



SEWER USE RULES AND REGULATIONS

September 2010

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SECTION 1. INTRODUCTION

Section 1.1 Purpose and Policy

This document sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for JACABB Utilities, herein after referred to as “JACABB” or “Utility”, and enables the Utility to comply with applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Regulations [CFR] Part 403).

Section 1.2 Objectives

The objectives of this document are to:

- (1) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the operation of the system or contaminate the resulting sludge.
- (2) Prevent the introduction of pollutants into the sanitary sewer system which will pass through the system, inadequately treated, into the environment or otherwise be incompatible with the system.
- (3) To protect both the Utility sewer personnel and its agents who may be affected by wastewater and sludge in the course of their employment and the general public.
- (4) To promote reuse and recycling of wastewater and sludge from the Utility sewer.
- (5) To enable the Utility to comply with its National Pollutant Discharge Elimination System permit conditions, Non Discharge permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Utility is subject.

This document provides for the regulation of direct and indirect contributors to the sanitary sewer systems through the issuance of individual wastewater discharge permits and enforcement of general requirements for users, and authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures, requires users report.

Section 1.3 Administration

Except as otherwise provided herein, the Utility shall administer, implement, and enforce the provisions of this document. Any powers granted to or duties imposed upon the Utility may be delegated by the Utility to a duly authorized Utility employee or a consulting firm hired by the Utility to perform these duties.

Section 1.4 Abbreviations

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

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report

CFR – Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
UOTW – Utility Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
ND – Non Discharge

Section 1.5 Definitions

The following words, terms, and phrases, wherever used in this document, shall have the meanings designated below unless the context specifically indicates otherwise:

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

Approval Authority means the South Carolina Department of Health and Environmental Control (SCDHEC), or North Carolina Department of Natural Resources (NCDNR). The pretreatment programs for each state must be approved by SCDHEC / NCDEN.

Authorized or Duly Authorized Representative of the User means

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

- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local government facility: a Utility or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) and (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Utility.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3.1 [40 CFR 403.5(a)(1) and (b) and R61-9 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as prescribed in 40 CFR 136, five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter / mg/l).

Building sewer means the edifice sewer that is part of the horizontal piping of a drainage system which extends from the end of the building sanitary drain and which receives the discharge of the building sanitary drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

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

Categorical Industrial User means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Chemical oxygen demand (COD) means the amount of oxygen required to oxidize the organic and sometimes inorganic matter in water or wastewater usually expressed in milligrams per liter. The COD test does not measure the oxygen required to convert ammonia to nitrites and nitrates and thus is assumed to be equal to the ultimate first-stage biochemical oxygen demand.

Commercial user means any establishment such as restaurants, hotels, stores, filling stations, recreational facilities, schools or others which do not classify as a residential or industrial user.

Composite sample means a combination of not less than eight influent or effluent grab samples of constant (equal) volume collected at regular (equal) time intervals over a specified period of time, while being properly preserved. Continuous flow

of the sum of instantaneous flows measured and averaged for the specified compositing time period shall be used with composite sample results to calculate quantity.

Control Authority means JACABB Utility or its designated agent.

Control manhole or monitoring manhole means a manhole giving access to a building sewer at some point before the building sewer connects with the Utility's sewer system.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollution added is heat.

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

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

DHEC means the South Carolina Department of Health and Environmental Control.

DENR means the North Carolina Department of Environmental and Natural Resources.

Environment means receiving water bodies, groundwater, vegetation, aquatic life, land life, air or any other area surrounding the WWTP.

Utility means the person designated by Utility to supervise the operation of the UOTW, and who is charged with certain duties and responsibilities by this document. The term also means a Duly Authorized Representative of the Utility.

Domestic waste means that liquid from bathrooms, shower rooms, toilet rooms, sinks, kitchens, laundry facilities located in residences, apartments, hotels, motels, restaurants, cafeterias, office buildings, schools and commercial establishments. It also includes similar wastes from industries when separated from industrial process waste.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Utility, the Regional Administrator, or other duly authorized official of said agency.

Existing Source means any source of discharge that is not a "New Source."

Garbage means animal and vegetable wastes and residue from the preparation, cooking and dispensing of food and from the handling, processing, storage and sale of food products and produce.

Grab sample means 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 over a period of time not to exceed fifteen (15) minutes.

Indirect Discharge or Discharge means the introduction of pollutants into the Utility from any nondomestic source.

Instantaneous Limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Utility, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of Utility's NPDES/ND permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit means specific discharge limits developed and enforced by Utility upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and R61-9 403.5(a)(1) and (b).

Medical Waste means the isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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

Industrial wastewater means the liquid wastes resulting from industrial manufacturing processes or any waste not classified as domestic waste.

National Pollution Discharge Elimination System or NPDES permit means a permit issued to a Utility pursuant to Section 402 of the Federal Water Pollution Act (33 U.S.C. 1342).

New Source means:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

Non Discharge or ND permit means a permit issued to a Utility pursuant to Section 402 of the Federal Water Pollution Act (33 U.S.C. 1342).

Pass Through means a discharge which exits the UOTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement

of Utility's NPDES permit, including an increase in the magnitude or duration of a violation.

Permit means a document setting forth permission to discharge sewer to UOTW. A permit can be defined as a sewer use agreement. Permits may be issued to commercial or industrial customers.

Person means any individual, partnership, co-partnership, corporation, firm, company, co-partnership, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local governmental entities. The singular shall include the plural where the context so indicates or requires.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in moles (gram molecules) per liter of solution and indicates the acidity or alkalinity of substance. The stabilized pH of a waste will be considered to be a pH which is within the specified pH limits after a sample of the waste has been subjected to aeration. The pH scale is usually represented as ranging from 0 to 14 with pH 7 representing absolute neutrality. A pH below 7.0 is acid, above alkaline.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment or *treatment* means 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 sanitary sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d) and R61-9 403.6(e).

Pretreatment Requirements means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.1 of this document.

Utility Owned Treatment Works or UOTW means a treatment works, as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by the Utility. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

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

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

Sanitary sewer system means and includes all or any part of the lateral sewers, collecting sewers, intercepting sewers, wastewater pumping stations, wastewater treatment facilities and outfall sewers owned or administered by the Utility.

Significant industrial user means:

- (1) All industrial users of the Utility's sanitary sewer system subject to categorical pretreatment standards under R61-9 403.6, 40 CFR 403.6, and 40 CFR chapter I, subchapter N; and
- (2) Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the (excluding sanitary noncontact cooling, and boiler blowdown wastewater); contributes a process waste stream, which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the UOTW treatment plant; or is designated as such by the Utility, DHEC, DENR, or EPA on the basis that the industrial user has a reasonable potential for adversely affecting the UOTW's operation or for violating any pretreatment standard or requirement.

Significant noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User and shall mean:

- (1) Chronic violations in which sixty-six (66) percent or more of all the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in this document;
- (2) Technical review criteria (TRC) violations in which thirty-three (33) percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined in this document by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease); and (TRC = 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by this document (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Utility determines has caused alone or in combination with other discharges interference or pass through (including endangering the health of the treatment system, personnel, or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Utility's exercise of its emergency authority to halt or prevent such a discharge;

- (5) Failure to meet within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to accurately report noncompliance;
- (7) Failure to provide, within forty-five (45) days after the due date, required reports including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; or
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Utility determines will adversely affect the operation or implementation of the local pretreatment program including, but not limited to, unlawful damage to sewer facilities pursuant to Section 5.1.

Slug Load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 3.1 of this document. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the UOTW's regulations, Local Limits or Permit conditions.

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

Storm drain or storm sewer means a sewer which carries stormwaters and surface waters other than domestic sewage and industrial wastes.

Total Suspended Solids means the total suspended matter which floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtration.

Toxic pollutant means any substance or combination of substances listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of the Clean Water Act or other clean water acts.

User or Industrial User means any person or entity who contributes, causes, or permits the contribution of wastewater into the sanitary sewer system.

Wastewater means the liquid and water-carried industrial or domestic wastes from residential or commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, cooling water or stormwater that may be present, whether treated or untreated.

Wastewater Treatment Plant or Treatment Plant means that portion of the UOTW which is designed to provide treatment of municipal sewage and industrial waste.

Cross references: Definitions generally, § 1-2.

SECTION 2. USE OF UTILITY'S SEWERS

Section 2.1 Building sewer requirements

- (1) No roof, downspout, exterior foundation drain, or other sources of stormwater, surface water or unpolluted groundwater shall be connected directly or indirectly to the Utility's sewer system.
- (2) The size, slope, alignment, materials and methods of construction for installing building sewers shall conform to all Utility specifications and good engineering practices.
- (3) It shall be the responsibility of the property owner to keep and maintain in good repair the building sewer to its point of connection with the Utility's sewer system. When notified by the Utility that repairs to the building sewer are necessary, the owner shall make such repairs within 60 days after receiving notice that such repairs are necessary.
- (4) Sewer system users shall be responsible for any stoppage or damage caused by abuse of the sewer system through the sewer connection of the user and shall be held accountable for all expenses incurred by the Utility or other property owners as a result of the abuse.
- (5) The owner or his contractor shall notify the Utility when the building sewer and connection to the public sewer is ready for inspection. The connection shall be made under the supervision of the Utility.
- (6) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Utility.

Section 2.2 Privies, cesspools and septic tanks

- (1) It shall be unlawful, within those portions of the Utility sewer service area where sewer service is available, for any person to maintain any existing privy, or to build, construct or otherwise erect a privy, cesspool and septic tank for use in connection with a house building, or other structure used for human habitation.
- (2) The discharge of septic tank effluent or cesspool overflow to any open drain, ditch, stream or well penetrating water bearing formations is prohibited.

Section 2.3 Applications and permits

- (1) All persons desiring to connect to the Utility's sanitary sewer system must first make application for a sewer tap to the Utility. Such application shall be signed by the owner of the property or his duly authorized representative and shall contain all information requested by the Utility. All permit fees, if applicable, shall be paid to the Utility at the time the application is filed.
- (2) No unauthorized person shall uncover, make connection with, use, alter or disturb any Utility's sewer appurtenance without first obtaining a written permit from the Utility.

- (3) It shall be unlawful for any person to contribute or cause to be contributed any wastewater to the sanitary sewer system without having first obtained a sewer tap permit or to continue to contribute or cause to be contributed any wastewater after notification that the sewer tap permit has been suspended or revoked.

Section 2.4 Sewer tap permits

There shall be two classes of sewer tap permits:

- (1) Residential (single-family dwellings).
- (2) Commercial/domestic sewage only/industrial.

The Utility shall provide separate forms for each class of sewer tap permit.

Section 2.5 Sewer system extensions

- (1) Any person proposing to build local systems or system extensions to connect directly or indirectly into the Utility's sanitary sewer system shall enter into an agreement with the Utility Company.

SECTION 3. USE REGULATIONS

The Utility will not accept or treat any substance or material that has been defined by the United States Environmental Protection Agency ("EPA"), the South Carolina Department of Health and Environmental Control ("DHEC") or North Carolina Department of Natural Resources ("NCDNR") as a toxic pollutant, hazardous waste, or hazardous substance, including pollutants falling within the provisions of 40 CFR 129.4 and 401.15.

Additionally, pollutants or pollutant properties subject to 40 CFR 403.5 and 403.6 are to be processed according to the pretreatment standards applicable to such pollutants or pollutant properties, and such standards constitute the Utility's minimum pretreatment standards. Any person or entity introducing any such prohibited or untreated materials into the Utility's sewer system may have service interrupted without notice until such discharges cease, and shall be liable to the Utility for all damages and costs, including reasonable attorney's fees, incurred by the Utility as a result thereof.

Section 3.1 Prohibited discharges

General Prohibitions - No person shall discharge into the Utility's sanitary sewer system any waste of such volume or strength, which by itself or by interaction with other waste may: injure or interfere with the Utility's wastewater treatment processes or facilities; constitute a hazard to persons or animals; or create a hazard in the receiving waters of the wastewater treatment plant. These general prohibitions apply to all Users of the UOTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

Specific Prohibitions - Specifically, no person shall discharge or cause to allow to be discharged into the sanitary sewer system any waste which contains any of the following:

- (1) Any clothing, rags, textile remnants or wastes, cloth, scraps or fibers.

- (2) Any gasoline, benzene, naphtha, acetone, fuel oil, or other liquids, solids, or gases which by reason of their nature or quality may cause fire or explosion or be in any way injurious to persons, or the sanitary sewer system.
- (3) Any paints, oils, lacquers, thinners or solvents including any waste containing a toxic or deleterious substance which can impair the sewage treatment process or constitute a hazard to employees working in the sanitary sewer system.
- (4) Any waste containing chlorides, sulfides or chlorine in such quantities as to be deleterious to or hazardous to the sanitary sewer system, the employees working in the system or, which create a public nuisance, or contribute to NPDES/ND permit violations by the wastewater treatment plant.
- (5) Any noxious or malodorous gas or other substance which, when introduced into the environment which exists in the sanitary sewerage system, might cause a malodorous gas and thereby create a public nuisance.
- (6) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sanitary sewer system such as, but not limited to, grease, garbage with particles greater than one-fourth inch in any dimension, sharps, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, meat, 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, glass grinding waste, or polishing waste.
- (7) Any water or wastes which in the opinion of the Utility contain contaminants of such character or in such quantity as will not be amenable to the waste treatment processes, or will constitute a hazard to persons or animals, or which will create a hazard in the watercourse receiving the effluent from the waste treatment plant. One pollutant of concern for this section is quaternary ammonia compounds.
- (8) Any water or waste containing more than 100 milligrams per liter by weight of total fats, oils or grease.
- (9) Any waters or wastes having a stabilized pH lower than 5.0 or higher than 8.5, or having properties capable of either causing damage or creating a hazard to structures, equipment and personnel of the sanitary sewer system. Higher limits for pH may be allowed on individual wastewater discharge permits.
- (10) Any waste, liquid or vapor having a temperature higher than 130 degrees Fahrenheit (54 degrees Celsius) or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature of the waste treatment facility influent to be greater than 104 degrees Fahrenheit (40 degrees Celsius).
- (11) Any waste containing substances that may precipitate, solidify, or become viscous at temperatures between 50 degrees Fahrenheit (10 degrees Celsius) and 100 degrees Fahrenheit (38 degrees Celsius).

- (12) Any quantities of rainwater, stormwater, groundwater, surface water, fountain water or any other unpolluted water without written approval from the sewer Utility.
- (13) Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations for any wastewater constituent.
- (14) Any substance which will contribute to or cause the sewer Utility to violate its NPDES/ND or state disposal system permit or the receiving water quality standards.
- (15) Any radioactive isotopes in concentration greater than that permitted by the latest regulations published in the Federal Register. (See United States Atomic Energy Commission, Rules and Regulations, Title 10-Atomic Energy, Part 20).
- (16) Any wastewaters having a BOD concentration in excess of 250 mg/l, except as allowed by the user's discharge permit.
- (17) Any wastewaters having a suspended solids concentration in excess of 400 mg/l, except as allowed by the user's discharge permit.
- (18) Any hauled wastewater, septage, contents from holding tank wastes except at discharge points designated by the Utility.
- (19) Any wastewater containing substances in excess of the maximum allowable daily concentrations shown on the industrial wastewater discharge permit of the user.
- (20) Pollutants which create a fire or explosion hazard in the, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees C) using the test methods specified in 40 CFR 261.21.
- (21) Any pollutant, 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 the UOTW.
- (22) Pollutants which result in the presence of toxic gases, vapors, or fumes within the UOTW in a quantity that may cause acute worker health and safety problems.
- (23) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- (24) Any contents from grease traps. No solids or grease from a trap can be discharged to the sewer.
- (25) Any water, waste or discharge which is in violation of the Utility's pretreatment regulations or this document, or which is in violation of the pretreatment regulations or requirements of any sewer treatment facility to

which such water, waste or discharge is routed or discharged by the Utility sewer system.

- (26) 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 Utility's NPDES/ND permit.
- (27) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (28) Detergents, surface-active agents, or other substances which might cause excessive foaming in the UOTW.
- (29) Wastewater causing alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (30) Medical Wastes or amalgam waste from Dentists office, except as specifically authorized by the Utility in an individual wastewater discharge permit.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the UOTW.

Section 3.2 Federal and state standards

National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Parts 405-471.

Upon the promulgation of any federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this document, shall immediately supersede the limitations imposed under this document. The Utility shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12 and R61-9 403.12. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and the limitations of this document. The Utility has the authority to revise or adjust any limitations as needed and to set limits that are more stringent than federal or state limits.

When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, Utility shall impose an alternate limit in accordance with 40 CFR 403.6(e) and R61-9 403.6(f).

Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Utility within two (2) business days after the User has a reasonable basis to know that the

production level will significantly change within the next calendar month. Any User not notifying the Utility of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

Users must comply with South Carolina Standards codified at R61-69.

Section 3.3 Control of prohibited discharges

If wastewaters containing any substances described in Section 3.1 are discharged or proposed to be discharged into the sanitary sewer system, the Utility shall take appropriate action to eliminate the discharge of such wastewater including but not limited to:

- (1) Requiring the discharger to make such in-plant modifications as will eliminate the discharge of such substances to a degree acceptable to the Utility.
- (2) Requiring pretreatment (including storage facilities, and/or flow equalization) as necessary to reduce or eliminate the objectionable characteristics of the wastewater; or any industrial user which must install pretreatment facilities must first obtain a permit to construct from DHEC.
- (3) Requiring the user making, causing or allowing the discharges to pay any added cost of handling and treating excess loads imposed on the sanitary sewer system.
- (4) Such other remedial action as may be necessary to achieve the purposes of this document.

Section 3.4 Grease, oil and sand interceptors

A user may be required to provide grease, oil or sand interceptors when, in the opinion of the Utility, they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units but may be required for all public eating places, restaurants and all other commercial and industrial establishments from which grease, oil, fat or sand can be discharged. Such interceptors shall be readily accessible for inspection by the Utility and shall be maintained by the owner at his expense and in a continuously clean and efficient condition.

Section 3.5 Inspections

The Utility shall have the right to inspect the facilities of any user to ascertain whether the requirements of this document are being complied with. Persons or occupants on premises where wastewater is created or discharged shall allow the Utility or its authorized agents and employees ready access at all reasonable times to all parts of the premises for the purposes of inspections, sampling, records examination, copying of records, or the performance of any of their duties. The Utility shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that

upon presentation of suitable identification, personnel from the sewer Utility shall be permitted access without delay for the purpose of performing their responsibilities.

Utility may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the sewer Utility and shall not be replaced. The costs of clearing such access shall be born by the User.

Unreasonable delays in allowing Utility employees, or its authorized agents, access to the User's premises shall be a violation of this document.

Section 3.6 Search Warrants

If Utility has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this document, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of [the City] designed to verify compliance with this document or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Utility may seek issuance of a search warrant from the [insert name of appropriate Court] of [the City or State].

Section 3.7 Special Pretreatment Devices

Grease interceptors, oil separators and grit interceptors shall be provided when, in the opinion of the Utility, they are necessary for proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients. All devices shall be of a type and capacity approved by the Utility and shall be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease interceptors, oil separators and grit interceptors shall be maintained by the Owner at his expense in continuously efficient operation at all times. In maintenance of these devices, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the State, Subdistrict, County, or the Utility. Any removal and hauling of collected materials shall be performed according to applicable State, Federal and Local regulations.

Section 3.8 Local Limits

- (1) Utility is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) and R61-9 403.5(c).
- (2) Utility reserves the right to establish pollutant limits to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of these Daily Maximum Limits.

The above limits apply at the point where the wastewater is discharged to the UOTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

Utility may impose mass limitations in addition to the concentration-based limitations above.

Utility reserves the right to establish, by document or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the UOTW consistent with the purpose of this document.

The Utility may develop Best Management Practices (BMPs), by document or in individual wastewater discharge permits to implement local limits and the prohibited discharge standards.

Section 3.9 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. Utility may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 3.10 Pretreatment of Wastewater

Users shall provide wastewater treatment as necessary to comply with this document and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 3.1 of this document within the time limitations specified by EPA, the State, or Utility, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Utility for review, and shall be acceptable to the Utility before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Utility under the provisions of this document.

- (1) Whenever deemed necessary, Utility may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the UOTW and determine the User's compliance with the requirements of this document.
- (2) Utility may require any person discharging into the UOTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of Utility, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by Utility, and shall be so located to be easily

accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 3.11 Accidental Discharge/Slug Discharge Control Plans

Utility shall evaluate whether each User needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. Utility may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, Utility may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying Utility of any accidental or Slug Discharge, as required by Section 4.7 of this document; and
- (4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 3.12 Hauled Wastewater

Septic tank waste may be introduced into the UOTW only at locations designated by Utility, and at such times as are established by Utility. Such waste shall not violate Section 3 of this document or any other requirements established by Utility. Utility may require septic tank waste haulers to obtain individual wastewater discharge permits.

Utility may require haulers of industrial waste to obtain individual wastewater discharge permits. Utility may require generators of hauled industrial waste to obtain individual wastewater discharge permits. Utility also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this document.

Waste haulers may discharge loads only at locations designated by Utility. No load may be discharged without prior consent of Utility. Utility may collect samples of each hauled load to ensure compliance with applicable Standards. Utility may require the waste hauler to provide a waste analysis of any load prior to discharge.

Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and

characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4. INDUSTRIAL DISCHARGE PERMITS & REPORTING REQUIREMENTS

Section 4.1 Required

- (1) Any significant industrial user proposing to connect to or contribute wastewater to the sanitary sewer system shall obtain an industrial wastewater discharge permit from the Utility. All existing significant industrial users connected to or contributing to the Utility sewer system shall apply for and obtain an industrial wastewater permit within 180 days after the effective date of the document from which this document derives.
- (2) Permits shall be issued for a specified time period, not to exceed five years. An individual wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of Utility. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of an existing permit.
- (3) The terms and conditions of the permit may be modified by the Utility during the term of the permit for the following reasons:
 - (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (c) A change in the UOTW 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 UOTW, Utility personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the individual 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 and R61-9 403.13;
 - (h) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.1 (4) below.

Within nine months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard. In addition, the user with an existing industrial wastewater discharge permit shall submit to the Utility within 90 days after the promulgation of any applicable federal categorical pretreatment standard the information required for a revised permit. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of any change. Any changed or new conditions in the permit shall include a reasonable time schedule for compliance.

- (4) Wastewater discharge permits are issued to a specific user for a specific operation. An industrial wastewater discharge permit may be assigned or transferred to a new operator only if the permittee gives at least 30 days advance notice to Utility and Utility approves the individual wastewater discharge permit transfer. The Utility shall be notified in advance of any change in the location of the user. The notice to the Utility must include a written certification by the new owner or operator which:
 - (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

Section 4.2 Application; fees

Users required to obtain an industrial wastewater discharge permit shall make application on forms provided by the Utility and shall furnish all required information. The application shall be signed by the authorized agent of the user responsible for the overall operation of the facilities from which the wastewater originates and contain the certification statement in Section 4.23. An application fee in accordance with the current schedule shall be paid at the time the application is submitted.

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to Utility prior to or together with any reports to be signed by an Authorized Representative.

Utility may require Users to submit all or some of the following information as part of a permit application:

- (1) Identifying Information.
 - (a) The name and address of the facility, including the name of the operator and owner.

- (b) Contact information, description of activities, facilities, and plant production processes on the premises;
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations.
- (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the UOTW from the regulated processes.
 - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the UOTW;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Type and amount of raw materials processed (average and maximum per day);
 - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the UOTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 3.2 (40 CFR 403.6(e) and R61-9 403.6(f)).
- (7) Measurement of Pollutants.
- (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by Utility, of regulated pollutants in the discharge from each regulated process.
 - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.9 of this document. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Utility or the applicable Standards to determine compliance with the Standard.
 - (e) Sampling must be performed in accordance with procedures set out in Section 4.10 of this document.

Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 4.20 [40 CFR 403.12(e)(2) and R61-9 403.12(e)(2)].

(9) Any other information as may be deemed necessary by the Utility to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Utility will evaluate the data furnished by the User and may require additional information. Within 30 days of receipt of a complete permit application, Utility will issue its approval or disapproval of an individual wastewater discharge permit. Utility may deny any application for an individual wastewater discharge permit.

Section 4.3 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by Utility to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the UOTW.

- (1) Individual wastewater discharge permits must contain:
 - (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (b) A statement that the wastewater discharge permit is nontransferable without prior notification to Utility in accordance with Section 4.1 (4) of this document, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (c) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 4.20.
 - (f) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable

compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

- (g) Requirements to control Slug Discharge, if determined by the Utility to be necessary.
 - (h) Any grant of the monitoring waiver by the Utility must be included as a condition in the User's permit [or other control mechanism].
- (2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 - (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the UOTW;
 - (e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the UOTW;
 - (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (3) Other conditions as deemed appropriate by Utility to ensure compliance with this document, and State and Federal laws, rules, and regulations.

Section 4.4 Issuance of Permit to Discharge

- (1) Permit to Discharge will be issued to those users who's Application for Permit to Discharge has been approved by the Utility.

- (2) Those specific users required to install pretreatment facilities, control structures, etc. shall fully comply with requirements set forth in Section 3.10 of this Document prior to initiating discharge to the public sewer.
- (3) Permits to Discharge will be submitted to the User in draft and unexecuted form for review and comment. Such draft permits will also be submitted to DHEC/DENR for review/approval. All permits must be approved by DHEC/DENR.
- (4) Prior to the issuance of a Permit to Discharge to any user, all fees due the Utility must be paid in full.

Section 4.5 Change in nature or quantity of discharge

When requested by Utility, a User must submit information on the nature and characteristics of its wastewater within 60 days of the request, unless it is otherwise specified in the individual wastewater discharge permit. Utility is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Any User having been granted permission by the Utility to discharge industrial wastes into the sewer system and who shall change, or cause to be changed, the nature, quality, or quantity of such waste shall, before making such change, notify Utility at least 30 days prior, receive the approval of the sewer Utility for such changes, and shall also furnish a complete analysis of one or more composite samples of the waste as determined by an independent laboratory.

- (1) Utility may also require the User to submit such additional information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.2 of this document.
- (2) Utility may issue an individual wastewater discharge permit under Section 4.1 (2) of this document or modify an existing wastewater discharge permit under Section 4.1 (3) of this document in response to changed conditions or anticipated changed conditions.

Section 4.6 Pretreatment regulations

The Utility may deny or condition the discharge of any new or increased amounts of pollutants by an industrial discharger by requiring pretreatment. All facilities required to pretreat wastewater to acceptable levels shall be provided, operated and maintained at the user's expense. The Utility, acting through its waste treatment plant operator or engineers, may develop a compliance schedule for the construction of a pretreatment system and shall have the right to enforce the compliance schedule by revocation or cancellation of the industrial wastewater discharge permit.

Section 4.7 Reporting of accidental discharges

In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, or discharge of prohibited pollutants to the sewer system, the party responsible for such discharge shall immediately telephone and notify the Utility so

that corrective action may be taken to protect the sewer system. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. In addition, a written report addressed to the Utility detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed with the Utility by the responsible party within five days of the occurrence of the accidental discharge.

Notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the UOTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this document.

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

Significant Industrial Users are required to notify the Utility immediately of any changes at its facility affecting the potential for a Slug Discharge.

Section 4.8 Notification of the Discharge of Hazardous Waste

- (1) Any User who commences the discharge of hazardous waste shall notify the UOTW, the EPA Regional Waste Management Division Utility, and State hazardous waste authorities, in writing, of any discharge into the UOTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the UOTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 4.5 of this document. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 4.17, 4.19, and 4.20 of this document.
- (2) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any

quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify Utility, the EPA Regional Waste Management Waste Division Utility, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this document, a permit issued there under, or any applicable Federal or State law.

Section 4.9 Self-monitoring requirements

All significant industrial users shall be required to provide and operate at their expense monitoring facilities to allow inspection, sampling and flow measurements of the building sewer of the user. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities shall be located at a site acceptable to the Utility. All tests and analyses of the characteristics of water and wastes to which reference is made in this document shall be made in accordance with 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard and reported to the Utility on self-monitoring forms provided by the Utility. Such tests and analysis shall be determined at the control manhole.

If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by Utility or other parties approved by EPA.

Section 4.10 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (1) Except as indicated in Section (2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Utility. Where time-proportional composite sampling or

grab sampling is authorized by Utility, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Utility, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d) and R61-9 403.12(b), 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, Utility may authorize a lower minimum. For the reports required by paragraph Section 4.20 (40 CFR 403.12(e) and (h) and R61-9 403.12(e) and (h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Section 4.11 Conditions

The Utility may establish conditions on permits issued to significant industrial users including, but not limited to:

- (1) Limits on the average and maximum wastewater constituents and characteristics in both concentration and mass units.
- (2) Limits on average and maximum rate and time of discharge as well as requirements for flow regulations and equalization.
- (3) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (4) Conditions as deemed necessary for compliance with federally promulgated pretreatment standards.
- (5) Such other conditions as deemed appropriate by the sewer Utility to ensure compliance with this document.

Section 4.12 Availability of records

Users subject to the reporting requirements of this document shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this document, any additional records of information

obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 3.8. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or Utility, or where the User has been specifically notified of a longer retention period by Utility.

Any records or information obtained under the provisions of this division shall be available to the public. Any information asserted as being classified or confidential will be treated in accordance with 40 CFR 2 (Public Information). Upon a showing satisfactory to the sewer Utility that reports or other information, or parts thereof would, if made public, divulge methods or processes entitled to protection as trade secrets, the Utility shall consider such information confidential and exempt from disclosure to the public, but shall be made available immediately upon request of governmental agencies for use related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.32 shall not be recognized as confidential information and shall be available to the public without restriction. In no event shall self-monitoring data submitted to show compliance with established limits be considered confidential information.

Section 4.13 Violation of discharge limit

Any user violating its industrial discharge limit must notify the sewer Utility within 24 hours of becoming aware of the violation, resample and submit the results of all analyses within 30 days. Resampling by the Industrial User is not required if Utility performs sampling at the User's facility at least once a month, or if Utility performs sampling at the User between the time when the initial sampling was conducted and the time when the User or Utility receives the results of this sampling, or if Utility has performed the sampling and analysis in lieu of the Industrial User.

Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this document and subjects the wastewater discharge permittee to the sanctions set out in Section 5 of this document. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

Section 4.14 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the UOTW prior to the effective date of this document and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to Utility for an individual wastewater discharge permit in accordance with Section 4.2 of this document, and shall not cause or allow discharges to the UOTW to continue after 90 days of the effective date of this document except in accordance with an individual wastewater discharge permit issued by Utility.

Section 4.15 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the UOTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.2 of this document, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

Section 4.16 Regulation of Waste Received from Other Jurisdictions

If another municipality, or User located within another municipality, contributes wastewater to the UOTW, Utility shall enter into an intermunicipal agreement with the contributing municipality.

Prior to entering into an agreement required by paragraph above, the Utility shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the UOTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the UOTW; and
- (3) Such other information as Utility may deem necessary.

An intermunicipal agreement, as required by paragraph above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use document which is at least as stringent as this document and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 3.8 of this document. The requirement shall specify that such document and limits must be revised as necessary to reflect changes made to the Utility's document or Local Limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by Utility; and which of these activities will be conducted jointly by the contributing municipality and Utility;
- (4) A requirement for the contributing municipality to provide Utility with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the UOTW;
- (6) Requirements for monitoring the contributing municipality's discharge;

- (7) A provision ensuring Utility access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Utility; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Section 4.17 Baseline Monitoring Reports

Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) and R61-9 403.6(b)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the UOTW shall submit to Utility a report which contains the information listed in the paragraph, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to Utility a report which contains the information listed in the paragraph below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

- (1) All information required in Section 4.2.
- (2) Measurement of pollutants.
 - (a) The User shall provide the information required in Section 4.2.
 - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) and R61-9 403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) and R61-9 403.6(f) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (d) Sampling and analysis shall be performed in accordance with Section 4.9;
 - (e) Utility may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

- (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the UOTW.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.3 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 4.6 of this document.
- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.23 (1) of this document and signed by an Authorized Representative as defined in Section 1.3.

Section 4.18 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 4.17 (4) of this document:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The User shall submit a progress report to Utility no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to Utility.

Section 4.19 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the UOTW, any User subject to such Pretreatment Standards and Requirements shall submit to Utility a report containing the information described in Sections 4.2 (6) and (7) and 4.17 of this document. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 3.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.23 (1) of this document. All sampling will be done in conformance with Section 4.9.

Section 4.20 Periodic Compliance Reports

All Significant Industrial Users must, at a frequency determined by Utility submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by Utility or the Pretreatment Standard necessary to determine the compliance status of the User.

The Utility may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2) and R61-9 403.12(e)(2)] This authorization is subject to the following conditions:

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.2.
- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (4) The request for a monitoring waiver must be signed in accordance with Sec. 66-37, and include the certification statement in Section 4.23 (1) (40 CFR

403.6(a)(2)(ii) and R61-9 403.6(b)(2)(ii).

- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (6) Any grant of the monitoring waiver by the Utility must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Utility for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User's permit by the Utility, the Industrial User must certify on each report with the statement in Section 4.23 (2) that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 4.20 (1), or other more frequent monitoring requirements imposed by the Utility, and notify the Utility.
- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

All periodic compliance reports must be signed and certified in accordance with Section 4.23 (1) of this document.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by Utility, using the procedures prescribed in Section 4.10 of this document, the results of this monitoring shall be included in the report.

Section 4.21 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to Utility as the Utility may require.

Section 4.22 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 4.23 Certification Statements

- (1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.2 ;Users submitting baseline monitoring reports under Section 4.17 (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 4.19; Users submitting periodic compliance reports required by Section 4.20, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 4.20. The following certification statement must be signed by an Authorized Representative as defined in Section 1.3:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (2) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 4.20 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR 403 and R61-9 403 [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 4.20.”

SECTION 5. ENFORCEMENT

Any user found to be in violation of any condition in any permit or the Sewer Use Rules and Regulations is subject to enforcement and indemnification as contained in this section. Nothing set forth in the Sewer Use Rules and Regulations will limit the actions to be taken by JACABB and the specific action taken will be determined by JACABB based upon the conditions surrounding the violation or violations.

Section 5.1 Damage to, tampering with facilities

It shall be unlawful and a violation of the Sewer Use Rules and Regulations for any person to tamper with or change any meter or sewer collector line, or to make any connection with the system without the express written permission of JACABB, or to

reconnect service when it has been discontinued for nonpayment of a bill for service until such bill has been paid in full, including a reconnection fee.

Section 5.2 Falsifying Information

It shall violate the terms of the Sewer Use Rules and Regulations for any person or entity to knowingly make any false statement, representation, or certification in any application, report, plan, or other document filed or required to be maintained pursuant to the Sewer Use Rules and Regulations or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device required by the Sewer Use Rules and Regulations. According to federal law as set forth in Section 403.6(a)(2)(i) of the Federal Register, there are "significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Section 5.3 Suspension of Service

Service to use the sewer system of the Utility shall be subject to immediate suspension, after informal notice to the User, when necessary to prevent an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons, interference with the treatment plant, or when necessary to prevent the Utility from violating any conditions of its NPDES/ND permit. Any user notified of a suspension of its sewer use permit shall immediately stop further discharge. The service shall be reinstated upon satisfactory proof that the conditions warranting the suspension have been corrected.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, Utility may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the UOTW, its' receiving stream, or endangerment to any individuals. Utility may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of Utility that the period of endangerment has passed, unless the termination proceedings in Section 5.6 of this document are initiated against the user.
- (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to Utility.

Section 5.4 Revocation of Service

Any user who commits the following violations shall be subject to having its sewer service suspended:

- (1) Failure of the user to factually report the wastewater constituents and characteristics of its discharge.

- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to the changed discharge.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring for violations of any permit conditions.
- (4) Failure to comply with an order suspending a sewer use.
- (5) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge application.
- (6) Tampering with monitoring equipment.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay fees.
- (9) Failure to pay sewer charges.
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater survey or the wastewater discharge application.
- (12) Failure to provide advance notice of the transfer of business ownership of a serviced facility.
- (13) Any other significant violation of any Pretreatment Standard or Requirement, or any of the terms of the wastewater discharge permit, or of the terms of the Sewer Use Rules and Regulations.

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

Section 5.5 Severance of Sewer Connection

If any user fails to comply voluntarily with any suspension notice or continues to contribute wastewater to the Utility sewer system after the revocation of a sewer service, the Utility may take such steps as are necessary to prevent or minimize danger to the sewer system or to prevent danger to the public including, but not limited to, severance of the sewer connection.

In addition to the provisions in Section 5.4 of this document, any User who violates the following conditions is subject to discharge termination upon:

- (1) Violation of individual wastewater discharge permit conditions;

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

Such User will be notified of the proposed termination of its discharge in writing.

Section 5.6 Legal Action

If any person makes any discharge into the Utility sewer system contrary to the provision of this document, violates any conditions of a wastewater discharge permit, or request issued hereunder, or any other Pretreatment Standard or Requirement, the Utility may petition the appropriate Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, request or other requirement imposed by the Sewer Use Rules and Regulations on the activities of the User. The Utility may commence an action for appropriate legal and/or equitable relief, including a requirement for the user to conduct environmental remediation in the appropriate courts of this State. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 5.7 Damages

Any person or entity violating the terms of the Sewer Use Rules and Regulations shall be liable to the Utility for all costs and damages incurred by the Utility due to the violation or violations, including, but not limited to, the costs of repairs or remediation, property damages, engineering fees, fines, penalties, or any other damage or cost that the Utility incurs due to the violation or violations.

In addition to the other remedies available to the Utility in law or equity, the Utility has the right to file for injunctive relief in the appropriate state Court.

In the event the Utility is required to file any action in relation to the Sewer Use Rules and Regulations or to enforce the terms of the Sewer Use Rules and Regulations, the Utility shall be entitled to recover from the user all of its reasonable attorney's fees and costs. The user shall also be liable for all costs and expenses the Utility incurs in coming into compliance with all State and/or Federal Laws and Regulations as required by State or Federal agencies, including its attorney's fees and costs and any fines and penalties.

Section 5.8 Remedies Nonexclusive

The remedies provided for in this document are not exclusive. Utility may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Utilities enforcement response plan. However, Utility may take other action against any User when the

circumstances warrant. Further, Utility is empowered to take more than one legal enforcement action against any noncompliant User.