



# Sewer Use Regulation

Updated August 2011  
Updated September 2017



**RESOLUTION OF THE  
BEAUFORT-JASPER WATER AND SEWER AUTHORITY  
ADOPTING THE REVISION TO THE  
  
SEWER USE REGULATION**

**WHEREAS**, on November 17, 2011, the Beaufort Jasper Water and Sewer Authority adopted revisions to the Sewer Use Regulation designed to regulate the use of the public sewers owned and operated by the Authority; and,

**WHEREAS**, the Authority has grown substantially since 2011 and the expanse and complexity of its sewer system has increased; and,

**WHEREAS**, the Authority must comply with federal and state regulatory changes in the area of industrial pretreatment; and,

**WHEREAS**, the Authority has determined that updates to the aforesaid Sewer Use Regulation are necessary; and,

**WHEREAS**, a revised Sewer Use Regulation has been prepared and is ready for approval.

**NOW, THEREFORE BE IT RESOLVED**, by the members of Beaufort-Jasper Water and Sewer Authority duly assembled with the requisite public notice on this 28 day of September 2017, that the attached 2017 Sewer Use Regulation dated *September 2017*, is hereby adopted with an effective date of September 28, 2017 and that as of September 28, 2017 the previous Sewer Use Regulation dated August 2011 will be declared void and without effect.

**ADOPTED**, this 28 day of September, 2017 in duly-noticed regular session.



By: Donna L. Altman  
Donna L. Altman, Chair  
Beaufort-Jasper Water and Sewer Authority

Attest:

Donald A. Manson  
Donald A. Manson, Secretary/Treasurer



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# 1. General Provisions

## 1.1. Purpose and Objectives

This regulation sets forth uniform requirements for connection to and use of the Wastewater collection system, conveyance and treatment systems owned and operated or served by the Beaufort Jasper Water and Sewer Authority (BJWSA). Enforcement of this regulation enables BJWSA to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and General Pretreatment Regulations (R61-9-403).

The objectives of this regulation are:

- A. To protect public health and the environment by requiring proper use of the public sewers by existing and new development; and,
- B. To specify the methods and procedures by which connection is made to BJWSA's Wastewater Systems; and,
- C. To prevent introduction into BJWSA's wastewater system of pollutants that may damage or will interfere with the operation of said systems; and,
- D. To prevent the introduction of pollutants into the wastewater system which will pass through the system inadequately treated into watercourses, or the atmosphere or otherwise be incompatible with the system; and,
- E. To improve the opportunity to recycle and reclaim wastewaters and bio-solids from the systems; and,
- F. To prevent the introduction of pollutants into the wastewater system which will create a hazard to BJWSA employees or the public, adversely affect public health and welfare or adversely affect the environment; and,
- G. To ensure BJWSA complies with all aspects of its Non-discharge NPDES Permit conditions and any other Federal or State laws to which the BJWSA wastewater system is subject.

This regulation shall apply to the residents, businesses, and other entities in BJWSA's service area who are, directly or indirectly, users of BJWSA's wastewater systems and to those who are required to connect to BJWSA's wastewater systems. BJWSA shall administer, implement, and enforce the provisions of this regulation, except that, within chartered portions of the service areas of municipal, governmental, institutional or private wholesale customers of the BJWSA, municipal or local regulations may take precedence provided that they are at least equally stringent.

## 1.2. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this regulation, shall have the meanings hereinafter designated:

1. Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C.1251, et. seq.
2. Alternative Sewer System. An individual, pressurized grinder pump station for a single family residence that connects to an existing BJWSA sewer force man or gravity main.
3. Approval Authority. South Carolina Department of Health and Environmental Control (SCDHEC)
4. Authorized or Duly Authorized Representative of the User.
  - (A) If the User is a corporation:
    - (1) 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
    - (2) 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.
  - (B) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (C) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (D) The individuals described in paragraphs A through C, 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 BJWSA.
5. BJWSA. The Beaufort Jasper Water and Sewer Authority, owner and operator of the wastewater systems.
6. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of weight (pounds) and concentration {milligrams per liter (mg/L)}.

7. Bio-solids. Those solid materials produced as a byproduct of the biological wastewater treatment process.
8. Best Management Practices (BMPs). BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3.3 [R61-9 Section 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.
9. Building Lateral. A pipeline conveying wastewater from the premises of a User to the system. The Building Lateral stops at the property line or at a sewer clean-out located at or near the property line or easement.
10. Capital Contribution Fees (CCF). Also called capacity fees, these fees are assessed to new developments and customers to recover the cost of current and future infrastructure based on their maximum anticipated allotment of water and/or sewer capacity in the BJWSA system. These fees, measured in cost per gallons per day (\$/GPD), are used to build or upgrade facilities required for growth while minimizing the financial impact on our existing customers.
11. Control Authority. Beaufort-Jasper Water and Sewer Authority
12. Conventional Sewer. A pipeline designed and constructed to accept wastewater from structures and to convey that wastewater to its interim or final destination without the need for pumping and including gravity or vacuum sewer systems. See also Sanitary Sewer.
13. Cooling Water (Non-contact). The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
14. County. The Beaufort County Council or the Jasper County Council as appropriate.
15. Development. The performance of any land improvement operation; the making of any material change in the use of any structure or land; or the division of land into two (2) or more parcels.
16. Development Policies and Procedures Manual. A document, issued by BJWSA and approved by BJWSA's Board of Directors, that describes and sets forth the policies, procedures and rules governing water and sewer related aspects of land development in BJWSA's service area.
17. Domestic Wastewater. Sanitary wastewater generated principally from dwellings, business buildings, institutions, etc. Also includes similar wastes from industries when separated from industrial waste. Domestic wastewater shall not exceed a BOD of 250 mg/L. Total Suspended Solids shall be less than 250 mg/L and oil and grease shall be less than 100 mg/L.

18. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate and term may also be used as a designation for the Administrator or other duly authorized official of said agency.
19. Fail to Connect Charge. A monthly fee charged to a User if they failed to connect to the BJWSA sewer within the required time period as described in Section 2.1.3. The fee would equal the normal monthly sewer charges as if the sewer connection had been made.
20. Grease Trap. A static or mechanical structure installed in a building lateral or within a building, designed to separate grease, oils and fats from wastewater and store them for later collection and disposal.
21. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
22. Industrial User. A User of BJWSA's wastewater system who discharges wastewater that is not domestic wastewater.
23. Industrial Wastewater. Any wastewater that is not domestic wastewater.
24. Instantaneous Limit. 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.
25. Interference. The inhibition or disruption of the treatment processes or operations which contributes to a violation of any requirements of BJWSA's NPDES or ND permits. The term includes prevention of the use or disposal of sewage sludge by the system in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the system Person. Any individual, partnership, co-partnership, firm, company, corporation association, joint stock company, trust, state governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
26. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in milligrams per liter of solution.
27. Pass Through. A discharge which exits the POTW 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 BJWSA's NPDES permits, including an increase in the magnitude or duration of a violation.

28. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, or agricultural waste discharged into the water.
29. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. Such reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by the Act.
30. Property Owner. The owner of record of a piece of real property as listed in the Beaufort or Jasper County tax records.
31. Septage. Domestic wastewater that has been accumulated at a location that does not have a connection to the wastewater system.
32. Sewage. A term which can be interchanged with wastewater. See Wastewater.
33. Sanitary Sewer or Sewer. A pipeline designed and constructed for the collection and/or transmission of wastewater, including both conventional sewers and sewer force mains.
34. Service Lateral. Pipe laterals from the BJWSA sewer mains to the building lateral.
35. Shall is mandatory: May is permissive.
36. State. State of South Carolina.
37. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
38. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
39. Tap. The act of making a connection between a building latera and a sewer owned or operated by BJWSA.
40. Tap Fee. A one-time charge, paid by the user, designed to recover to BJWSA the cost of making the tap. The Tap Fee is included as an Ancillary Charge to BJWSA's published Water and Wastewater Rate Schedule.

41. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
42. Treatment Plant. That portion of the system designed to provide treatment to wastewater sufficient to allow the permitted disposal of both solid and liquid residuals.
43. User. Any Person who contributes, or who causes or permits the contribution of wastewater into the BJWSA's wastewater system.
44. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated.
45. Wastewater System (System). A treatment works as defined by Section 212 of the Act, which is owned in this instance by BJWSA. This definition includes any sewers that collect/convey wastewater to the Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a BJWSA operated facility providing treatment.
46. Wastewater Acceptance Agreement. A written acknowledgement issued by BJWSA that recognizes a person as being a wastewater user of BJWSA's system. Any person whose property is legally connected to BJWSA's wastewater system, as of the date of this Regulation, has, by definition, been issued a Wastewater Acceptance Agreement. Such an Agreement is entered into by the customer at the time a customer account is opened in his/her name.
47. Waters of the State. All streams, lakes, ponds, marches, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

### 1.3. Abbreviations

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BJWSA	Beaufort Jasper Water and Sewer Authority
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DHEC	SC Department of Health and Environmental Control
EPA	Environmental Protection Agency
l	Liter
mg/L	Milligrams per liter

ND	Non-Discharge
NPDES	National Pollutant Discharge Eliminating System
SCDHEC	South Carolina Department of Health and Environmental Control
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	United States Code
TSS	Total Suspended Solids

#### **1.4. Legal Authorities**

This regulation is adopted pursuant to the authorities granted to BJWSA by Federal and State Law. Specifically, the federal Water Pollution control Act Amendments of 1972 as amended, BJWSA’s enabling legislation (SC Act 784 of 1954, as amended), general statutes defining the authorities of South Carolina Special Purpose Districts (eg: Section 6-11-1230), and the Beaufort Jasper Water and Sewer Authority Act (SC Code Ann.§ 6-37-10, et. seq., 1976 Code as amended, June 2009).

#### **1.5. Applicability**

All public sanitary sewer users shall comply with all applicable provisions of this Ordinance and shall further comply with all applicable Federal, State, and local laws, ordinances, and regulations, including EPA and SCDHEC pretreatment standards, which are at that time in effect. In the event of a conflict, the more stringent requirement or higher standard shall apply. Violations of this document shall be subject to penalties as provided throughout this Ordinance.

## **2. Connection to BJWSA’s Wastewater System**

### **2.1. Use of Public Sewers Required.**

2.1.1. It shall be unlawful for any person to place, deposit, or permit to be deposited into public or private sewers with Beaufort County or Jasper County, South Carolina, any wastewater, human or animal excrement, septage, grease, garbage, or other objectionable waste, except as provided by this regulation. Further, it shall be unlawful to discharge wastewater to any natural outlet (to include storm sewers) within Beaufort County or Jasper County, South Carolina.

2.1.2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of wastewater where public sewers are available, as such availability is defined by Section 2.1.4 below.

2.1.3. The owner of any house, building, or property available for human occupancy, employment, recreation or other purpose situated within Beaufort County or Jasper County and located within 300 feet of any street, alley, or right-of-way in which there shall be located a public conventional sewer is hereby required, at the property owner’s expense, to install

suitable toilet facilities therein and to connect such facilities directly to said conventional sewer in accordance with the provisions of this regulation, within 180 days after written notice from the BJWSA to the property owner requiring such property owner to make connection thereto, provided that said connection shall be feasible as determined by the BJWSA. Where a connection to a conventional sewer is not technically feasible, and if BJWSA so directs, the owner shall be required at their own expense to construct such pumping facilities as found necessary by the BJWSA to connect to the sewer.

If the property is not connected to the sewer after the above reference 180 day period, the user will be subject to the Fail to Connect Charge and this fee will be added to the monthly bill. Additionally, BJWSA may apply to the Court in the county where the project is located for the enforcement of any such regulation through means of mandatory injunction or any other available remedy through the court.

2.1.4. At such time as sewer becomes available to a property as defined by Section 2.1.3 above, a direct connection shall be made to the sewer in compliance with this Ordinance and any septic tanks, cesspools, and all other private sewage works shall be abandoned in compliance with DHEC regulations within 60 days of said connection to the sewer.

2.1.5. Any property connected to BJWSA's wastewater system shall be connected to BJWSA's water system.

2.1.6. After the effective date of this Regulation, the BJWSA shall not support the issuance of a development permit to any development proposed within areas where central sewage service is available, or where it can reasonably be made available, unless said development is to be connected to the sewer system or the BJWSA has found that such connection is not feasible.

2.1.7. No statement contained in this section shall be construed to nullify any additional requirements that may be imposed by the appropriate State or County health officer or by Beaufort County or Jasper County.

## **2.2. Sanitary Sewer Extensions**

2.2.1. Construction of sewage works in any new development and their connection to the existing system shall be the responsibility of any person performing such development. Such construction shall be accomplished in accordance with the provisions of BJWSA's Development Policies and Procedures.

2.2.2. New sanitary sewer systems, or extensions to existing systems where such sewers are to be located in public streets, shall be conveyed to the BJWSA in accordance with the provisions of BJWSA's Development Policies and Procedures. New sanitary sewers located on private property shall be conveyed to the BJWSA when required approvals have been obtained in accordance with the provisions of BJWSA's Development Policies and Procedures and suitable permanent sewer easements are conveyed to BJWSA for each public sewer located on private

property. Such easements shall remain cleared and free of any buildings, other structures or large trees.

2.2.3. Approval of new sewage works to be constructed by a developer shall be accomplished in accordance with the provisions of BJWSA's Development Policies and Procedures.

### **2.3. Building Laterals and Connections**

2.3.1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining an approval from the BJWSA.

2.3.2. Any connection fees due must be paid to BJWSA or suitable payment arrangements made before BJWSA will make or allow to be made any connection to the public sewer. In the case of new development requiring development approval by either County or municipal officials, in accordance with BJWSA's Development Policies and Procedures, wastewater capital contribution fees must be paid or suitable payment arrangements made prior to BJWSA authorizing such development approval.

2.3.3. All connections to BJWSA's wastewater system shall be made in accordance with the provisions of BJWSA's Development Policies and Procedures and BJWSA's Wastewater Construction Specifications.

#### **2.3.4 Conditions Governing Tap-On:**

- A. At the time of connection to the wastewater system the property owner shall pay to BJWSA either a standard tap fee or a cost based tap fee as determined by the criteria listed below.
- B. Standard sewer tap fees levied when BJWSA constructs the tap presume the following conditions related to the construction by BJWSA of sewer service lines.
  - 1. Construction of the service lateral shall be limited to a maximum of eight feet deep (8ft) .
  - 2. Construction shall be by open trench excavation with a maximum distance of 50 feet. Construction shall be limited to one (1) sewer service per lot.
  - 3. Construction shall not require the relocation of existing underground or overhead utilities, i.e. water mains, gas mains, sewers, telephone and electrical power cables and wires or the relocations of existing structures located within public rights-of-way.
  - 4. Construction shall not require the relocation or reconstruction of existing storm sewers or drainage structures.
- C. Costs of construction of sewer service lines involving work in excess of that as set forth in B above must be paid by the applicant upon presentation of an estimate by

BJWSA before construction can begin. The permit applicant may contract to have such work done at his/her expense and subject to BJWSA inspection and approval. In this case, BJWSA shall not charge a tap fee, however, a sewer tap inspection fee shall be paid by the permit applicant if connection is made at his/her expense.

2.3.5. All costs and expenses incident to the installation and connection of the building lateral to the property line (including connection to the service lateral) and the subsequent abandonment of any septic tank or cesspool shall be borne by the owner. **The owner shall indemnify the BJWSA from any losses or damage that may directly or indirectly be occasioned by the installation of the building lateral.**

2.3.6. No person shall maintain or make a connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building lateral connected directly or indirectly to a public sanitary sewer.

2.3.7. Before any underground portions of the building lateral are covered, the applicant for the building lateral connection shall notify BJWSA when the building lateral is ready for inspection and connection to the public sewer. The connection thereof shall be made to the public sewer only after inspection and approval by BJWSA in accordance with BJWSA's Development Policies and Procedures.

2.3.8. All excavations for building lateral installations shall be adequately guarded with barricades and lights so as to protect the public from hazards (streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the appropriate agency).

2.3.9. The property owner is responsible for the costs of all maintenance and repair to the building lateral.

### **3. Discharges to BJWSA's Wastewater System**

#### **3.1. Wastewater Discharges.**

It shall be unlawful to discharge any wastewater to any portion of BJWSA's wastewater system except in accordance with a BJWSA Wastewater Acceptance Agreement or when authorized by the General Manager of BJWSA or his or her designee in accordance with the provisions of this regulation.

#### **3.2. Prohibition of Unpolluted Water**

Unpolluted water, including but not limited to non-contact cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to BJWSA's wastewater system unless a Wastewater Acceptance Agreement has been issued by BJWSA. Additionally, wastewater generated using a water

source other than that supplied by BJWSA shall not be discharged into the wastewater system without specific permission of the General Manager of BJWSA or his or her designee.

### **3.3. General Discharge Prohibitions**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutants or wastewaters which causes Pass Through or Interference with the operation or performance of BJWSA's wastewater system. These general prohibitions apply to all users of the wastewater system whether or not the user is subject to National Categorical Pretreatment Standards or any other national, State, or local pre-treatment standards or requirements.

A user may not contribute the following substances to the system:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the system. Pollutants which create a fire or explosive hazard in the collection system, treatment plant, or disposal system, including, but not limited to wastestreams with a closed-cup flashpoint of less than 140°F using test methods specified in 40CFR 261.21. At no time, shall two successive readings on an explosive gas monitor, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol's ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbines, hydrides and sulfides and any other substances which the BJWSA, the State or EPA has notified the user is a fire hazard or a hazard to the system.
- B. Any solid or viscous substances which can cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rag, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- C. Any wastewater having a pH less than 5.0 or more than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the system.

- D. Any wastewater, containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to exceed the limitation set forth in a Categorical Pretreatment Standard or to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- E. Any noxious or malodorous liquids or solids which either singly or by interaction with other wastes is sufficient to prevent entry of BJWSA staff into the sewers for maintenance and repair.
- F. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- G. Any substance which may cause the system's effluent or any other product of the system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the system to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under 40 CFR, Part 503; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- H. Any substance which will cause the treatment plant to violate its NPDES and/or ND Permit or the receiving water quality standards.
- I. Any wastewater with objectionable color not removable in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.
- J. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference by in no case wastewater with a temperature that exceeds 40 degrees C (104 degrees F).
- K. Any pollutants, including oxygen demanding pollutants (BOD; etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the system. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operations.

- L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the BJWSA in compliance with applicable State or Federal regulations.
- M. Any wastewater which causes a hazard to human life or creates a public nuisance.
- N. Any wastewater which contains petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- O. Any trucked or hauled pollutants, except at discharge points designated by BJWSA.

### **3.4. Powers and Authority of Inspectors**

The BJWSA or duly authorized representatives of the BJWSA bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing of any Industrial User's wastewater system in accordance with the provisions of this regulation. The BJWSA or its representatives shall have no authority to inquire into any process, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind of source of discharge to the sewers or waterways or facilities for waste treatment.

### **3.5. Industrial Pretreatment Program**

BJWSA has developed and adopted, and SCDHEC has approved, an Industrial Pretreatment Program which is attached hereto and made a part of this Regulation. Such program sets forth requirements for regulation of certain industrial wastes, including pretreatment and monitoring, before such wastes can be discharged to BJWSA's wastewater system to prevent the introduction of pollutants which will interfere with the operation of BJWSA's wastewater system. Compliance with the requirements of this Industrial Pretreatment Program via issuance of a Pretreatment Permit or Authorization letter is a condition precedent to an affected Industrial User being issued a Wastewater Acceptance Agreement.

### **3.6. Grease Trap Program.**

BJWSA has developed and adopted a Grease Trap Program designed to prevent grease, fats and oils from food preparation establishments from entering its wastewater system. No food preparation establishment may be issued a Wastewater Acceptance Agreement or connect to, either directly or indirectly to BJWSA's wastewater system without having a grease trap installed and approved by BJWSA. If a building or structure possessing an existing Wastewater Acceptance Agreement changes use and becomes a food preparation establishment, it must install a grease trap meeting BJWSA specifications.

### **3.7. State Requirements**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this regulation.

### **3.8. Excessive Discharge / 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the BJWSA or DHEC.

## **4. Penalties**

### **4.1. Penalties**

Pursuant to SC Code Ann. § 6-37-90, et. Seq, it is unlawful for any person to willfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the facilities of the Authority, or any part of the same, or any machinery, apparatus, or equipment of the authority, or to pollute the water in any part of its service area, or to obtain water illegally from facilities of the authority, or to turn, raise, remove, or in any manner tamper with any cover of any manhole, filter, bed, or other appurtenance of any sewer except in accordance with the regulations promulgated by the authority.

Any person who violates the provisions of this Regulation (including the Industrial Pretreatment Program) is guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or shall be imprisoned for not more than thirty days at the discretion of the court, and shall be further liable to pay all damages suffered by the Authority.

Any person violating any regulation or any permit, permit condition, or final determination as required by state or federal law including Industrial Pretreatment is subject to an administrative or judicial civil penalty not to exceed two thousand dollars for each day of violation.

All penalties assessed under this section must be held as debt and payable to the Authority by the person against whom they have been charged and shall constitute a lien against the property of the person.

Each day upon which a violation shall occur or continue shall be deemed a separate and distinct offense with the penalties to be charged on a daily basis.

In addition to the penalties imposed by BJWSA as set forth herein above, BJWSA shall be further entitled to commence civil litigation against any persons or entity found to have violated this regulation, or the orders, rules, regulations, and permits hereunder for the

recovery of any actual, compensatory, special, or punitive damages, in addition to the recovery of reasonable attorney fees, court costs, litigation expenses, to include court reporter fees and expert witness fees, as well as any other cost, fees or expenses as deemed appropriate by the Trier of fact.

#### **4.2. Falsifying Information**

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this regulation or Industrial Pretreatment Program, or Wastewater Acceptance Agreement, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this regulation shall, upon conviction, be punished by a fine per violation per day of not more than Two Thousand (\$2,000.00) Dollars or by imprisonment for not more than six (6) months, or both.

#### **5. Conflict**

All other regulations and parts of other regulations inconsistent or conflicting with any part of this regulation are hereby repealed to the extent of such inconsistency or conflict.

#### **6. Effective Date**

This regulation shall be in full force and effective from and after its passage, approval, and publication as provided by law.