleaning is merited. The evaluation will include but not necessarily be limited to the fol-
 3281 lowing:
 - 3282 (a) A site visit to evaluate the facility's potential contributions to FOG in the collection system.
 - 3283 (b) Inspection, sampling, and/or analysis of the discharge from the FOG Generator's facility will
 3284 be conducted by OJRSA to determine the effectiveness of the FCD and the contribution of
 3285 the FOG Generator to FOG in the sewer system.

- 3286 ~~B-(c)~~ During the sampling and/or inspection, OJRSA will use methods to ensure that the
 3287 FCD is not tampered with. OJRSA reserves the right to install tamperproof equipment on
 3288 the device to ensure the integrity of the sampling/inspection, such as lock, tape, etc.

- 3289 C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be
 3290 considered and approved for installation at a FOG Generator. The alternative FCD must control FOG dis-
 3291 charges from the User and be maintained as outlined in this Regulation. Items that may be considered in
 3292

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3293 this determination will be footprint of existing buildings, location of property boundaries, and a lack of room
3294 for an outside FOG Interceptor. Alternative FCDs shall not be considered for new building construction.

- 3295 D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical re-
3296 strictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing
3297 FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least
3298 fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.
3299 E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

3300 Section 10 – Hauled Waste Acceptance

3301 10.1 AUTHORITY AND GENERAL CONDITIONS

- 3302 A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Ad-
3303 ditionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area
3304 when it is determined that:
- 3305 1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equip-
3306 ment malfunction, nature or quantity of waste, or other factors there is no viable alternative for
3307 disposal of the hauled waste in the service area where it originates.
 - 3308 2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed
3309 of at OJRSA facilities.
- 3310 B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic
3311 tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treat-
3312 ment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water rec-
3313 lamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to
3314 delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from
3315 the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the
3316 wastewater treatment plant.
- 3317 C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall
3318 typically be in writing and is subject to applicable inter-jurisdictional agreements.
- 3319 D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance
3320 with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.
- 3321 E. Abuse of the above requirements stated in SECTION 10.1 shall result in actions as detailed in SECTION 8.12.7.
- 3322 F. All Haulers will be permitted annually by OJRSA.
- 3323 G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record
3324 must include the name, address, and phone number of the FOG Generator company; the name(s) of the
3325 individual(s) performing the work, the volume of the wastewater and other material removed from the
3326 FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the
3327 hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspec-
3328 tion.

3329 10.2 SPECIFIC CONDITIONS OF ACCEPTANCE

- 3330 A. Acceptance of Hauled Waste
- 3331 1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled
3332 Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
 - 3333 2. Hauled waste is only accepted on business days during the hours of operation as posted at the
3334 OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the
3335 acceptance of hauled waste during normal acceptance periods due to issues with the treatment
3336 plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA
3337 shall not accept waste outside of these hours except under the following conditions:

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- 3338 (a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System
 3339 directly or indirectly connected to the OJRSA's wholesale or retail system; and
 3340 (b) The emergency must originate on public or common property owned, operated, and main-
 3341 tained by the Satellite Sewer System. Events that occur on private property are not consid-
 3342 ered an emergency per this Regulation. The OJRSA reserves the right to confirm all infor-
 3343 mation regarding the emergency with the registered agent(s) of the Satellite Sewer System.
 3344 (c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA*
 3345 *Schedule of Fees* shall apply.
 3346 (d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste
 3347 afterhours, including waste from onsite wastewater systems and septic tanks.
 3348 3. Abuse of the above requirements stated in SECTION 10.2 shall result in actions as detailed in SECTION
 3349 8.12.7.
- 3350 B. Septic Tank Waste
- 3351 1. Acceptance From Within OJRSA Service Area
- 3352 (a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service
 3353 area.
 3354 (b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior ap-
 3355 proval. Approval must be requested and granted in writing prior to discharge at OJRSA fa-
 3356 cilities.
 3357 (c) Sanitary wastewater from Nonresidential Users located outside the service area will not be
 3358 accepted under any circumstances.
 3359 (d) Loads mixed with Residential septic tank waste from inside and outside of the service area
 3360 shall not be accepted without prior approval; however, mixed loads that may contain Non-
 3361 residential septic tank wastewater from outside of the service area shall not be accepted
 3362 under any circumstances.
- 3363 2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal
 3364 at the treatment facility.
- 3365 3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to
 3366 discharge at OJRSA facilities.
- 3367 4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Sched-*
 3368 *ule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA
 3369 service area.
- 3370 C. Portable Toilet Waste
- 3371 1. Acceptance From Within OJRSA Service Area
- 3372 (a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
 3373 (b) Portable toilet waste originating outside of the OJRSA service area may not be discharged
 3374 at OJRSA facilities without prior approval.
 3375 (c) Loads mixed with portable toilet waste from inside and outside of the service area shall not
 3376 be accepted without prior approval.
- 3377 2. Portable toilet waste to be accepted must consist of sanitary waste only.
- 3378 3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, includ-
 3379 ing septic tank waste, prior to discharge at OJRSA facilities.
- 3380 4. The information for each load of portable toilet waste must be provided to the OJRSA prior to dis-
 3381 posal at the treatment facility.
- 3382 5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA*
 3383 *Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the
 3384 OJRSA service area.
- 3385 D. Beneficial Hauled Waste
- 3386 1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled
 3387 waste may be accepted at locations and under conditions set forth in an approval letter.

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- 3388 2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in
- 3389 writing to the attention of the OJRSA Regulatory Services Coordinator.
- 3390 3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case
- 3391 basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions
- 3392 and limitations may apply.
- 3393 4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as
- 3394 a condition of acceptance of each designated beneficial hauled waste.
- 3395 E. Prohibited Wastes
- 3396 1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
- 3397 2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regula-
- 3398 tion to any facility connected to OJRSA facilities, including those that originate on private property
- 3399 (e.g., private sewers).
- 3400 3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be con-
- 3401 sidered hazardous under the RCRA regulations.

10.3 HAULED WASTE TRANSPORTER REQUIREMENTS

- 3402 A. The contents of a Hauled Waste Transporter operated by a ~~SCDHEGSCDES~~-licensed hauler of holding tank
- 3403 waste shall be discharged to the POTW only at a location approved by the Director. Such wastewater must
- 3404 have prior written approval of the Director before being discharged. The discharge of this waste shall be
- 3405 subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy
- 3406 of this letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed
- 3407 hauler shall provide the information requested as shown in the Regulation.
- 3408 B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director,
- 3409 as stated in appropriate sections of this Regulation.
- 3410 C. Only wastes originating within the OJRSA’s service area may be accepted.
- 3411 D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to
- 3412 exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier
- 3413 than January 1 and an ending date no later than December 31.
- 3414 E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compli-
- 3415 ance with all applicable regulations and that truck contents are as represented on each Septic Tank Dis-
- 3416 charge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic
- 3417 or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that in-
- 3418 cludes the following signed certification statement, which must include a Wet Signature from the Author-
- 3419 ized Representative for the facility who is disposing of the waste (e.g., the property or business owner, not
- 3420 the Waste Hauler):
- 3421
- 3422

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

10.4 INSPECTION AND MONITORING

In accordance with SECTION 7.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate documentation or satisfy compliance requirements.

OJRSA Sewer Use Regulation**October 1, 2023 DRAFT September 9, 2024 FOR BOARD OF COMMISSIONERS****10.5 FEES AND CHARGES**

Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA Schedule of Fees*. If approved for acceptance as stated in SECTIONS 10.1 and 10.2, then fees and charges for other forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to discharge hauled waste at OJRSA facilities without proper payment of fees and charges.

10.6 ENFORCEMENT

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

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3445 **Section 11 – Severability**

3446 If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent
3447 jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall con-
3448 tinue in full force and effect.

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3449 **Section 12 – Conflict**

3450 All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby
3451 repealed to the extent of such inconsistency or conflict.