



GREENWOOD METROPOLITAN DISTRICT

110 METRO DRIVE

GREENWOOD, SOUTH CAROLINA 29646

RULES AND REGULATIONS

GOVERNING

SEWER USE, INDUSTRIAL PRETREATMENT REQUIREMENTS

AND ENFORCEMENT RESPONSES

April 2023

INTRODUCTION

The Greenwood Metropolitan District (GMD) is a special purpose district created by Act No. 441 of the Acts and Joint Resolutions for the General Assembly of the state of South Carolina (1959).

GMD was created for the purpose of treating wastewater originating within the GMD's defined service area boundaries. Historically, GMD confines its functions to the construction, operation, and maintenance of interceptor and trunk lines; pump stations and wastewater treatment plants. The Greenwood Metropolitan District on January 1, 2000 accepted ownership and management operation and maintenance of the 36 sub-districts, which were in existence. At the same time, Greenwood Metropolitan District entered into a 50-year management operation and maintenance agreement with the Commission of Public Works (CPW) of the City of Greenwood to operate and maintain the CPW owned sewer system. On March 4, 2004, CPW deeded ownership of their sewer system to GMD. Sewers constructed by CPW after this date are also deeded to GMD upon completion. Other lateral lines and collection systems within GMD's boundaries are privately owned and maintained.

The Greenwood Metropolitan District is governed by a six person Commission known as the Greenwood Metropolitan Commission, three of whom are appointed by the Governor and three of whom serve by virtue of their election to the Commissioners of Public Works of the City of Greenwood.

The Greenwood Metropolitan District comprises a portion of Greenwood County, with boundaries defined by Act No. 441 (1959), and its amendments.

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SECTION 1. GENERAL PROVISIONS

1.1 Purpose and Policy

1. These Rules and Regulations ("Regulations") set forth uniform requirements for all direct and indirect users of the wastewater interceptor and treatment system for the Greenwood Metropolitan District (GMD) and enables GMD to comply with all applicable State and Federal laws required by the Clean Water Act of 1972 and the General Pretreatment Regulations (40 CFR, Part 403), Resource Conservation and Recovery Act, the requirements of the Toxic Substances Control Act (TSCA) and amendments thereto, and the South Carolina Pollution Control Act (Chapter I of Title 48, South Carolina Code of Laws, 1976, as amended).
2. As federal pretreatment requirements for each industrial categorical group become effective, those regulations shall become a part of these Regulations and are applicable by reference to those requirements and documents.
3. The objectives of these Regulations are:
 - (a) To protect Publicly Owned Treatment Works (POTW) personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public,
 - (b) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge,
 - (c) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW,
 - (d) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW,
 - (e) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations,

- (f) To enable the Greenwood Metropolitan District to comply with its NPDES permit conditions and any and all other Federal or State laws to which the POTW is subject,
 - (g) To provide for fees for the equitable distribution of the cost of management, operation, maintenance and improvements of the POTW and interceptor trunk lines; and
 - (h) To provide for an enforcement response plan with procedures for investigating and responding to instances of industrial user noncompliance with these Regulations, any permits issued under these Regulations, or with any other applicable law or regulation.
4. These Regulations provide for the regulation of direct and indirect contributors to the municipal wastewater system through:
- (a) Enforcement of general requirements applicable to all users;
 - (b) Issuance of permits to certain non-domestic users stipulating the conditions for use of GMD's facilities;
 - (c) GMD monitoring, compliance and enforcement activities and user reporting;
 - (d) Establishing administrative review procedures; and
 - (e) Setting of fees for the equitable distribution of costs resulting from the operation of GMD's facilities by users and the programs established herein.
5. These Regulations shall apply to all users of the Greenwood Metropolitan District and to persons outside GMD's boundaries who are, by contract or agreement, users of GMD's POTW or sewer collection system. Except as otherwise provided herein, the Greenwood Metropolitan District, which is the Control Authority of GMD's POTW, shall administer, implement, and enforce the provisions of these Regulations.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated.

1.2.1 Accidental Discharge or Spillage: A release of wastewater, occurring or arising by chance or unexpectedly, to the sewer system or to a natural or man-made outlet.

1.2.2 Act or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

1.2.3 Approval Authority: The South Carolina Department of Health and Environmental Control (DHEC).

1.2.4 Authorized Representative of Industrial User: The authorized representative of an industrial user shall be:

1. A responsible corporate officer if the industrial user is a corporation. Responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
3. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user is a Federal, State, or local governmental entity, or their agents;
4. A duly authorized representative of the individual designated above if:
 - (a) The authorization is made in writing by the individual described above;
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial user originates, such as the position of plant manager, operator of a well, or a well field Superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (c) The written authorization is submitted to the Greenwood Metropolitan District.
5. If an authorization under paragraph (4) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or, overall responsibility for the environmental matters for the company, a new

authorization satisfying the requirements of paragraph (4) of this section must be submitted to the Greenwood Metropolitan District prior to or together with any reports to be signed by an authorized representative.

- 1.2.5 Best Management Practices (BMP): means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.1. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 1.2.6 Billable Biochemical Oxygen Demand: shall mean the discharge in pounds of BOD calculated using the billable flow and concentrations of BOD in the wastewater in excess of 300 mg/l.
- 1.2.7 Billable Flow: shall mean recorded water usage as determined by the appropriate water utility plus measured water from wells and other sources, multiplied by Greenwood Metropolitan District (GMD) approved percentage factor for wastewater entering the wastewater disposal system. Alternatively, Industrial Users may have their billable flow determined by continuously measuring their discharge in a manner approved by GMD.
- 1.2.8 Billable Total Suspended Solids (TSS): shall mean the discharge in pounds of TSS calculated using the billable flow and concentration of TSS in the wastewater in excess of 300 mg/l.
- 1.2.9 Billable Total Phosphorus shall mean the discharge in pounds of total phosphorus calculated using the billable flow and concentration of total phosphorus in the wastewater in excess of 7mg/l.
- 1.2.10 Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter [mg/L]).
- 1.2.11 Building Sewer: A sewer conveying wastewater from the premises of a user directly or indirectly to GMD's facilities.
- 1.2.12 Bypass: The intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.
- 1.2.13 Categorical Standards: National Categorical Pretreatment Standards or Pretreatment Standard.
- 1.2.14 Chemical Oxygen Demand (COD): the amount of oxygen necessary to oxidize all of the organic carbon completely to carbon dioxide and water expressed in terms of mass and concentration (milligrams per liter [mg/L]).

- 1.2.15 Commission: The Greenwood Metropolitan Commission, which is the governing body of the Greenwood Metropolitan District.
- 1.2.16 Cooling Water: The water discharged from any use such as air conditioning, cooling, refrigeration, or other similar use, and to which the only pollutant added is heat.
- 1.2.17 Compatible Pollutant: Biochemical oxygen demand, suspended solids, pH, and fecal coliform or *e. coli* bacteria; plus any additional pollutants identified in the publicly-owned treatment work's NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTWs NPDES permit.
- 1.2.18 Composite Sample: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- 1.2.19 Control Authority: The Greenwood Metropolitan District, or its duly designated official, authorized agent or representative.
- 1.2.20 Conventional Pollutants: Clean Water Act (CWA) section 304(a)(4) designates the following as "conventional" pollutants: biochemical oxygen demand (BOD5), total suspended solids (TSS), fecal coliform or *e. coli* bacteria, pH, and any additional pollutants EPA defines as conventional. The Agency designated "oil and grease" as an additional conventional pollutant on July 30, 1979 (refer to 44 FR 44501). EPA has identified 65 pollutants and classes of pollutants as "toxic pollutants", of which 126 specific substances have been designated "priority" toxic pollutants. All other pollutants are considered to be "nonconventional."
- 1.2.21 Direct User: A user who discharges wastewater directly into GMD's facilities without having passed first through the facilities of a sub-district or the City of Greenwood.
- 1.2.22 Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the State of South Carolina.
- 1.2.23 Domestic User: A user who discharges only domestic strength wastewater, not exceeding 300 mg/L BOD and TSS.
- 1.2.24 Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- 1.2.25 Floatable Oil: shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater.
- 1.2.26 Grab Sample: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

- 1.2.27 Headworks Loading Analysis: Shall mean an evaluation of the capability of the POTW to receive pollutants performed in accordance with DHEC and EPA regulations.
- 1.2.28 Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- 1.2.29 Incompatible Pollutant: All pollutants other than conventional pollutants as defined in Subparagraph 20 of this section.
- 1.2.30 Infiltration: The quantity of groundwater that leaks into a public sewer line or into pipes located on private property and connected into the public sewer through joints, porous walls or breaks.
- 1.2.31 Inflow: Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash water or street drainage. Inflow does not include and is distinguished from infiltration by definition.
- 1.2.32 Indirect User: A user who discharges wastewater into the facilities of a sub-district or of the City of Greenwood, such discharge being subsequently discharged into GMD's POTW.
- 1.2.33 Indirect Discharge: The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- 1.2.34 Industrial User: Any non-domestic discharger into the POTW.
- 1.2.35 Instantaneous Maximum Allowable Discharge Limit: The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 1.2.36 Interference: The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of GMD's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- 1.2.37 Notice of Violation (NOV): Written notification of a violation.

- 1.2.38 Medical Waste: Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- 1.2.39 Manager: The person designated by the Commission to supervise the operation of the publicly owned treatment works and charged with certain duties and responsibilities by these Regulations.
- 1.2.40 National Categorical Pretreatment Standard or Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- 1.2.41 National Pollutant Discharge Elimination System or NPDES Permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- 1.2.42 National Prohibitive Discharge Standard or Prohibitive Discharge Standard: Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- 1.2.43 New Source: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- 1.2.44 Non-significant Industrial User: Any non-domestic user who does not conform to the definition of a Significant Industrial User.
- 1.2.45 Pass Through: A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Greenwood Metropolitan District's NPDES permit (including an increase in the magnitude or duration of a violation.)
- 1.2.46 Person: Any individual, partnership, co-partnership, firm, company, corporation association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by the context.
- 1.2.47 pH: The negative logarithm (Base 10) of the concentration of hydrogen ions in moles per liter of solution
- 1.2.48 Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, medical, municipal, and agricultural waste discharged into water.

1.2.49 Pollution: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

1.2.50 Pretreatment or Treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration shall include the feminine, the singular shall include the plural, where indicated by the context obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR, Section 403.6(d).

1.2.51 Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

1.2.52 Pretreatment Standard or Standards: Prohibitive discharge standards, categorical pretreatment standards, and local limits.

1.2.53 Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by GMD. This definition includes the treatment plants and any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside GMD's boundaries who are, by contract or agreement with GMD, users of the GMD POTW.

1.2.54 Public Sewer: A sewer provided by or subject to the jurisdiction of GMD or the Commission. It shall also include sewers within or outside the boundaries of the Greenwood Metropolitan District that serve one or more persons and ultimately discharge in GMD's sanitary sewer system, even though these sewers may not have been constructed with District funds.

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

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

1.2.57 Shall is Mandatory; May is permissive.

1.2.58 Significant Industrial User: Except as provided in Paragraphs 3 and 4 of this Section, the term "Significant Industrial User" means:

1. All industrial users of the Greenwood Metropolitan District's wastewater disposal system subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; and

2. Any other industrial user that:
 - (a) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); and/or
 - (b) contributes a process waste stream, which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; and/or
 - (c) is designated as such by the Greenwood Metropolitan District, DHEC, or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment standard or requirement.
3. Greenwood Metropolitan District may determine that an Industrial User subject to National Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on finding that the Industrial User never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to Greenwood Metropolitan District's finding, has consistently complied with all applicable National Categorical Pretreatment Standards and requirements;
 - (b) The Industrial User annually submits the certification statement required in Section 5.10 together with any additional information necessary to support the certification statement; and
 - (c) The Industrial user never discharges any untreated concentrated wastewater.
4. Upon finding that an Industrial User meeting the criteria in paragraph 2 of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment standards or requirements, Greenwood Metropolitan District may at any time, on its own initiative or in response to a petition received from the Industrial User or POTW, and in accordance with procedures in R61.9 Section 403.8(f)(6), determine that such Industrial User is a Non-Significant Industrial User.

1.2.59 Significant Noncompliance (SNC): An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all measurements taken for the same pollutant parameter during a six

month period exceed (by any magnitude) a numeric Pretreatment standard or requirement, including instantaneous maximum allowable discharge limits;

2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more of all of the measurements for the same pollutant parameter taken during a six month period equal or exceed the product of the numeric Pretreatment standard or requirement, including instantaneous maximum allowable discharge limits, multiplied by the applicable TRC (TRC equals 1.4 for conventional pollutants, such as biochemical oxygen demand, total suspended solids, fats, oils and grease, and 1.2 for nonconventional pollutants except pH);
3. Any other violation of a Pretreatment standard or requirement that the Greenwood Metropolitan District determines has caused, alone or in combination with other discharges, POTW interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in a POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Greenwood Metropolitan District determines, will adversely affect the operation or implementation of the local pretreatment program.

1.2.60 Slug Discharge: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Sections 2 and 4 of these regulations or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

1.2.61 State: State of South Carolina.

1.2.62 Standard Industrial Classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

- 1.2.63 Storm Water: Any flow occurring during or following any form of natural precipitation and resulting there from.
- 1.2.64 Suspended Solids: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- 1.2.65 Total Ammonia Nitrogen shall mean the sum of inorganic nitrogen content of a wastewater as prescribed in 40 CFR 136, or equivalent methods approved by EPA.
- 1.2.66 Total Kjeldahl Nitrogen (TKN): shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as prescribed in 40 CFR 136, or equivalent methods approved by EPA.
- 1.2.67 Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of wastewater as prescribed in 40 CFR 136, or equivalent methods approved by EPA.
- 1.2.68 Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act, Section 307(a), or other acts.
- 1.2.69 Treatment Plant: Those portions of the POTW designed to provide treatment to wastewater.
- 1.2.70 Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the user, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.
- 1.2.71 User: Any person who contributes, causes, or permits the contribution of wastewater into GMD's POTW.
- 1.2.72 Wastewater: The liquid and water-carried domestic and non-domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 1.2.73 Waters of the State: All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- 1.2.74 Wastewater Discharge Permit or Industrial User Permit: As set forth in Section 5 of this ordinance.
- 1.2.75 Abbreviations: The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practices
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CPW	Commissioners of Public Works
CWA	Clean Water Act
EPA	Environmental Protection Agency
GMD	Greenwood Metropolitan District
gpd	Gallons per day
IU	Industrial User
L	Liter
mg	Milligrams
mg/L	Milligrams per Liter
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
DHEC	South Carolina Department of Health and Environmental Control
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.
USC	United States Code
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
CWA	Clean Water Act
RCRA	Resource Conservation and Recovery Act

SECTION 2. GENERAL LIMITATIONS

2.1 Sanitary Sewers

No person shall cause or permit to be discharged into the public sewer any uncontaminated storm water, surface drainage, subsurface drainage, groundwater, roof runoff, condensate, deionized water, cooling water, or other unpolluted water of any kind unless approved by the Manager.

2.2 Prohibitions and Limitations

1. Except as hereinafter provided, no person shall discharge into the public sewers:
 - (a) Any solids, liquids, or gases which by themselves or by interaction with other substances, may cause fire or explosion hazards, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F, (60°C) using the test methods specified in 40 3CFR 261.21, or in any other way be injurious to persons, property, or the operation of the Publicly Owned Treatment Works.
 - (b) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other substances are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
 - (c) Any solids, gases, slurries, or viscous material of such character or in such quantity that, in the opinion of the Control Authority, may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the Publicly Owned Treatment Works.
 - (d) Any toxic substances, chemical elements or compounds in quantities sufficient to impair the operation or efficiency of the waste treatment works, or that will pass through the waste treatment plant and cause the effluent thereof to exceed State or Interstate water quality requirements for the receiving stream.
 - (e) Any liquids having a pH lower than 6.0 or higher than 11.0 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the waste treatment works.
 - (f) Any radioactive isotopes without obtaining a special permit from the Control Authority in compliance with applicable State or Federal regulations.
 - (g) Any liquid or vapor having a temperature greater than 104°F (40°C), or which will inhibit biological activity in the treatment plant resulting in interference, or which will cause damage to any part of the POTW's collection system.

- (h) Any garbage that has not been ground or shredded; provided, ground paper products shall not be discharged into the sewer system.
- (i) Any water to attempt to dilute a discharge as a partial or complete substitute for treatment.
- (j) Any material, which would cause the sewage sludge to be:
 - i. Reactive,
 - ii. Toxic,
 - iii. Ignitable, or
 - iv. Corrosivewithin the guidelines established by EPA and DHEC.
- (k) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
- (l) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (m) Any trucked or hauled pollutants, except as permitted by GMD and at discharge points designated by the Greenwood Metropolitan District.
- (n) 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 color to the treatment plant's effluent thereby violating the POTW'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 10 percent from the seasonably established norm for aquatic life.
- (o) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (p) Any medical wastes, except as specifically authorized by the Greenwood Metropolitan District in a wastewater discharge permit.
- (q) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

- (r) Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
- (s) GMD reserves the right to establish limitations and requirements, which are more stringent than those required by State and Federal Regulations.

SECTION 3. DOMESTIC WASTEWATER

3.1 Definition

1. Domestic wastewater shall mean the liquid wastes from:
 - (a) The non-commercial preparation, cooking and handling of food;
 - (b) The use of sanitary facilities installed in the facilities of the user;
 - (c) Other activities normal to residential use of the premises or any commercial or industrial user that does not have process wastewater and discharging only domestic strength wastewater to GMD's facilities.

3.2 Garbage

Garbage shall be ground or shredded before discharging into the sanitary sewer; ground paper products shall not be discharged into the sewer system.

3.3 General Limitations

1. Domestic wastewater shall be subject to the limitations of SECTION 2. GENERAL LIMITATIONS.
2. The installation of all line extensions shall be compatible with the long-range plans of the Greenwood Metropolitan District and approved by the Commission.
3. All line extension to the GMD system shall be in accordance with the GMD Design Manual, as approved by GMD and in compliance with DHEC construction permits.

SECTION 4. NON-DOMESTIC WASTEWATER

4.1 General Discharge Prohibitions

No non-domestic user shall contribute or cause to be contributed, directly or indirectly, any pollutant which will interfere with the operation or performance of the POTW, including the collection system. These general prohibitions apply to such non-domestic users of a POTW whether or not the user is subject to National Categorical Standards or Requirements. A user may not contribute the following substances to any POTW:

- 4.1.1 Any 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, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.2 1. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which are a fire hazard to the system.
- 4.1.2 Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2”) in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feather, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes.
- 4.1.3 Any wastewater having a pH less than 6.0 or greater than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment or endangering POTW personnel.
- 4.1.4 Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

- 4.1.5 Any noxious or malodorous 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.
- 4.1.6 Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with any reclamation process such as a reuse and reclamation program. 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 Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- 4.1.7 Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards, including causing the treatment plant's effluent to fail a toxicity test.
- 4.1.8 Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to: dye wastes and vegetable tanning solutions.
- 4.1.9 Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) in any part of the POTW collection system
- 4.1.10 Any pollutants including oxygen-demanding pollutants (BOD, etc.), released at a flow and/or pollutant concentration, which a User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- 4.1.11 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by GMD in compliance with applicable State or Federal regulations.
- 4.1.12 Any wastewater, which causes a hazard to human life or creates a public nuisance.
- 4.1.13 Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- 4.1.14 Any trucked or hauled pollutant; except as permitted by GMD and at discharge points designated by the Greenwood Metropolitan District.
- 4.1.15 Any sludge, screenings, or other residues from the pretreatment of industrial wastes.

4.1.16 Any medical wastes, except as specifically authorized by Greenwood Metropolitan District in a wastewater discharge permit.

4.1.17 Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.

4.1.18 Any substance or flow quantity, which causes a violation of:

1. The Permit to Discharge issued to the Non-Domestic User; or
2. The terms of a contract between GMD and the discharger.

4.2 National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated. Upon the promulgation of the National Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Regulations for sources in that subcategory shall immediately supersede the limitations imposed under these Regulations. GMD shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

4.3 Modification of National Categorical Pretreatment Standards

1. Upon receipt of a written request made by an Industrial User subject to the National Categorical Pretreatment Standards, GMD may apply to the Approval Authority for a modification of specific limits in the National Pretreatment Standards. Such application to the Approval Authority will be made only in the event that the wastewater treatment system has demonstrated consistent removal of the pollutant(s) for which the modification is requested. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(C)(2) of Title 40 of the Code of Federal Regulations, Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution), promulgated pursuant to the Act. GMD may modify pollutant discharge limits in the National Pretreatment Standards if the requirements contained in SR R61-9 Section 403.7, are fulfilled, and prior approval from the Approval Authority is obtained.

2. When the limits in a National Categorical Pretreatment Standard are expressed in terms of pollutant concentrations, an Industrial User may request that the Greenwood Metropolitan District convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of GMD and with prior approval from the Approval Authority. GMD may establish equivalent mass limits after Approval Authority review and approval only if the Industrial User meets the following conditions:
 - (a) Employ, or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its permit;
 - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable National Categorical Pretreatment Standard, and have not used dilution as a substitute for treatment;
 - (c) Provide sufficient information to establish the facility's actual average flow rate for all waste streams, based on data from a continuous flow monitoring device, as well as the facility's long-term average production rate. Both the actual daily flow rate and long-term average production rate must be representative of current operating conditions;
 - (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - (e) Have consistently complied with all applicable National Categorical Pretreatment Standards during the period, at least three years, prior to the Industrial User's request for equivalent mass limits.

4.4 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess quantities indicated by the headworks loading analysis for each treatment facility

See individual Industrial User Permit for specific pollutant limits.

Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At the Greenwood Metropolitan District's discretion, mass limitations in addition to or in place of the concentration-based limits may be imposed.

4.5 State Requirements

State requirements and limitations on discharges shall apply in any case where such limits are more stringent than Federal requirements or those contained in these Regulations.

4.6 GMD's Right of Revision

GMD may specify more stringent limitations or requirements on discharges to the wastewater disposal system at any time if deemed necessary to comply with the objectives presented in Section 1.1 of these Regulations or the general and specific prohibitions in Sections 2.1, 2.2, and 4.1 of these Regulations. Specifically, GMD shall have and retain the following:

1. The authority to enforce limits deemed necessary to comply with the objectives of the Regulation;
2. The authority to revise or adjust limits as needed;
3. The authority to implement and enforce limits that are more stringent than Federal or State limits.

4.7 Excessive Discharge

No User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Pretreatment Standards, or in any other pollutant-specific limitation developed by GMD or the State.

4.8 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities and/or procedures to prevent accidental discharge or prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to GMD for review and shall be approved by GMD before construction of the facility. No User who commences contribution to the POTW after the effective date of these Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by GMD. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility of modifying the User's facility as necessary to meet the requirements of these Regulations. In the case of an accidental discharge, it is the responsibility of the User to immediately (within one-half hour) telephone and notify the

POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

4.8.1 Written Notice: Within five (5) working days following a spill or slug discharge, the User shall submit to GMD a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

4.8.2 Notice to Employers: A Notice shall be permanently posted on the User's bulletin board or other prominent place, advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

4.8.3 Failure to Notify: Failure to notify the Greenwood Metropolitan District of these potential problem discharges shall be deemed a separate violation of these Regulations.

4.9 Spills and Batch Discharges (Slugs)

1. Slug loadings are sudden spills or batch discharges to a sewer system of a size or concentration that could cause explosions, worker health and safety problems, corrosions, interferences with biological treatment, obstruction of flow, contamination of sludge, and/or contamination of receiving waters.
2. POTWs shall evaluate whether its SIUs require a plan to control slug discharges. This evaluation must be conducted within 1 year of being designated a SIU. SIUs are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that such a plan is needed, the plan shall contain, at a minimum, the following elements:
 - (a) The description of discharge practices; including non-routine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for promptly notifying the POTW of slug discharges including any discharge that would violate a discharge prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
 - (d) Any necessary procedures to prevent adverse impact from accidental spills including;
 - i. Inspection and maintenance of storage areas;

- ii. Handling and transfer for materials;
- iii. Loading and unloading operations;
- iv. Control plant site run-off,
- v. Worker training;
- vi. Building of containment structures or equipment;
- vii. Measures for containing toxic organic pollutants (including solvents); and/or
- viii. Measures and equipment for emergency response.

4.10 Bypass

4.10.1 Definitions:

1. “Bypass” means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

4.10.2 Unavoidable By-pass: An industrial user may only allow a bypass to occur which does not cause pretreatment standards or requirements or permit conditions to be violated, and is for essential maintenance to assure efficient operation..

4.10.3 Advance Notice of Bypass:

- a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.
- b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4.10.4 Prohibited Bypass:

Bypass is prohibited, and the Greenwood Metropolitan District may take enforcement action against an industrial user for a bypass unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
2. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The industrial user submitted notice as required under paragraph 4.10.3 of this section.

4.10.5 Greenwood Metropolitan District Approval:

The Greenwood Metropolitan District may approve an anticipated bypass, after considering its adverse effects, if the Greenwood Metropolitan District determines that it will meet the three conditions listed in paragraph 4.10.4 of this section.

4.10.6 Conditionally Prohibited Discharges

Certain discharges may be prohibited in the event the Control Authority determines it necessary to protect the POTW, receiving stream or that the discharge will endanger lives, limbs, public property, or constitute a nuisance. The Control Authority may revise the limitations established in this section if, in his/her opinion, different limitations are necessary to meet the above objectives. Wastewater as described below shall not be discharged to the POTW without the prior written approval of the Control Authority.

1. Grease and Oils
 - a. Wastewater containing more than 100 mg/l of petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons).
 - b. Wastewater containing more than 200 mg/l of oil or grease of animal or vegetable origin. The oils of petroleum or mineral origin shall be measured in accordance with techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. The difference between the hydrocarbon analysis and the total recoverable grease and oil analysis will be considered grease or oil of animal or vegetable origin.

4.11 Upset

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

4.11.2 An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of paragraph 4.11.3 are met.

4.11.3 An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the industrial user can identify the cause(s) of the upset,
2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures,
3. The industrial user has submitted the following information to the POTW within 24 hours of becoming aware of the upset. This information is provided orally with a written submission to be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance
 - (b) The period of noncompliance, including exact dates and time or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

4.11.4 In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

4.11.5 The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

4.12 Notification of Hazardous Waste Discharge

1. Any industrial user who discharges hazardous waste to the sewer system shall submit a one-time notification to the EPA, DHEC, and to the Greenwood Metropolitan District POTW that receives the discharge. Such notification shall include:
 - (a) The name of the hazardous waste as set forth in 40 CFR Part 261;
 - (b) The EPA hazardous waste number; and
 - (c) The type of discharge (continuous, batch, or other).
2. If the industrial user discharges more than 100 kilograms 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 industrial user:
 - (a) An identification of the hazardous waste constituents contained in the wastes;
 - (b) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
 - (c) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.
3. With respect to notification time periods, all notifications must take place within 180 days of the effective date of rule (August 23, 1990). However, industrial users who commence discharging after the effective date of the rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this section need be submitted only once for each hazardous waste discharged. Dischargers are exempt from these requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as listed in 40 CFR 261.30(d) and 261.33(e). Therefore, a discharge of more than 15 kilograms of nonacute hazardous waste 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, which an industrial user discharges more than such quantities of any hazardous waste, do not require additional notification.
4. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the industrial user must notify the Greenwood Metropolitan District's POTW, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities of the discharge of such substances within 90 days of the effective date of such regulations. In the case of these hazardous waste notifications, the notification shall include a certification from the industrial user 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. This certification is in keeping with the pollution prevention policies for minimizing wastewater discharges and for source reductions.

4.13 Notification of Changed Discharge

Industrial users shall promptly notify, within 24 hours, the POTW in advance of any substantial change in the volume or character of pollutants in the discharge. Written response from the industrial user is to follow within 5 days of verbal notification. For purposes of this requirement, flow increases of ten (10) percent or greater above the maximum permit level, and the discharge of any previously unreported pollutants, shall be deemed substantial.

4.14 Hauled Wastewater

4.14.1 Septic tank waste from within the Greenwood Metropolitan District boundaries may be accepted into the POTW at a designated receiving structure within the treatment plant area, at such times as are established by the Greenwood Metropolitan District, provided such wastes do not violate Sections 2 or 4 of these Regulations or any other requirements established or adopted by the Greenwood Metropolitan District. Wastewater discharge permits for companies and/or individual vehicles to use such facilities shall be issued by the Greenwood Metropolitan District. GMD may issue permits in any form deemed necessary, at the sole discretion of GMD.

4.14.2 The discharge of hauled industrial wastes as "industrial septage" requires prior approval from the Greenwood Metropolitan District. The Greenwood Metropolitan District shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of these Regulations.

4.14.3 Fees for dumping septage will be established as part of the industrial user fee system as authorized in Section 5.11.5.

4.14.4 Wastewater discharged to GMD may contain ONLY wastewater of domestic origin from human sources (those generated from normal human activities) from septic tanks.

4.14.5 Wastewater discharged to GMD may NOT contain petroleum oils and/or greases, sediment trap waste, industrial food processing waste, industrial grease pumping, industrial treatment plant or lagoon sludges, toxic waste or cloth waste..

4.15 Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the collection system, trunk lines, pump stations or other parts of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 6 of these Regulations.

SECTION 5. ADMINISTRATION

5.1 Permits Required

No user shall discharge any wastewater except to the POTW collection and transportation system within the Greenwood Metropolitan District, or in any area under the jurisdiction of GMD, and/or to the POTW, except as authorized by the Control Authority in accordance with the provisions of these Regulations. GMD may issue permits in any form deemed necessary, at the sole discretion of GMD.

5.2 Domestic Discharge Permits

For domestic users, a permit shall be implied when the sewer connection is made and billing for wastewater transport and treatment is authorized by the owner or instituted by GMD.

5.3 Non-Domestic Discharge Permits

5.3.1 All Non-Domestic Users of GMD's Facilities shall submit an Application for Service on a form provided by GMD within 60 days after the adoption of these Regulations or 60 days prior to the date sewer service is to start. All Applications for Service shall be accompanied by an Industrial Wastewater Questionnaire. Information on the nature and characteristics of the user's wastewater shall be contained in the Industrial Wastewater Questionnaire and may be periodically issued for survey updating purposes.

5.3.2 Non-Domestic Users who are not Significant Industrial Users on the date these Regulations are adopted shall be considered as having a permit to discharge and are not required to apply for a permit.

1. The terms of a discharge permit issued to a Non-Significant Industrial User shall be for a period not to exceed five years.
2. Permits may be renewed on condition that:
 - (a) There has been no significant change in the character or quantity of wastewater discharges;
 - (b) There has been no change in the ownership of the permitted activity;
 - (c) The discharge has not been found to be in violation of the applicable discharge limitations during the term of the permit; and
 - (d) The user has submitted a new and current application to GMD.

5.4 Significant Industrial Users

5.4.1 Significant Industrial Users (SIU) shall make application for wastewater service on the permit application form provided by GMD and in addition shall submit fully completed form(s), which shall be considered a part of the application. A current forms shall be submitted with permit renewal applications. GMD will act only upon fully completed applications. GMD may use any forms deemed necessary for the application process.

1. Wastewater service to SIUs shall be available pursuant to the terms of a permit for Sewer Service issued by GMD to the SIU.
2. Permit Duration: Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years at the discretion of GMD. Each wastewater discharge permit will indicate a specific date upon which it will expire, including a clause to remain in force after expiration, at the sole discretion of GMD
3. The Permit for Sewer Services shall be subject to all provisions of these Regulations, and may contain any or all of the following:
 - (a) The unit charge or schedule of user charges and fees (rate schedule) for the wastewater to be discharged to a public sewer;
 - (b) Limits on the average and maximum wastewater constituents and characteristics;
 - (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (d) Requirements for installation and maintenance of inspection and sampling facilities;
 - (e) Specifications for self-monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
 - (f) Requirements for submission of technical reports or discharge reports;
 - (g) Requirements for retaining plant records relating to wastewater discharge;
 - (h) Requirements for notification to the Greenwood Metropolitan District POTWs of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (i) Requirements for slug discharges control plan, if deemed necessary by the POTW, in accordance with Section 4.9;

- (j) Requirements for the installation of facilities or procedures to prevent and control accidental discharge or spills at the User's premises;
- (k) Requirement of a spill prevention/contingency plan;
- (l) Requirement for notification of any by-passes around treatment systems;
- (m) Other conditions as deemed appropriate by the Greenwood Metropolitan District to ensure compliance with these Regulations.

5.4.2 Where the POTW has determined that an industrial user meets the criteria for classification as a Non-Significant Categorical Industrial User, the POTW must evaluate, at least once per year, whether the industrial user continues to meet the criteria in section 1.2.62.3.

5.5 Permit Transfer

A wastewater discharge permit is issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned, transferred or sold to a new or different owner, new or different user, different premises, or a new, different or changed operation without the approval of the Greenwood Metropolitan District. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit while applying for a new permit.

5.6 Permit Modification

1. The Manager may modify the wastewater discharge permit for good cause including, but not limited to, the following:
 - (a) To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
 - (b) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to the Greenwood Metropolitan District's POTW, personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the wastewater discharge permit;
 - (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the wastewater discharge permit; and,
 - (i) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
2. The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

5.7 Permit Revocation

1. Wastewater discharge permits may be revoked for violations of these regulations, including, but not limited to:
- (a) Failure to notify the Greenwood Metropolitan District of significant change to wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the Greenwood Metropolitan District of changed condition pursuant to Section 4.13;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the Greenwood Metropolitan District timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater discharge application;
 - (l) Failure to provide advance notice of the transfer of a permitted facility; and
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

2. Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

5.8 Permit Appeals

Any person or entity to whom a permit has been issued may petition the Greenwood Metropolitan District to reconsider the terms of a wastewater discharge permit issuance, modification, or revocation within thirty (30) days of its issuance.

5.8.1 Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

5.8.2 In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and alternative conditions, if any, it seeks to place in the wastewater discharge permit.

5.8.3 The effectiveness of the wastewater discharge permit, or its revocation, shall not be stayed pending the appeal.

5.8.4 If the Greenwood Metropolitan District fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit, or not to rescind a revocation of a wastewater discharge permit shall be considered final administrative action for purposes of judicial review.

5.9 Permit Reissuance

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 5.3.1, a minimum of ninety days (90) prior to the expiration of the industrial user's existing wastewater discharge permit

At the sole discretion of GMD, an expired Permit may continue to be effective and enforceable until the Permit is reissued as stated in the Permit.

5.10 Reporting Requirements

5.10.1 Application Signatories and Certification

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for - gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

5.10.2 Baseline Monitoring Reports

1. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Greenwood Metropolitan District a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Greenwood Metropolitan District, a report which contains the information listed in paragraph 2, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
2. The industrial user shall submit the information required by this section including:
 - (a) Identifying Information The name and address of the facility including the name of the operator and owners.
 - (b) Wastewater Discharge Permits A list of any environmental control wastewater discharge permits held by or for the facility.
 - (c) Description of Operations A brief description of the nature, average rate of production, and standard classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (d) Flow Measurement Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (e) Measurement of Pollutants
 - i. Identify the categorical pretreatment standards applicable to each regulated process;

- ii. Submit the results of the sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the Greenwood Metropolitan District) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.10.9.
 - iii. Sampling must be performed in accordance with procedures set out in Section 5.10.10.
- (f) Certification. A statement reviewed by the industrial user's authorized representative 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 requirements.
- (g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M will be required. 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 5.10.3 of these Regulations.
- (h) All baseline-monitoring reports must be signed and certified in accordance with Section 5.10.1.

5.10.3 Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by 5.10.2.2(g). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events may include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning, and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Control Authority no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

5.10.4 Report on Compliance with Categorical Pretreatment Standard Deadline

Within ninety days (90) 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 industrial user subject to such pretreatment standards and requirements shall submit to the Greenwood Metropolitan District a report containing the information described in Section 5.10.2.2.(d)-(f). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial 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 industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 5.10.1.

5.10.5 Periodic Compliance Reports

1. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Control Authority but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Greenwood Metropolitan District or the applicable standard to determine compliance with the standard. All periodic compliance reports must be signed and certified in accordance with Section 5.10.1. The Greenwood Metropolitan District may waive this requirement for sampling if an agreement exists between the user and the Greenwood Metropolitan District indicating that the Greenwood Metropolitan District will conduct necessary sampling requirements for compliance purposes. The Greenwood Metropolitan District may charge for these services as indicated in Section 5.11.5.
2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
3. If an industrial user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the POTW using the procedures prescribed in Section 5.10.9 of these Regulations, the results of this monitoring shall be included in the report.
4. The Greenwood Metropolitan District may with prior Approval Authority approval authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is

neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

- (a) The Greenwood Metropolitan District may with prior Approval Authority approval authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater and the POTW does not have an effluent NPDES limit for this pollutant.
- (b) The monitoring waiver is valid only for the duration of the effective period of the Permit, but in no case longer than 5 years. The industrial user must submit a new request for the waiver before the waiver can with prior Approval Authority approval be granted for each subsequent control mechanism.
- (c) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed by an authorized representative of the industrial user and include the certification statement in section 5.10.1. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis, or at the lowest practical Quantitation Limit established by the Approval Authority, whichever is lower.
- (d) Any grant of the monitoring waiver by the Greenwood Metropolitan District must be included as a condition in the industrial user's permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by GMD for 3 year after expiration of the waiver.

- (e) Upon approval of the monitoring waiver and revision of the industrial user's permit by the Greenwood Metropolitan District, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____, I certify that to the best of my knowledge and belief, there has been no increase in the level of _____ in the waste stream due to the activities at the facility since the filing of the last periodic report.

- (f) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the industrial user must immediately comply with the monitoring requirements of paragraph 1 of this section or more frequent monitoring requirements imposed by the Greenwood Metropolitan District and notify GMD and the Approval Authority.
- (g) This provision does not supersede certification processes and requirements established in the categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

- 5. The Greenwood Metropolitan District may reduce the requirement in paragraph 1 of this section to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the Approval Authority, where the industrial user meets all of the following conditions:

- (a) The industrial user's total categorical wastewater flow does not exceed any of the following:
 - i. 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;
 - ii. 0.01 percent of the design dry weather organic treatment capacity of the POTW; and
 - iii. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed by a POTW.
- (b) The industrial user has not been in significant noncompliance for any time in the past two years;

- (c) The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period pursuant to section 5.10.10.
- (d) The industrial user must notify the Greenwood Metropolitan District immediately of any changes at its facility causing it to no longer meet conditions of 5(a) or (b) of this section. Upon notification, the industrial user must begin complying with the minimum reporting requirement in paragraph 1 of this section; and
- (e) The Greenwood Metropolitan District must retain documentation to support GMD's determination that a specific industrial user qualifies for reduced reporting requirements under paragraph 5 of this section for a period of 3 years after the expiration of the term of the permit.

5.10.6 Reports from Non-Significant Industrial Users

1. All industrial users not subject to categorical pretreatment standards shall, at a frequency determined by the Control Authority but in no case less than twice per year, submit a report indicating the nature, concentration and flow of the pollutants required to be reported by the Greenwood Metropolitan District. In cases where a local limit requires compliance with a Best Management Practice, the industrial user must submit documentation required by GMD to determine the compliance status of the industrial user.
2. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the Greenwood Metropolitan District as the Manager may require.

5.10.7 Annual Certification by Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User pursuant to section 1.2.61 must annually submit the following certification statement, signed by an authorized representative of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that to the best of my knowledge and belief that during the period from (month, day, year) to (month, day, year) : (a) the facility described as (name) met the definition of a Non-Significant Categorical Industrial User as described in section 1.2.61;

- (b) the facility complied with all applicable Pretreatment standards and requirements during this reporting period; and
- (c) the facility never discharged more than a total of 100 gallons of categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information:

5.10.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Greenwood Metropolitan District within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Greenwood Metropolitan District within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's facility at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

5.10.9 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

5.10.10 Sample Collection

1. Except as indicated in Section 2, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Control Authority may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous maximum allowable discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, , sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 5.10.2 and 5.10.4, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Greenwood Metropolitan District may with the approval of the Approval Authority authorize a lower minimum. For reporting requirements, the Greenwood Metropolitan District shall require the number of grab samples necessary to assure compliance by industrial users with applicable pretreatment standards and requirements.

4. The Control Authority may use a grab sample(s) to determine noncompliance with pretreatment standards.
5. Where the POTW has authorized the industrial user subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard in accordance with section 5.10.5.4, the POTW must sample for the waived pollutant(s) at least once during the term of the permit. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the industrial users wastewater based on changes that occur in the industrial user's operations, the POTW must immediately begin at least annual effluent monitoring of the industrial users discharge and inspection
6. In the case of industrial users subject to reduced reporting requirements under section 5.10.5.5, the POTW must randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting, the POTW must immediately begin sampling and inspecting the industrial user once a year.

5.10.11 Record Keeping

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under these Regulations, including documentation associated with Best Management Practices. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any administrative or judicial proceedings concerning compliance with these Regulations, or where the industrial user has been specifically notified of the need for a longer retention period by the Control Authority.

5.11 Fees

5.11.1 Purpose

It is the policy of GMD to recover all costs of operating and maintaining the POTW and for other services performed by GMD through the imposition of user charges. Such charges shall be adjusted from time to time as actual costs incurred by GMD vary. The applicable charges and fees shall be set forth in GMD's rate schedule. The rate schedule shall be reviewed at least annually and adjusted to balance revenues and expenses. All users shall be notified as provided by law when a change is made to the rate schedule.

5.11.2 Charges and Fees: GMD may adopt fees and surcharges for the following:

1. Management, operation, maintenance and repair of GMD's facilities.

2. The treatment of wastewater found to be stronger than normal domestic wastewater or containing unusual components, which are treatable in GMD's facilities. Normal "Domestic Wastewater" is wastewater not exceeding 300 mg/L BOD and TSS.
3. The reimbursement of costs of setting up and operating the Pretreatment Program including monitoring, inspection and surveillance procedures applicable to all non-domestic users.
4. Permit Application and Tapping Permits
 - (a) Sewer Service Connection Permit - Any person seeking to obtain sewer service by connecting into sewer lines owned and/or operated by GMD shall submit a completed "Application for Sewer Service" to GMD. GMD will then notify the person if additional data (e.g. property plat, location of proposed structure on site) is needed in order to issue approval. At this time, the person will also be informed of any special charges (e.g. permit and inspection fees), which must be paid prior to making the connection. All taps shall be made using materials and procedures specified by GMD. No connection into a GMD maintained sewer line shall be made unless a Sewer Service Connection Permit is on file at GMD. The connection shall not be backfilled nor have dirt covering it until after a tap inspection by GMD personnel has taken place, and approval of the method of connection is given by GMD.
5. Other activities, which GMD performs which are normal to its duties and obligations.

5.11.3 Flow Measurement: The quantity of wastewater discharged shall be:

1. The quantity of water used as determined by water meter readings on the water service line into the User's premises or the sum of such readings if more than one meter serves the premises; or as determined by direct measurement of the total wastewater discharged from the premises.
2. The design of wastewater flow measuring equipment shall be subject to approval by the Approval Authority and GMD prior to the start of the installation. Bills for user charges determined by this method are subject to an additional 10% charge of the billed amount. A permit to construct must be obtained from the Approval Authority before any modifications to a pretreatment system can be made. Such designs must comply with the requirements of GMD and the Approval Authority and are further subject to inspection when completed to assure that the installation is in conformance with the approved design.
3. Where a significant portion of water purchased is not discharged to public sewer, GMD's user charge may be based upon actual measured volumes of wastewater discharged to the sewer. In such cases, the user charge bill must be based upon wastewater volume data accurately measured and recorded by either a wastewater flow meter or by separate water meters, used for water system billing purposes which are

piped to isolate sewer and unsewered water usage. In cases where GMD determines that it is not feasible to use separate water meters used for water system billing purposes, GMD may approve subtractive water meters located inside the premises of the user.

4. The user shall submit monthly meter readings to GMD's Business Office at the time and in the manner prescribed by GMD whenever subtractive water meters are utilized. GMD personnel shall have access to the user's premises to audit such readings quarterly, or as necessary in GMD's opinion.
5. Inside water meters may also be approved for surcharge billing purposes. Before installation, GMD must approve the type of device, as well as the proposed location and the plans and specifications on the device. The user must provide and maintain such measuring device at its own expense.
6. The user who has a GMD approved wastewater/water metering device or subtractive water meter installed or in use for user charge or surcharge billing purposes, shall have the device calibrated at least once annually unless required more frequently by GMD, by an independent instrumentation technician approved by GMD. Written certification of each calibration must be provided to GMD by the technician within fourteen calendar days after the calibration. All calibrations shall be at the expense of the user.

5.11.4 Billing Procedure: Normally bills for sewer service are prepared by the Commission of Public Works, City of Greenwood, and are based on water meter readings. Bills for surcharges on extra strength wastewater are prepared by the Greenwood Metropolitan District and are calculated upon current GMD surcharge rates, which are formulated to recover all costs of treating each pound of BOD, TSS, etc.

5.11.5 Fees and Charges

Fees shall be assessed to Users for discharge to the POTW and for executing or enforcing the provisions of this Regulation. These charges shall be reviewed by GMD no less frequently than annually in accordance with the User Charge System and other Regulations and policies of GMD and applicable statutes of the State. Charges may be developed for the following purpose:

- (a) Industrial monitoring, inspections, and surveillance procedures;
- (b) Reviewing accidental discharge procedures and construction;
- (c) Reviewing permit applications;
- (d) Reviewing appeals;
- (e) Special industrial discharge;

- (f) Recovering capital related expenditures;
- (g) Other charges including User charges based on billable flow and excessive pollutant discharge to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system;
- (h) Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs expended for the system and/or its expansions.

5.12 Tapping Permits

5.12.1 GMD may accept, transport, and treat wastewater from private sewer systems and/or laterals when such systems and/or laterals connect directly to GMD's trunk lines. When such connections are desired following the adoption of these Rules and Regulations, a Tapping Permit shall be secured in a form described by GMD, and the applicant shall otherwise comply with the following requirements prior to making a connection to the trunk line.

1. Pipe plan of the system prepared by a registered surveyor showing layout, pipe sizes, easements, property lines and manhole locations which shall be approved by GMD before construction begins.
2. As a condition precedent to the issuance of this Tapping Permit, the Owner has obtained easements running with the respective lands in a form satisfactory to GMD in favor of owner and GMD, their heirs, successors and assigns, properly executed and recorded, and has furnished a plat prepared by a registered surveyor showing layout, pipe size, easement locations, property lines, manhole locations, and has paid the applicable fees.
3. GMD is given the irrevocable consent to attach or permit to be attached other laterals and/or systems to the proposed lateral and/or system with such payment by other property owners being served by such attachment to the owner herein, as shall be determined to be a fair and equitable charge by GMD alone, when, in judgment of GMD, such action is in the best interests of the overall system and service of GMD.
4. All taps to the trunkline must be made under the inspection of the authorized agent of GMD and shall be in conformity with the Rules and Regulations of the Greenwood Metropolitan District.
5. All laterals and/or private systems described above will be maintained and operated at the expense of the Owner to the standards required by GMD, subject to the provisions of contribution in the case of joint segments provided in paragraph 6, below.
6. The Owner shall not permit anyone, except with the prior issuance to such person of a Tapping Permit by GMD to tap onto, or place sewage or other matter in lines of the Owner. GMD shall have no obligation to maintain or repair the proposed laterals and/or system or any subsequent connections of others thereto or that shall use the same as a

conduit. The Owner shall have full responsibility for such laterals and/or system connected threats, and, regardless of the reason or cause of the connection shall maintain, repair and be responsible for such proposed laterals and/or system and its operation as a conduit, but each "Owner", under a Permit of GMD, having built a segment of such total lateral shall contribute an equal share of the cost to repair to such responsible Owner.

7. The Greenwood Metropolitan District assumes no responsibility or liability of any kind whatsoever arising from the connection of such lateral and/or private system to its trunklines unless specifically set forth in writing. GMD may, without liability to anyone, refuse to accept sewage and to cut off such connection from such lines at any time GMD finds the Owner or those using such system fails to comply with the current regulations of GMD or of the terms of Permit, including repair and sharing in cost therefore as provided.
8. The obligations and benefits herein, shall inure to and be binding upon the Owner and GMD, their heirs, successors and assigns. The rights granted to GMD herein shall constitute covenants running with the lands referred to in paragraph 2, above, and shall be binding upon the Owner, subsequent purchasers and lien holders thereof.
9. GMD shall have the right to inspect all construction to assure conformance with the drawings and specifications approved by GMD (see paragraph 1, above).
10. All pipe materials and installation shall be in accordance with the applicable material and installation specifications and the GMD Design Manual.
11. Whenever an existing service lateral is being replaced, the new lateral shall be installed in the same location as the existing lateral and shall connect to the main sewer in the same location. Tapping at a new location with a replacement lateral may be allowed by GMD, and if approved, will require a tapping fee for the new lateral and proper abandonment of the existing service lateral per the GMD Design Manual.
12. Service laterals shall be installed where required to provide service to individual lots, residences, building, or businesses. For new pipe constructions, tee-wyes shall be installed as the new sewer is laid to serve all lots along the sewer route. Service connections not used immediately shall be capped in a manner approved by GMD. For connecting new services to existing main sewers, strap-on saddles shall be used. The owners will be allowed to make point repairs when the existing sewer is in poor structural condition that prevents coring the pipe and when the existing pipe type is not suitable for tapping. For trunk sewers as defined by GMD, new service laterals shall be connected to manholes. Refer to the GMD Design Manual for service laterals connection requirements.
13. Service laterals shall be 4 inches in diameter or larger.

14. It shall be the contractor's or plumber's responsibility to locate service connections/tee-wyes on main sewers.
15. Allowable pipe types are specified in GMD's design manual.
16. Sewer connections on trunk lines are to be made only at a manhole unless approved by the Manager. All connections shall be gas tight and water tight using materials approved by GMD.
17. In the case that the lowest floor level is less than 6" above the top of the upstream manhole, the property owner must install and maintain a backflow prevention device in their service line.
18. If the person, firm, corporation, or other entity notified of a leaking sewer service line or sewer collection system fails to repair such leaks within sixty days (60) of notification, GMD may repair said leaks at the cost of the property owner. GMD will invoice the owner of such sewer service line or sewer collection system for the repairs made and the payment will be made immediately. The provisions outlined above shall apply to the collection line systems owned by all districts, all sub-districts and firms, individuals or corporations which contribute flow to GMD's POTW. The owners of all sewer lines on privately owned property shall be maintained by their respective owners.
19. All joints of the building sewer shall be tight and waterproof. GMD shall establish an infiltration/inflow rate for each plant and sewer system, using methods deemed necessary by GMD
20. Tapping Permits will be issued upon payment of a fee to cover costs of review of drawing and inspection. The minimum size of a trunk to be installed as part of the Greenwood Metropolitan District system shall be 8" in diameter.
21. All pipe materials and installation shall be in accordance with the applicable material and installation specifications and the GMD Design Manual
22. Main collection or trunk sewers shall be 8 inches in diameter or larger. Service laterals shall be 4 inches in diameter or larger

5.13 Inflow/Infiltration from Sewer Lines

- 5.13.1 Every person, firm, corporation, or other entity using the sanitary sewer system of GMD or pipelines connected to said system shall maintain all sewer lines connected to GMD's sewer system or privately owned sewer collection systems which are connected to GMD's system, in good condition so that the sewer will **NOT**:

1. Permit any leakage of storm water or other surface water or groundwater into the sewer service lines or sewer collection lines system either by visual observation or low pressure leakage test; and
2. Receive rainwater flow from roof downspout connections, yard drains, uncovered building area drains, sump pumps or other sources of rainwater flow and any other source of inflow/infiltration.

5.13.2 GMD shall notify all persons, firms, corporations, or other entities where sewer service lines or sewer collection systems are found to have excessive inflow or infiltration that their service line or sewer collection system must be repaired so as to eliminate such violation. Such repairs must be completed within sixty days (60) of notification by GMD, or within such other time schedule as prescribed by GMD.

5.14 Admission to Property

Whenever it shall be necessary for the enforcement of the provisions of these Regulations, or making inspections or tests, GMD's representative may upon the presentation of proper credentials, enter upon any property or premises at reasonable times for the purpose of:

1. Examining and copying any records required to be kept under the provisions of these Regulations;
2. Impacting any area, including any monitoring equipment or method;
3. Sampling any discharge of wastewater to the treatment works; and,
4. Performing any additional duties as necessary.

The Greenwood Metropolitan District, shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The Greenwood Metropolitan District may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the industrial user. Unreasonable delays in allowing Greenwood Metropolitan District personnel access to the industrial user's premises shall be a violation of these Regulations. The Control Authority or his designee may enter the property at any hour under emergency circumstances.

5.15 Confidential Information

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

5.16 Construction Guidelines

5.16.1 The design and construction of all trunklines, pump stations, lateral systems and/or connections to GMD's facilities shall be in accord with good engineering practices and construction methods. Materials of construction, manhole design, pumping stations, and all appurtenances shall be subject to approval by GMD and/or the Approval Authority.

Minimum standards for the construction of sewers and connections shall be in conformance with the current edition of the Southern Plumbing Code. More rigid standards may be required by GMD in special circumstances. Standards are contained in GMD's Design Manual.

5.16.2 Taps to, Additions to, and Extensions of Sewer Lines and Sewer Systems

Inspection Fee: A sewer service connection inspection fee may be applicable to all applications for connection to GMD owned sewer lines received on or after the effective date of these regulations. The amount of the inspection fee shall be as listed in GMD's rate schedule. A lower rate may apply to each additional connection inspected on the same trip for the same applicant. Such permit and inspection fee will not apply to additions to and extensions of GMD's lines.

Prior Approval of Plans: The plans for all taps to, additions to and extensions of GMD sewer lines and sewerage systems within GMD shall be approved by GMD in writing prior to commencement of construction of such taps, additions or extensions. Such taps, additions or extensions shall be installed in accordance with approved plans and specifications. During construction, such taps, additions and extensions may be inspected by GMD personnel

5.16.3 Discharges from Grease, Oil and Sand Traps:

GMD approved grease, oil and sand traps or interceptors shall be provided, at the user's expense, for food service establishments or operations, vehicular service facilities and car washes when, in the opinion of GMD, they are necessary for the proper handling and control of wastewater being discharged to public sewers containing grease, oil or sand in excessive amounts. Such traps or interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hospitals, hotels, abattoirs, or other institutions. Such traps or interceptors shall be readily accessible for cleaning and inspection and shall be maintained by the owner at his expense and in continuous operation. Whenever GMD or sub-district inspection of such existing traps or interceptors results in a written notice for action on the part of the person responsible for the trap or interceptor, such action shall be completed within the compliance period granted by the inspecting authority. The owner shall provide GMD, upon request, with accurate information as to the ultimate disposal location of the material pumped from the trap or interceptor.

SECTION 6. ENFORCEMENT

6.1 Emergency Suspensions

GMD may suspend the wastewater transportation and/or treatment service and/or a Wastewater Discharge Permit when GMD determines that such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes GMD to violate any condition of its NPDES Permit. No hearing is required prior to any emergency suspension action under this Section.

6.2 Discharge Termination

6.2.1 In cases of non-payment for sewer service rendered, GMD shall be entitled to avail itself of all legal remedies against such delinquencies, including, but not limited to:

1. Disconnection of water service to the sewer user when same is provided by Greenwood Commission of Public Works or some public or private agency with whom GMD has contracted for collection of its sewer service charges; and
2. Disconnection of sewer service to the sewer user by any means so long as the sewer user has been given an opportunity to be heard on the matter in person or by counsel on the issue of disconnection before the Commission or its designee after not less than five (5) days written notice which specifies the basis for disconnection.

6.2.2 In addition to those provisions in Section 5.7 of these regulations, any user that violates the following conditions of these regulations, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics prior to discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
5. Violation of the pretreatment standards in Sections 2 and 4 of these Regulations. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to Show Cause under Section 6.4.3 of these Regulations why the proposed action should not be taken.

6.3 Publication of Industrial User's Noncompliance

The Greenwood Metropolitan District shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the industrial users, which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

6.4 Enforcement Responses

Six (6) basic enforcement responses will be available to the GMD and will be described briefly in the following pages. These six (6) enforcement responses are:

1. Notice of Violation (NOV)
2. Administrative Fines (Penalties)
3. Administrative Orders (AO)
4. Civil Litigation
5. Criminal Prosecution
6. Termination of Sewer Service
7. Supplemental Enforcement Responses

6.4.1. Notice of Violation

The Notice of Violation (NOV) is an official communication from the GMD to the noncompliant user which informs the user that a violation has occurred. The NOV is an appropriate initial response to non-significant violations. The NOV's purpose is to notify the user of the violation(s). It may be the only response necessary in cases of infrequent and generally minor violations. If the user does not return to compliance following receipt of the NOV, the GMD shall proceed to more stringent enforcement measures. For maximum effectiveness, the NOV should be written and delivered to the user immediately upon detection of the violation. As a general rule, the NOV should be received by the user no later than fifteen (15) business days after discovery of the non-compliance.

6.4.2. Administrative Fines

Administrative fines are a monetary penalty assessed by the GMD for violations of all standards or requirements. Administrative fines differ from civil penalties (penalties imposed through court proceedings), since the fines are assessed by the GMD directly and do not require court intervention unless the user contests the action or refuses to pay the fine. These fines are utilized to recapture the full or partial economic benefit of noncompliance as well as to deter future violations. Administrative fines are not to exceed \$2,000 per day per violation. Users wishing to dispute administrative fines must

file a request for the GMD to reconsider within ten (10) days of notification. Any unpaid charges, fines, and penalties shall constitute a lien against the user's real property.

6.4.3. Administrative Orders

Administrative Orders (AOs) are enforcement documents which direct users to undertake or to cease specified activities. The terms of AOs may or may not be negotiated with users. Administrative orders are recommended as the first formal response to significant non-compliance (unless judicial proceedings are more appropriate) and may incorporate compliance schedules, administrative fines, and termination of service orders. There are four (4) common types of administrative orders which may be used. These include:

- A. Cease and Desist Orders: A cease and desist order directs a non-compliant user to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. A cease and desist order should be used in situations where the discharge could cause interference, a pass through, or create an emergency situation, at GMD's POTW or the receiving stream. The order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the order to cease and desist may be issued verbally. However, a subsequent written order should be issued to the user, either in person or by certified mail. If necessary, the GMD may order immediate cessation of any discharge to its collection system, regardless of a user's compliance status. In non-emergency situations, the cease and desist order may be used to suspend or permanently revoke pretreatment discharge permits. If the user fails to comply with the cease and desist order, the GMD may take independent action to halt the discharge, such as blocking the user's connection point or requesting termination of water service, if necessary. The GMD Manager is authorized to issue cease and desist orders.

- B. Show Cause Orders: An order to show cause directs the user to appear before the GMD Commission or a hearing officer to explain its non-compliance and show cause why the proposed enforcement action against the user should not go forward. The order to show cause is typically issued after informal contacts or NOV's have failed to resolve the non-compliance. However, the show cause hearing can be used to investigate violations of previous orders. Notification of a Show Cause Hearing will either be served upon the user at least ten (10) days prior to the hearing or requested by the user within ten (10) days after administrative fine has been assessed. During the hearing, the GMD Commission, or a hearing officer, can explore the circumstances surrounding the non-compliance and evaluate the sufficiency of evidence for subsequent civil or criminal actions. The GMD Commission, or its designee, shall then determine whether further action is warranted and, if so, its nature and extent. For example, if the problems causing the non-compliance appear to be resolved or nearly resolved at the conclusion of the hearing, a proposed consent order may be drafted which incorporates the findings of the Commission or its hearing officer. If the user must install pretreatment equipment to achieve compliance, the

circumstances surrounding the non-compliance should be weighed and a reasonable schedule for installation and start-up developed. Completion of this schedule and any additional requirements should normally be administered through the terms of the consent order. Should the hearing result in an adverse finding against the user, the GMD, or its hearing officer will issue an order setting forth its findings. An order issued from a show cause hearing, along with any record of the proceedings, are generally available to the public and may also serve as evidentiary support for future enforcement actions. **Show cause hearing procedures will be in accordance, as practicably as possible, with the procedures set forth in Section 6.4.4 below.**

- C. Consent Orders: The consent order combines the force of an AO with the flexibility of a negotiated settlement. The consent order is an agreement between the GMD and the industrial user normally containing three (3) elements: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of the GMD and user. A consent order is appropriate when the user assumes responsibility for its non-compliance and is willing (in good faith) to correct its cause(s). The user need not admit the non-compliance in the text of the order. Thus, signing the order is not an admission of liability. However, the GMD shall make sure that the consent order prohibits future violations and provides for corrective action on the part of the user.
- D. Compliance Orders: A compliance order directs the user to achieve or restore compliance by a date specified in the order. It is issued unilaterally and its terms need not be discussed with the industry in advance. The compliance order is usually issued when non-compliance cannot be resolved without construction, repair, or process changes. Compliance orders are also frequently used to require users to develop management practices, spill prevention programs and related GMD pretreatment program requirements. The compliance order should document the non-compliance and state required actions to be accomplished by specific dates, including interim and final reporting requirements. In drafting the compliance schedule, the GMD should be firm but reasonable, taking into consideration all factors relevant to an appropriate schedule duration. Once these milestones are set, the GMD shall track the user's performance against them and escalate its enforcement response as needed. For example, the GMD may order the user to show cause for failing to meet a major milestone, impose an additional fine, or initiate judicial proceedings. Service may be discontinued if it is found that a user has or continues to violate an ordinance, permit, or order and fails to adequately address the violation.

The circumstances of an industrial user's non-compliance frequently dictate the type of order needed to achieve an early return to compliance. No single type of AO is appropriate for all situations, and even when a particular order is the best choice, there are potential disadvantages which the GMD should consider before issuing. In fact, the GMD may use more than one type of order when responding to a particular instance of non-compliance. For example, a user which discharges a slug load may be issued an order which requires the user to cease and desist (to immediately halt the unauthorized discharge) and to show cause i.e., to appear before the GMD Commission or a hearing officer and explain why more severe enforcement actions should not be taken.

6.4.4. Show Cause Hearings

Show cause hearings are trial-type contested case proceedings pursuant to the authority granted to GMD as a special purpose district under S.C. Code Ann., § 6-11-285.

Requests for show cause hearings shall include the name of the requestor, the reasons for the request, and the major issues which are proposed to be contested at the hearing.

The Commission or its hearing officer may, on motion, at any time during the course of any proceeding, permit such substitutions or additions of parties as justice may require. Third party intervenors should meet the same standards as required of those intervening in matters before the South Carolina Court of Common Pleas.

In considering the admissibility of evidence, the Commission is not bound to follow standards required of judicial bodies nor of administrative law courts under the Administrative Procedures Act. The Commission or its hearing officer may admit such evidence that has probative value. Irrelevant, incompetent and immaterial or unduly repetitious evidence may be excluded.

All testimony shall be taken under oath and all parties shall have the right to the cross-examination of witnesses. The proceeding shall be recorded by electronic means or a court reporter.

The Commission or its hearing officer and all other parties shall have the right to issue subpoenas requiring the attendance and testimony of witnesses and the production of any documents in question in the proceeding.

The protesting party shall have the burden of proof in presenting the greater weight of the credible evidence to prove to the Commission or its hearing officer that it is entitled to the relief requested.

A party may file a motion for the production or viewing of any object which relates to the subject matter of any proceeding then pending before the Commission or its hearing officer. The motion shall be granted where justice requires.

At any time during the course of the proceeding, the Commission or its hearing officer may order that testimony of a witness be taken by deposition. Application to take testimony by deposition shall be made by motion directed to the Commission or its hearing officer. Such

motion shall set forth the reasons for desiring the deposition, the name and address of each witness, and the proposed time and place for the deposition. Motions for the taking of deposition shall not be allowed if the deposition results in undue burden to another party or in any undue delay of the proceedings. Depositions shall be taken orally before a person having power to administer oaths. Each witness testifying in a deposition shall be duly sworn, and the adverse party shall have the right to cross-examine.

The parties may file a written stipulation with the Commission or its hearing officer at any stage of the proceedings. Contested cases may be resolved by informal disposition through means of stipulation, agreed settlement, consent order (with or without a financial penalty), or default.

On the basis of the evidence presented, the Commission or its hearing officer shall issue a decision on the issues which shall be delivered by certified mail to the parties.

Any appeal from the determination of the Commission or its hearing officer in any enforcement proceeding shall be to the Greenwood County Court of Common Pleas pursuant to S.C. Code Ann. §6-11-285 (F) within thirty (30) days of notice of the decision.

When the time prescribed in these rules for doing any act expires on a Saturday, Sunday or a legal holiday, such time shall extend to and include the next succeeding day that is not a Saturday, Sunday or legal holiday.

6.4.5. Civil Litigation

Civil litigation is the formal process of filing a lawsuit against users to secure legal remedies to correct violations and to secure civil penalties for violations including the recovery of costs to the POTW of the non-compliance. It is normally pursued when the corrective action is costly and complex, the civil penalties to be assessed exceed that which the GMD can assess administratively, or when the user is considered to be recalcitrant and unwilling to cooperate.

6.4.6. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of regulatory provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish non-compliance established through court proceedings and to deter future non-compliance. Criminal prosecution is appropriate when the GMD has evidence of non-compliance which shows criminal intent. It is recommended in cases involving repeated violations, aggravated violations (such as discharges which endanger the health of treatment plant employees), and when less formal efforts to restore compliance (such as notices of violations and administrative orders) have failed. Criminal prosecution is directed by the local solicitor or office of the U.S. Attorney.

6.4.7. Termination of Sewer Service

Termination of service is the revocation of a user's privilege to discharge wastewater into the GMD's sewer system. Termination may be accomplished by physical severance of the connection to the collection system, by issuance of an AO which compels the user to terminate its discharge, or by a court order. However, since termination of service may force industries to halt production and may force closure (if discharge privileges are not reinstated), the GMD shall carefully consider all of the legal and operational implications of termination before using this enforcement response. Termination of service is an appropriate response to users which have not responded adequately to previous enforcement responses. When the GMD must act immediately to halt or prevent a discharge which presents a threat to human health, the environment, or the POTW, cease and desist orders and termination of service are the only appropriate responses. Unlike civil and criminal proceedings, termination of sewer service is an administrative response which can be implemented directly by the GMD. The decision to terminate service requires careful consideration of its legal and procedural consequences. However, this drastic measure is sometimes necessary to address emergency situations. Service termination is sometimes used as an initial response to non-compliance which causes or threatens to cause an emergency situation. However, it is more frequently used as an escalated response to significant violation when other enforcement responses fail to bring the user into compliance.

Assuming other enforcement responses are unsuccessful, the types of violations which warrant termination of service are:

- a. Unpermitted discharge(s) which violate the treatment plant's NPDES permit or which create a dangerous situation threatening human health, the environment, or the treatment plant or collection system.
- b. Discharge(s) that exceed local or categorical discharge limits including Best Management Practices (BMPs) and result in damage to the environment.
- c. Slug loads causing interference, pass through, or damage to human health, the environment, the treatment plant or the collection system.
- d. Failure of the user to notify the GMD of effluent limit violations or slug discharge which resulted in environmental or damage to the POTW.
- e. Complete failure of the industrial user to sample, monitor, or report as required by an AO.
- f. Failure of the industrial user to install required monitoring equipment per condition of an AO.
- g. Major violation of a permit condition or AO accompanied by evidence of negligence or intent.

There are four (4) basic methods to terminate sewer service: (1) physically sever (or plug) the connection to GMD's collection system, (2) halt the discharge by revoking the user's discharge permit, (3) issue a cease and desist order, or (4) arrange for termination of the user's water service, if possible.

6.4.8. Supplemental Enforcement Responses

Supplemental or innovative enforcement responses may be used to complement the more traditional enforcement responses described in the preceding sections. Normally, these responses will be used in conjunction with more traditional approaches. Supplemental enforcement responses are typically low cost and are designed to reinforce the compliance obligations of users. The application of these responses shall be determined on an individual basis. Many supplemental responses require actions on the part of non-compliant users. To ensure that users are legally bound to perform these actions, the techniques should be included as terms of administrative orders, consent orders, or compliance orders. The following are a few suggested supplemental enforcement responses:

- A. Public Notices. Publication of a list of industrial users which significantly violate applicable pretreatment standards is required annually by the EPA. At least once a year, the GMD will publish the names of significant violators. The GMD may choose to publish more frequently if desired.
- B. Increased Self-Monitoring, Reporting and Surveillance. Generally, users demonstrating a history of non-compliance should be subject to increased self-monitoring or surveillance (i.e., sampling and inspections by the GMD). Since recurring violations indicate that at least one chronic problem exists at the facility, the GMD should monitor the user closely and require additional user self-monitoring until the problem is corrected and consistent compliance is demonstrated.

6.5 Timeframes for Response

Escalating enforcement response may be used for recurring violations and failure to achieve compliance subsequent to informal or formal enforcement. A recurring violation is one in which the same type of violation occurs on consecutive reporting periods, the violation occurs seasonally, or any other pattern of non-compliance is shown. Violations that fall under more than one category in the enforcement response guide may be addressed through the more severe enforcement response. All alleged violations will be included in the more severe response.

Below are specific guidelines for timeframes for response to non-compliance by users:

- A. All violations will normally be identified and documented within five (5) business days of receiving compliance information.

- B. Follow-up actions for initial or recurring violations identified in the initial enforcement response will normally be taken within fifteen (15) business days of violation detection.
- C. Follow up actions for continuing or recurring violations will normally be taken within 60 days of the initial enforcement response. For all continuing violations, the response will normally include a compliance schedule.
- D. Violations which threaten health, property or environmental quality are considered emergencies and will normally receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant non-compliance will normally be addressed with an enforceable order within 30 days of the identification of significant non-compliance.

SECTION 7. SEVERABILITY

If any provision, paragraph, word, section, or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 8. CONFLICT

All other rules and regulations or parts thereof of GMD that are conflicting with any part of these Regulations are hereby revoked to the extent of such inconsistency or conflict.

SECTION 9. EFFECTIVE DATE

These Regulations shall become effective upon meeting the statutory requirements of Section 6-11-1230(3) South Carolina Code of Laws, 1976, as amended.

Date Recorded in Office of the Clerk of Court for Greenwood County: 3/9/2023

Date copy posted in Greenwood County Courthouse: 3/9/2023

Date Published in The Index-Journal: 3/17/2023, 3/24/2023, 3/31/2023

Date Notice of Public Hearing Published in The Index-Journal: 2/24/2023

Date of Public Hearing: 3/8/2023

