



NORTH CHARLESTON SEWER DISTRICT

RESOLUTION 2022-07

NCSD Use Resolution

July 1, 2023

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RESOLUTION 2017-03

NORTH CHARLESTON SEWER DISTRICT SEWER USE RESOLUTION

A Resolution Regulating The Use Of Public And Private Sewers And Drains, Private Sewage Disposal, The Installation And Connection Of Building Sewers And The Discharge Of Waters And Wastes Into The Public Sewer System And Providing Penalties For The Violation Thereof: In The North Charleston Sewer District, State Of South Carolina.

Be It Resolved And Enacted By The Commission Of The North Charleston Sewer District Of The State Of South Carolina As Follows:

ARTICLE I. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this resolution shall be as follows:

SECTION 1.01 AUTHORIZED REPRESENTATIVE.

Authorized representative of an industrial user shall mean:

- A) If the industrial user is a corporation, the authorized representative is:
 - 1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - 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 industrial user is a partnership or sole proprietorship, the authorized representative is a general partner or proprietor.

- C) If the industrial user is a Federal, State, or local government facility, the authorized representative is 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 authorized representative may be designated by an individual specified in paragraph (A) through (C) above if the designation is made in writing by the individual and submitted to the District prior to or together with the report being submitted. The designation must specify either an individual or position having responsibility for the overall operation of the facility from which the wastewater originates, such as the plant manager, or having overall responsibility for the environmental matters for the company.

SECTION 1.02 BEST MANAGEMENT PRACTICES (BMPs)

Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in article vii [40 CFR 403.5(a)(1) and (b) and SCR 61-9.403.5(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 material storage. BMPs can also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

SECTION 1.03 BIOCHEMICAL OXYGEN DEMAND (BOD5)

Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees c., expressed in milligrams per liter.

SECTION 1.04 BUILDING DRAIN

Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

SECTION 1.05 BUILDING SEWER (LATERAL)

Shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 1.06 CATEGORICAL INDUSTRIAL USER (CIU)

Shall mean any person who is discharging into the public sewer and who is subject to categorical pretreatment standards under 40 CFR part 403.6 and 40 CFR chapter I, subchapter N, as promulgated by the united states environmental protection agency.

SECTION 1.07 CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD



Shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the water pollution control act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.



SECTION 1.08 COMMISSION

Shall mean the North Charleston Sewer District Commission, as defined in Act 1768 of the Acts of the General Assembly for the year 1972 and subsequent Acts amendatory thereto, or any authorized person acting therefore. The terms District and Commission are frequently used interchangeably.

SECTION 1.09 DEVELOPER

Shall be considered the person or entity initiating the development of a new residential or commercial property. This can be, but is not required to be the owner of the property. This person or entity shall have legal authority to execute necessary permits, applications, and legal documents which require the developer's/owner's signature. This same person or entity will execute all documents throughout the project unless the project is sold, and this authority is transferred to the new owner. If the project is sold before it is accepted by the district, the new developer/owner will have to enter into a contract with the district. The new developer/owner will be responsible for contacting the engineer of record and updating all the necessary documentation.

SECTION 1.10 DEVELOPER'S ENGINEER

Shall mean the engineer hired by the developer or property owner to prepare plans for the extension of wastewater infrastructure.



SECTION 1.11 DISTRICT

Shall mean the North Charleston Sewer District as defined in Act 1768 of the Acts of the General Assembly for the year 1972 and subsequent Acts amendatory thereto or any authorized person acting therefore. The terms District and Commission are frequently used interchangeably.

SECTION 1.12 DISTRICT MANAGER

Shall mean the manager of the North Charleston Sewer District or an authorized designee.

SECTION 1.13 DOMESTIC DISCHARGE

Shall mean sewage which is typical in strength and consistency of residential sewage.

SECTION 1.14 DOMESTIC USER

Shall mean any user whose discharge is typical in strength and consistency of residential sewage.

SECTION 1.15 EASEMENT

Shall mean an acquired legal right for specific use of land owned by others.

SECTION 1.16 FOOD SERVICE ESTABLISHMENT

Shall mean any commercial facility discharging kitchen or food preparation wastewater including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, etc. And any other facility that, in NCSD's opinion judgement, would require a grease trap installation by virtue of its operation. Such

definition normally includes any establishment required to have a South Carolina Department of Health and Environmental Control (SC DHEC) food service license.

SECTION 1.17 GARBAGE

Shall mean solid wastes resulting from the domestic and commercial handling, storage, dispensing, preparation, cooking and serving of food.

SECTION 1.18 GENDER

A word importing masculine gender only shall extend and be applied to females and firms, partnerships, and corporations as well as to males.

SECTION 1.19 GREASE TRAP/GREASE INTERCEPTOR

Shall mean the device that is used to affect the separation of grease and oils in wastewater effluents from food service establishments. Such traps or interceptors may be of the "outdoor" or "underground" type (normally referred to as grease interceptors), or the "under-the-counter" package units located near the sink (normally referred to as the smaller grease traps). However, for the purpose of this standard, the words "trap" and "interceptor" are generally used interchangeably.

SECTION 1.20 INDUSTRIAL USER

Shall have the same meaning as, and may be used interchangeably with non-domestic discharger.

SECTION 1.21 INDUSTRIAL WASTES

Shall mean the liquid waste from industrial manufacturing processes, trade or business, as distinct from domestic discharge.

SECTION 1.22 INSTANTANEOUS LIMIT

Shall mean 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.

SECTION 1.23 INTERFERENCE

Shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- A) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge process, use or disposal; and
- B) Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations):



Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly known as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

SECTION 1.24 LOCAL LIMIT

Shall mean a specific discharge limit developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and SCR 61-9.403.5(a)(1) and (b).

SECTION 1.25 MAY

Is permissive, SHALL is mandatory.

SECTION 1.26 MULTIPLE RESIDENTIAL EQUIVALENT UNIT(S)

Shall mean any non-single residential unit to include multiple residential dwellings and commercial properties.

SECTION 1.27 NATIONAL PRETREATMENT STANDARDS



Shall mean any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with section 307 (b) and (c) of the Federal Water Pollution Control Act, as amended, which applies to non-domestic dischargers.

SECTION 1.28 NATURAL OUTLET

Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 1.29 NON-DOMESTIC DISCHARGER

Shall mean any user of the wastewater system whose wastewater is not classified as domestic (residential).

SECTION 1.30 NON-SIGNIFICANT CATEGORICAL INDUSTRY

Shall mean an industrial user who never discharges more than 100 gallons per day (GPD) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and who meets the following conditions:

- A) the Industrial User, prior to the District's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- B) the Industrial User annually submits the certification statement required in Section 7.14(1) [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

C) the Industrial User never discharges any untreated concentrated wastewater.

SECTION 1.31 OBSTRUCTION

Shall mean any substance or material causing or contributing to a reduction in the diameter of a sewer pipe.

SECTION 1.32 OWNER

Shall mean the person or persons who legally own, lease or occupy private property with wastewater facilities that discharge or will discharge to the district's wastewater system.

SECTION 1.33 PASS THROUGH

Shall mean a discharge which exits the POTW into the waters of the United States or the State of South Carolina in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

SECTION 1.34 PERSON

Shall mean any individual, firm, company, association, society, partnership, corporation or similar organization, agency or group. This does not apply to employees, agents or representatives of the district.

SECTION 1.35 pH

Shall mean the logarithm of the reciprocal of the hydrogen ion concentration, or the negative logarithm of the hydrogen ion concentration.

SECTION 1.36 PRETREATMENT REQUIREMENTS

Shall mean any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on a non-domestic discharger.

SECTION 1.37 PRETREATMENT STANDARDS OR STANDARDS

Shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

SECTION 1.38 PRIVATE SEWAGE DISPOSAL SYSTEM

Shall mean sewer infrastructure that serves only one parcel and is owned, operated, and maintained by the property owner.

SECTION 1.39 PROHIBITED DISCHARGE STANDARDS OR PROHIBITED STANDARDS

Shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 7.02.



SECTION 1.40 PROPERLY SHREDDED GARBAGE

Shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

SECTION 1.41 PUBLICLY OWNED TREATMENT WORKS (POTW)

Shall mean a treatment works as defined by Section 212 of the Clean Water Act, (33 U.S.C. 1292) which is owned in this instance by the District. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.



SECTION 1.42 PUBLIC SEWER

Shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SECTION 1.43 RESIDENTIAL EQUIVALENT UNIT (REU)

Shall mean the typical discharge from a single residential unit (250 gallons per day).

SECTION 1.44 SANITARY SEWER

Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SECTION 1.45 SCAVENGER WASTE

Shall mean waste delivered to the District by other than a sewer line and waste which contains more than 100 MG/L of fats, wax, grease and/or oils.

SECTION 1.46 SCDHEC

Shall mean South Carolina Department of Health and Environmental Control.

SECTION 1.47 SEPTAGE

Shall mean putrid or offensive matter, the contents of all privies, septic tanks and cesspools.



SECTION 1.48 SEWAGE

Shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The term wastewater and sewage are frequently used interchangeably.

SECTION 1.49 SEWAGE TREATMENT PLANT

Shall mean any arrangement of the devices and structures used for treating sewage.

SECTION 1.50 SEWER

Shall mean a pipe or conduit for carrying sewage.

SECTION 1.51 SEWER CLEAN OUT

Shall mean a capped pipe which provides access to a sewer lateral (service) line for the purpose of performing general maintenance activities and for cleaning out blockages, if necessary.

SECTION 1.52 SEWER SURCHARGE

Shall mean a charge for sewer service and treatment service for wastes having characteristics different from sanitary sewage and for which additional charges must be assessed to compensate for additional expenses incurred.

SECTION 1.53 SEWER USE RESOLUTION

The resolution, as amended, adopted September 14, 2009 by the Commission of the North Charleston Sewer District.

SECTION 1.54 SHALL

Is mandatory, MAY is permissive.

SECTION 1.55 SIGNIFICANT INDUSTRIAL USER

Shall mean any user discharging into the public sewer who falls under one or more of the following:

- A) is subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter I, Subchapter N, as promulgated by the United States Environmental Protection Agency; or
- B) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the District's sewage treatment plant; or
- C) discharges an average of 25,000 gallons per day or more of process wastewater excluding sanitary, non-contact cooling and boiler blowdown wastewater; or
- D) has, in the opinion of the District, a reasonable potential to adversely affect the operation of the District's sewage treatment plant or for violating any pretreatment standard or requirement.

SECTION 1.56 SIGNIFICANT NON-DOMESTIC DISCHARGER

Shall have the same meaning as and may be used interchangeably with SIGNIFICANT INDUSTRIAL USER.

SECTION 1.57 SIGNIFICANT VIOLATION

Shall mean a violation of discharge limitations that meets one or more of the following criteria:

- A) chronic violations in which sixty-six (66%) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by R61-9.403.3 and 40 CFR 403.3;
- B) technical review criteria (TRC) violation in which thirty-three (33%) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits as defined by R61-9.403.3 and 40 CFR 403.3, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease and TRC = 1.2 for all other parameters, except pH.);
- C) any other violation of a Pretreatment Standard or Requirement as defined by 40CFR part 403.3 and SCR 61-9.403.3 (daily maximum, long-term average, instantaneous limit, or

narrative Standard) which the District believes has caused, alone or in combination with other discharges, interference or pass-through including endangering the health of POTW personnel or the general public;

- D) any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the exercise of the District's emergency authority to halt or prevent such a discharge;
- E) any violation by ninety (90) days or more after the scheduled date of any compliance schedule milestone contained in the Non-Domestic Wastewater Discharge Permit or enforcement order;
- F) the failure to provide the required pretreatment program reports within forty-five (45) days of the due date;
- G) any failure to accurately report noncompliance with pretreatment requirements;
- H) any other violation or group of violations, which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the pretreatment program.

SECTION 1.58 SLUG

Shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration proposed during normal operation.

SECTION 1.59 STANDARD METHODS

Shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, The American Water Works Association, and the Water Environment Federation.

SECTION 1.60 STORM DRAIN (SOMETIMES TERMED STORM WATER)

Shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

SECTION 1.61 STREET

Shall be construed to include streets, avenues, drives, boulevards, roads, alleys, lanes and viaducts, and all other public highways in the service area.

SECTION 1.62 SUSPENDED SOLIDS

Shall mean both volatile and nonvolatile solids that either float on the surface of or are suspended in water, sewage, or other liquids which are removable by laboratory filtering.

SECTION 1.63 TOTAL SOLIDS

Shall mean the sum of suspended matter, settleable matter and dissolved matter, both volatile and nonvolatile.

SECTION 1.64 USER

Shall mean any person(s), commercial buildings, or industries who discharge water or wastewater into the wastewater system.

SECTION 1.65 WASTEWATER

Shall mean a combination of water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present. The term wastewater and sewage are frequently used interchangeably.

SECTION 1.66 WASTEWATER SYSTEM

Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SECTION 1.67 WATERCOURSE

Shall mean a channel in which flow of water occurs, either continuously or intermittently.

ALL OTHER WORDS shall be construed as having the meaning defined by their general usage.

ARTICLE II. GENERAL PROVISIONS

SECTION 2.01 PURPOSE

The purpose of this Resolution is to provide for the maximum possible beneficial public use of the District's wastewater system through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the wastewater system; and to provide procedures for complying with the requirements contained herein. All or parts of the Resolutions of the District in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

SECTION 2.02 SCOPE

- A) The definitions of terms used in this Resolution are found in Article I. The provisions of this Resolution shall apply to the discharge of all sewage to the District's wastewater system. This Resolution provides for use of the wastewater system, regulation of sewer construction, control of the quantity and quality of sewage discharged, wastewater pretreatment, sewer construction plans, issuance of wastewater discharge permits, minimum sewer construction standards and conditions, and penalties and other procedures in cases of violation of this Resolution.

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- B) Each and every owner will be held fully responsible and liable by and to the District for all that is done or omitted on, in or about any premises by any agent or tenant or other persons not employed by the District who may gain access thereto. The tenant in or upon any premises of any owner shall at all times, and for all purposes connected with or arising from the District's wastewater service to and for such premises, except the making of the original application for sewer service, be taken and construed to be the properly constituted agent of the owner.

SECTION 2.03 ADMINISTRATION

Except as otherwise provided herein, the District Manager shall administer, implement, and enforce the provisions of this Resolution.

SECTION 2.04 INSPECTIONS

- A) The District Manager or authorized designee, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of sewage discharge to ensure that discharge to the wastewater system is in accordance with the provisions of this Resolution and the District's rules and regulations.
- B) The District Manager or authorized designee, bearing proper credentials and identification, shall be permitted, at reasonable times, to enter all private property through which the District holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of the wastewater system within the easement.
- C) All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.
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SECTION 2.05 VANDALISM

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the District's wastewater system. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine as provided for in this Resolution.

ARTICLE III. USE OF PUBLIC SEWERS REQUIRED

SECTION 3.01 WASTE DISPOSAL

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.

SECTION 3.02 CONDITIONS



It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Resolution.

SECTION 3.03 SEWAGE DISCHARGES

Sewage discharges to the wastewater system are not authorized unless approved by the District Manager in accordance with provisions of this Resolution.

SECTION 3.04 WASTEWATER DISPOSAL

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage, where public sewers are available.

SECTION 3.05 CONNECTION TO SEWER REQUIRED

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose situated within the District and abutting on any street, alley, or right-of-way in which there shall be located a public sanitary sewer of the District is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly to the proper public sewer in accordance with provisions of this Resolution within ninety (90) days after written notice from the District to the property owner requiring such property owner to make connection thereto, provided that said public sewer shall be within one hundred (100') feet of the property line.

Charges for sewer service will commence at the end of the ninety (90) day period for which notice is given should the owner of the property fail to connect to the public sanitary sewer provided by the District. Such action of collecting charges by the District for sewer service in no way eliminates the owner's responsibility to connect to the public sanitary sewer.

ARTICLE IV. PRIVATE SEWAGE DISPOSAL

SECTION 4.01 PRIVATE SYSTEM REQUIREMENT

Where a public sanitary sewer is not available under provisions of Section 3.05, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Resolution and the requirements of the South Carolina Department of Health and Environmental Control (SCDHEC).

SECTION 4.02 PERMIT

Before commencement of construction of a private sewage disposal system other than a septic tank, privy, privy vault, or cesspool for a single-family dwelling, the owner shall first obtain a written permit signed by the District. The application for such permit shall be made on a form furnished by the District which the applicant shall supplement with any plans, specifications and other information deemed necessary by the District.

SECTION 4.03 PERMIT REQUIREMENTS

A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any



stage of construction. The applicant for the permit shall notify the District when the work is ready for final inspection and before any underground portions are covered. The inspection will normally be made within two (2) working days of the receipt of notice by the District.

SECTION 4.04 DESIGN REQUIREMENTS

The type, capabilities, location, and layout of a private sewage disposal system shall comply with South Carolina Department of Health and Environmental Control requirements. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 4.05 SANITARY OPERATION

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the District.

SECTION 4.06 CONNECTIONS TO PUBLIC SEWER

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3.05, a direct connection shall be made to the public sewer in compliance with this Resolution and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt within sixty (60) days of notification to do so by the District.

SECTION 4.07 ADDITIONAL REQUIREMENTS



No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any other applicable authority.

ARTICLE V. BUILDING SEWERS AND CONNECTIONS

SECTION 5.01 CONNECTION PERMIT

No person not authorized by the District shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District. When applying for the permit, the applicant may be required to furnish plans, specifications and other information considered pertinent in the judgment of the District. A permit fee, as shown in the Rate Resolution in force at the time of application, shall be paid to the District when the application is made. The reconstruction or modification of all or part of a building sewer shall not be done without satisfying the other provisions of this Article and the payment of a permit and inspection fee as shown in the Rate Resolution in force at the time of issuance.

SECTION 5.02 CONNECTION PERMIT CLASSES

There shall be two (2) classes of building sewer permits:

A) for residential and commercial service; and

B) for service to establishments producing industrial waste.

In either case the owner or his agent shall make application on a special form furnished by the District.

SECTION 5.03 CONNECTION COSTS

All costs and expenses incident to the installation and connection of the building sewer to the District's wastewater system shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly result from the installation of the building sewer.

SECTION 5.04 INDEPENDENT BUILDING SEWER

A separate and independent building sewer shall be provided for every building. Where one building stands to the rear of another on a single lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, courtyard, or driveway, the District may grant permission for the building sewer from the front building to be extended to the rear building and the whole considered as one building sewer, upon a showing by the applicant that it is not feasible that the two (2) buildings so connected will ultimately be on separate building lots.

SECTION 5.05 EXISTING BUILDING SEWER

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the District, to meet all of the requirements of this Resolution.

Existing buildings are required to have an accessible sewer clean out installed within five (5) feet of the property or easement line in order to distinguish between District and private ownership. The property owner is responsible for maintaining clean out accessibility. If a clean out is not present, the property owner is responsible for installing one.

SECTION 5.06 REQUIREMENTS

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of applicable ASTM Specifications or the "Ten State Standards", whichever is the more stringent. All installations are to be subject to the written approval of the District. In no case shall the size of pipe installed be less than four (4") inches in diameter when serving a single family residential unit or less than six (6") inches when serving a commercial or multi-family building. The minimum slope, in either case, shall be sufficient to produce a velocity of at least two (2') feet per second and adequately handle the flows set forth in Appendix A of the South Carolina Department of Health and Environmental Control Standards for Wastewater Facility Construction: R.61-67 (current revision).

All materials used in the construction of sanitary sewer connections shall conform to the most current version of the District's Construction Specifications.

SECTION 5.07 BUILDING SEWER DESIGN

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first (1st) floor. No building sewer shall be made parallel to or within three (3') feet of any weight bearing wall which thereby might be weakened. The depth shall be sufficient to afford protection from live loads (automobiles, etc.) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment insofar as possible. If the building is at an elevation lower than one (1') foot above the top of the next upstream manhole in the sewer system, the building sewer shall include backflow preventers or check valves. During the design process, it is the responsibility of the engineer to provide the finish floor elevations to the District for their review. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drains shall be lifted by an approved means and discharged into the building sewer. Where the lowest floor of the building is at an elevation lower than one (1') foot above the top of the next upstream manhole the property owner, prior to connection to the District sewer system, shall be required to execute a Hold Harmless agreement with the District to the effect that the District will not be held responsible for any damage occurring from connection to the wastewater system. Such agreement shall be made on a form prepared by the District and provided to the property owner by the District. Said Hold Harmless agreement shall be recorded in the RMC Office for Charleston County.

SECTION 5.08 SURFACE RUNOFF AND GROUNDWATER DRAINS

No person without the express written permission of the District shall maintain or connect roof downspouts, exterior foundation drains, areaway drains, cooling towers, or other sources of surface runoff or groundwater to any sewer line which in turn is connected directly or indirectly to the District's wastewater system.

SECTION 5.09 CONNECTION INSPECTION

Prior to the covering of any underground portion thereof, the applicant for a building sewer shall notify the District when the building sewer is ready for inspection and connection to the District's wastewater system. The inspection will normally be made within two (2) working days of receipt of notice by the District and shall indicate zero (0) infiltration/inflow and compliance with standard construction practices. If building sewer is already covered, then scheduling a CCTV inspection of the sanitary sewer line with a District representative present may be requested.

SECTION 5.10 SAFETY AND RESTORATION

All excavations for building sewer installation 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 District.

SECTION 5.11 CONNECTION RECORD

The District shall keep a permanent and accurate record of the location, depth, and direction of all new sewer connections, including such landmarks as may be necessary to make an adequate description.

SECTION 5.12 CONNECTION VIA PRIVATE FORCE MAIN

When connecting to the District's infrastructure via a private force main, a memorandum of understanding, outlining ownership and maintenance responsibility, shall be completed by the property owner and the District and recorded at the county RMC office before approval of the sewer connection.

ARTICLE VI. INSTALLATION OF SEWAGE FACILITIES BY PRIVATE CITIZENS OR CORPORATIONS

SECTION 6.01 INSTALLATIONS

The District hereby reserves the exclusive right to affect the installation of all sanitary sewers, sewage treatment facilities, pumping stations, force mains, sewer laterals and appurtenances thereto within the District or to require that such installations be effected as prescribed herein.

SECTION 6.02 ROLES AND RESPONSIBILITIES

The following is a general description of the roles and responsibilities of the parties involved with the design, review and approval of sanitary sewer system projects constructed within the District's service area:

A) The District

1. Determine all applicable fees.
2. Review plans for conformance with the requirements of this Resolution and the District's standard specifications.
3. Identify to the Developer and the Developer's Engineer any required changes to the plans.
4. Prepare a Sewer Extension Contract and Bill of Sale.
5. Submit permitting package.
6. Observe construction related activities to ensure compliance with the requirements of the District's standard specifications.
7. Require work determined to be in compliance with the District's standard specifications to be corrected to the satisfaction of the District.
8. Be present during the final inspection.
9. Submit all documentation to the Commission for their approval.

10. Submit an Operation and Maintenance Letter to DHEC.

B) Developer's Engineer

1. Request determination of wastewater availability.
2. Prepare and submit plans to the District in accordance with the requirements of the District's standard specifications. Refer to the District's Project Submittal Checklist.
3. Ensure plans are consistent with the latest North Charleston Sewer District 201 Master Plan.
4. Make any necessary revisions to the plans in accordance with the District's comments.
5. Submit the permitting package to the District.
6. Submit to the District all encroachment permit applications.
7. Have a representative present during final testing.
8. Certify whether the work performed is or is not in accordance with the plans and the requirements of the District's standard specifications.
9. Promptly inform the District of any changes to the plans during construction. All changes must be approved by the District.
10. Provide all information and submittals as required for project completion and takeover.

C) Developer

1. Provide accurate information as to the person or entity responsible for the development and their contact information.
2. Be responsible for payment of all fees required in accordance with this Resolution.
3. Sign and comply with the Sewer Extension Contract and sign the Bill of Sale.
4. Be financially responsible for future requests for repairs if any arise during the bond period after takeover of the system.

SECTION 6.03 PLAN REVIEW PROCEDURES

This section outlines the procedures that are required in order to plan, construct, and have accepted for service any wastewater extension to the District's system. The District will not own, operate, or maintain any wastewater system serving a single property. However, the permitting package for DHEC will still be sent through the District.

A) Procedures and Activity Sequence

1. Submittal of sewer availability application;
2. Issuance of Letter of Availability, if appropriate;

3. Preliminary plan submittal;
4. Approval of preliminary plan or request for revisions;
5. Execution and submittal of the District's standard sewer extension contract and Bill of Sale
6. Payment of the District application fee;
7. Submittal to SCDHEC permit package for wastewater projects;
8. Receipt of SCDHEC Permit to Construct;
9. Preconstruction conference, if appropriate;
10. Construction inspections;
11. System testing;
12. Completion of all final inspection punch list items;
13. Submittal of all necessary close-out documentation. Refer to the District's Project Closeout Checklist;
14. Payment of the Maintenance Bond;
15. Acceptance of wastewater system by the District for Operation and Maintenance (O&M);
16. Submittal of O&M letter to SCDHEC;
17. Receipt of SCDHEC Permit to Operate;
18. Maintenance Bond release pending no known outstanding defects (two years from SCDHEC Permit to Operate).

SECTION 6.04 PRELIMINARY PLAN

Persons seeking the creation of new sewerage facilities or an extension or alteration to existing sewerage facilities shall submit a preliminary plan of the proposed development to the District prior to or concurrent with the submission of the plat to the Planning Board having jurisdiction. The Applicant may be required to design the sewerage facilities to facilitate the extension of sewerage facilities to adjacent areas within the District.

A) Requirements:

1. The plan of the proposed development shall be clearly and legibly drawn to size "D" (36" x 24") to scale no smaller than one (1") inch equals fifty (50') feet. All written notes or numbers shall be 1/8" minimum. One copy of the preliminary plan shall be submitted for review.
2. All preliminary plans shall contain or be accompanied by the following information:
 - a. Proposed name of the project, tax map number(s), and address, if appropriate;

- b. Name, registration number, seal of registered engineer, and any referenced information provided by others;
 - c. Exact boundaries of the tract of land being developed shown with bearing and distance;
 - d. North arrow, graphic scale, written scale, and date, including month, day, and year that the original drawing was completed, and the month, day, and year for each revision of the original drawing;
 - e. Existing zoning classification of the tract and any proposed rezoning within the tract;
 - f. Flood zone classification;
 - g. A vicinity or location map for the purpose of locating the property being developed showing the relation of the property to the adjoining properties and to all streets, roads, and municipal boundaries;
 - h. Design calculations for wastewater hydraulic loadings.
3. All projects requiring sewer extensions must provide the following information in addition to that required above:
- a. All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including the names and right-of-way widths;
 - b. Location and names of streams, lakes, swamps, and other water bodies. Areas subject to flood must be designated;
 - c. Specify whether lines are in easements or public rights-of-way. Plan view must show all proposed sewer easements. Wastewater lines shall not be permitted along back or side property lines unless approved by the District. For eight (8") inch diameter lines not located in rights-of-way, the minimum easement width is fifteen (15') feet for a line six (6') feet deep or less and twenty (20') feet for a line six (6') to ten (10') feet deep. Lines greater than ten (10') feet deep shall have a minimum easement width of thirty (30') feet. Larger diameter and/or deeper lines will be handled on a case by case basis;
 - d. Wastewater facilities shall not be located in freshwater or saltwater wetlands, unless approved by SCDHEC Office of Ocean and Coastal Resource Management (OCRM), US Army Corps of Engineers, and the District;
 - e. Size, location, and type of materials of existing wastewater collection, water distribution, stormwater, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract (only those that relate to interconnection of proposed facilities). Grade and invert of existing gravity line shall be shown. Location of existing wastewater lines shall be

verified. The District will not be responsible for errors in any as-built drawing or GIS information;

- f. Wastewater plan and profile sheets shall indicate inlet and outlet inverts of each manhole, manhole rim elevation, grade, length, and type of pipe. Plan view of wastewater collection system shall include all service locations;
 - g. Elevations shall be stated relative to Mean Sea Level (MSL);
 - h. Detailed pump station site layout on separate sheet including proposed dimensions and delineation of boundaries;
 - i. Proposed layout of the force main including profiles, types of pipe, detailed discharge design, and where necessary, air release valve design;
 - j. All other proposed utility easements and rights-of-way, including power, gas, telephone, TV cable, and storm drainage systems outside the road rights-of-way;
 - k. Layout of all streets, roads, alleys, and public walkways, including widths. Road names should be included if available;
 - l. Designation of any land to be conveyed to the District;
 - m. Total number of lots and use designation of each lot. The number of subunits or density within each area should be indicated;
 - n. Phased projects, and/or projects that are closely associated, shall be considered one project for determining the impact on the District's system. When a developer chooses to develop a subdivision in phases, the optimum pumps shall be installed in the pump station(s) to provide the District with the most efficient system possible for total build out;
 - o. Any other information considered by either the Developer or the District to be pertinent to the plan review.
4. All commercial projects that have wastewater service immediately available shall provide the following:
- a. Site plan showing location of all proposed and existing utility lines;
 - b. Location of all proposed and existing easements;
 - c. Layout of streets, parking lots, etc.;
 - d. Internal plumbing plan showing floor drains, oil/water separators, grease traps, etc. (if applicable).

B) Response to and Approval of Preliminary Plan:

This compliance certification is based on the following information:

3. **Certification of Pollutants Not Present**

Users that have an approved monitoring waiver based on Section 7.14(A) 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. [Note: See 40 CFR 403.12(e)(2)(v)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 7.14. A.

SECTION 7.16 CONFIDENTIAL INFORMATION

Information and data on an Industrial User obtained from reports, questionnaires, monitoring programs, records, inspections, sampling and analysis shall be available to the public or other governmental agencies without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User. Any data concerning the nature and concentration of pollutants in the effluent shall not be considered to be confidential. Any release of information will be in accordance with the Freedom of Information Act.

SECTION 7.17 SURCHARGES

A schedule of surcharges has been established which takes into consideration the total cost for the treatment of wastes. In this schedule, a BOD5 concentration of zero (0) to three hundred (300) ppm and a total suspended solids concentration of zero (0) to three hundred (300) ppm is considered to be a standard sewage waste. Any wastewater having a concentration in excess of the stated limits is subject to a surcharge in accordance with a schedule set forth by the Rate Resolution in effect at the time of the discharge. This surcharge is based on the equitable recovery of wastewater treatment costs as required for those municipalities receiving Federal assistance for the construction of wastewater treatment facilities and is in compliance with the regulations of 40 CFR Part 35. The issuance of a surcharge schedule does not in itself permit, nor does it imply, that any such high strength wastewater will be received by the District for treatment. In each instance, the actual acceptance of the waste for treatment is subject to review and evaluation by the District. In some instances, pretreatment may be required before acceptance of the wastewater for final treatment by the District. The District shall assess surcharges based on periodic monitoring, by the District and/or the discharger, of the discharger's waste.

SECTION 7.18 PROHIBITED DISCHARGE FEE

Any user that discharges or places into the sewer system any prohibited items per Section 7.02 that causes an obstruction may be subject to the following progressive actions:

- A) Receive a written notice of violation via certified mail or hand delivery.
- B) Issuance of civil penalty as outlined in the current Rate Resolution.

ARTICLE VIII. REMOVAL, TRANSPORTATION AND DISPOSITION OF SEPTAGE AND SCAVENGER WASTES

SECTION 8.01 SEPTAGE AND SCAVENGER WASTE REQUIREMENTS

Persons desiring to discharge septage or scavenger wastes into the sewage treatment plant shall be required to obtain written permission from the District. All other materials and substances, chemicals or chemical compounds and/or industrial wastes will not be permitted to be discharged into the public sewerage system except as heretofore provided.

The discharge of these wastes shall be made only at such location in the sewage treatment plant as shall be designated on said permission by the District. The District reserves the right to refuse septage or scavenger wastes for any reason. Septage and scavenger wastes are subject to surcharge for high strength as outlined in the Rate Resolution.

SECTION 8.02 APPROVAL AND LETTER TO DISCHARGE

- A) Approval: All applicants requesting to discharge shall furnish the following information with each application:
 - 1. Name and address of applicant;
 - 2. Volume of septage or scavenger waste for each numbered vehicle;
 - 3. Number of septage or scavenger vehicles in collection service;
 - 4. SCDHEC permit number;
 - 5. Any necessary analytical results of representative samples collected of the wastes.

The applicant shall be the generator of the wastewater and/or the owner of the vehicle for which approval is applied. Any false, untruthful or misleading statements in any request or in any paper submitted in support of said request will invalidate the approval. Such approval may be suspended or revoked at any time by the District for willful, continued or persistent violations of these rules and regulations or upon such other grounds as the District may deem proper.
- B) LETTER TO DISCHARGE: In special instances where the discharge of industrial or scavenger waste is to be accomplished on a one time, intermittent, or short-term basis, a "Letter to Discharge" may be issued. The "Letter to Discharge" will include, but not be

limited to, short term groundwater clean-up, special intermittent industrial wastes and septage or greywater discharges.

Applicants applying for and receiving a "Letter to Discharge" will be subject to the same requirements in Sections 7.01, 7.02, 7.03, and 7.04 of this Resolution.

SECTION 8.03 APPROVAL AND FEES

Septage or scavenger wastes will be admitted to the sewerage system only by approval of the District and subject to payment of fees or charges fixed by the Commission. Such a fee or charge shall be based upon the full capacity of each vehicle for each discharge unless otherwise verified. Each truckload shall be documented on forms as required by the District. Assessment shall be on the total capacity of the truck. In the case of drums and totes, assessment will be on the total capacity of said container.

SECTION 8.04 EQUIPMENT SAFETY

All equipment (trucks, tanks, pumps, and hoses used in the collection and/or transportation of septage or scavenger wastes) shall be modern equipment in good repair. When more than one (1) vehicle is used by an applicant, each vehicle shall bear an identifying number as issued by the South Carolina Department of Health and Environmental Control.

The District will refuse approval to any person utilizing equipment other than above.

ARTICLE IX. POWERS AND AUTHORITY OF INSPECTORS

SECTION 9.01 INSPECTOR AUTHORITY

Officials representing EPA, SCDHEC and the District or other duly authorized employees of the District bearing proper credentials and identification shall have the right at all reasonable times to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing and to inspect and copy records in accordance with the provisions of this Resolution.

SECTION 9.02 INSPECTOR SAFETY

While performing the necessary work on private properties referred to in Section 9.01 above, the duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company.

SECTION 9.03 EASEMENT ENTRY

Duly authorized employees and agents of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater system lying within said easement. All

entry and subsequent work, if any, on said easement shall be done in full accordance with terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE X. ENFORCEMENT AND PENALTIES

SECTION 10.01 ENFORCEMENT PROCEDURES - NOTIFICATION OF VIOLATION

When the District finds that any person has violated or is violating this Resolution or any prohibition, limitation or requirement contained herein, it may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A reasonable time may be defined as immediately in the event of a violation affecting health, life or damage to the wastewater facilities or violations which cause interference with wastewater treatment operations. A reasonable time may be less than thirty (30) days under other circumstances but in such other circumstances not less than twenty-four (24) hours.

SECTION 10.02 DISCONTINUANCE OF SERVICE

Service may be refused or discontinued to any property for any of (but not limited to) the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time, not to exceed seven (7) days, in which to comply with the rule before service is discontinued.

- A) Without notice in the event of a condition determined by the District to be hazardous or dangerous.
- B) Without notice in the event of customer use of equipment in such a manner as to affect adversely the District's service to others.
- C) Without notice in the event of unauthorized use of the District's service.
- D) For customer tampering with equipment furnished and owned by the District. The customer shall make every reasonable effort to prevent tampering and shall notify the District immediately of any tampering with, damage to, or removal of any equipment.
- E) For violation of and/or non-compliance with any rule and regulation of the District.
- F) For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the District.
- G) For failure of the customer to allow the District reasonable and safe access to its equipment.
- H) For failure of the customer to furnish permits, certificates, and rights-of-way as necessary to obtain and maintain service, or in the event such permissions are withdrawn or terminated.
- I) For misuse of the District's service by the customer.
- J) For tampering with any part of the wastewater system or for illegally making connection into any public sewer for the disposal of drainage surface waters.

- K) Where the customer who, at the time of such application for service, is indebted under an undisputed bill to the District for sewer service, or any other service previously furnished for such customer or furnished to any other member of the customer's household.
- L) Where the customer is in arrears on an account for service at another premise, unless the customer pays a reasonable amount of his arrears account and makes reasonable arrangements with the District to amortize the balance of such past-due account over a reasonable length of time, not to exceed twelve (12) months.
- M) Where all bills, fees and charges have not been paid on behalf of the property.
- N) The customer's use of the District's service conflicts with or violates orders, resolutions or laws of the State, any political subdivision thereof, or the United States Government.

Except in those cases outlined in subparagraphs (A), (B) and (C) of this section, the District will give the customer written notice of its intention to deny or discontinue service and the reasons therefore. At the expiration of the notice period, the District may discontinue service to the customer at any time without further notice. After the physical discontinuance of any service, the SCDHEC may be notified of the action and the name and address of the customer.

SECTION 10.03 SHOW CAUSE HEARING

- A) The Commission may order any person who causes or allows a violation of this Resolution to show cause before the hearing authority why further enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Commission regarding the violation, and directing the offending party to show cause before said authority why an order should not be made directing further enforcement action including the imposition of civil penalties and/or the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days before the hearing. Service may be made on any agent or officer of a corporation.
- B) At any public hearing, testimony taken before the Commission or any person designated by it must be under oath and recorded steno graphically or electronically. The transcript or any part thereof, so recorded, will be made available to the party or to any member of the public upon payment of the costs therefore.
- C) The Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District to:
 - 1. Issue in the name of the Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
 - 2. Take the evidence.

3. Determine and notify the Commission of enforcement action taken except in occurrences where civil penalties and/or termination of sewer service are necessary.
 - a. Where enforcement action includes civil penalties and/or termination of sewer service, the designate will transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commission for action thereon.
- D) Where enforcement action includes civil penalties and/or termination of sewer service and after the Commission has reviewed the evidence, the Commission may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

SECTION 10.04 ORDERS

- A) The Commission may enter into a Consent Order or other similar document of voluntary compliance establishing an agreement with the Industrial User responsible for non-compliance.
- B) The Commission may issue an Administrative Order to an Industrial User who has violated or continues to violate this Resolution, the Non-Domestic Wastewater Discharge Permit or other Orders of the Commission. Such Administrative Order may direct that, following a specific time period, sewer service will be discontinued unless appropriate action by the Industrial User occurs. Orders may also contain other requirements as might be reasonably necessary to address the non-compliance.

SECTION 10.05 HARMFUL CONTRIBUTIONS; COMMISSION'S RESPONSE AND USER'S RESPONSIBILITY

- A) The District may suspend the wastewater treatment service and/or a Non-Domestic Wastewater Discharge Permit when such suspension is necessary, in the opinion of the District, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the District to violate any condition of its NPDES permit.
- B) Any Industrial User notified verbally or in writing of a suspension of its discharge resulting from a violation of the Sewer Use Resolution or its Non-Domestic Wastewater Discharge Permit shall immediately stop or eliminate the non-complying contribution. In the event of a failure of the Industrial User to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District shall reinstate the Non-Domestic Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the District within five (5) days of the date of occurrence.

SECTION 10.06 REVOCATION OF NON-DOMESTIC WASTEWATER DISCHARGE PERMIT

Any Industrial User who violates the following conditions of this Resolution, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of 10.03 of this Resolution:

- A) Failure of an Industrial User to factually report the wastewater constituents and characteristics of his discharge;
- B) Refusal of reasonable access to an Industrial User's premises for the purpose of inspection or monitoring; or,
- C) Violation of conditions of the Non-Domestic Wastewater Discharge Permit.

SECTION 10.07 LEGAL ACTION

- A) Any discharge in violation of the substantive provisions of this Resolution or an Order of the Commission shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the treatment system contrary to the substantive provisions of this Resolution or any Order or regulation of the District, the District shall commence an action for appropriate legal and/or equitable relief in the appropriate court of competent jurisdiction. This remedy shall be in addition to the right to terminate service. In

any legal action, the District may recover all damages sustained to the wastewater system as well as any penalties incurred by the District by reason of the violation of this Resolution, or of any City, State or Federal laws, rules, and regulations.

- B) Any User, by its use of the wastewater system of the District, does consent to and agree to comply with and abide by the terms and conditions of this Resolution, the rules and regulations promulgated hereunder and agrees to the enforcement procedures and penalty provisions herein.

SECTION 10.08 PUBLIC REPORT OF NON-COMPLIANCE

The District shall publish, at least annually, in the daily newspaper of local distribution, a list of the Industrial Users which were in significant non-compliance with any Pretreatment Requirements or Standards during the twelve (12) previous months or during a defined reporting quarter. The notification shall also summarize the area of non-compliance and any enforcement actions taken against the Industrial User(s) during the same twelve (12) month period or reporting quarter.

SECTION 10.09 CIVIL PENALTY

- A) Any Industrial User who has violated, or continues to violate, any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a minimum civil penalty of one hundred dollars (\$100) and a maximum civil penalty of two thousand dollars (\$2000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B) The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
- C) A business, restaurant or other User required to install a grease trap and who does not implement Best Management Practices (BMP) shall be liable to the District as outlined in the Rate Resolution.
- D) A business, restaurant, or other User who has an approved grease trap and/or interceptor, is currently implementing a FOG BMP, and does not maintain satisfactory records of the BMP, Inspection Log, Cleaning Log, or other copy records, shall be liable to the District as outlined in the Rate Resolution.
- E) In determining the amount of civil liability, the District shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

- F) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

SECTION 10.10 CRIMINAL PROSECUTION

- A) A User who willfully or negligently violates any provision of this resolution, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2000) per violation, per day, or imprisonment in accordance with State Law or both.
- B) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand dollars (\$1000), or be subject to imprisonment in accordance with State Law or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this resolution, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this resolution shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2000) per violation, per day, or imprisonment in accordance with State Law or both.
- D) In the event of a second conviction, a User shall be punished by a fine of not more than two thousand dollars (\$2000) per violation, per day, or imprisonment in accordance with State Law or both.

SECTION 10.11 REMEDIES NONEXCLUSIVE

The remedies provided for in this resolution are not exclusive. The District 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 District's enforcement response plan. However, the District may take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant User.

ARTICLE XI. FEES, RATES CHARGES AND SURCHARGES

SECTION 11.01 AUTHORITY

The District is empowered to place into effect and to revise, whenever it so wishes or may be required, a schedule of fees, rates and charges for connection to and use of its wastewater system.

SECTION 11.02 REQUIREMENT OF COSTS

Federal Regulation 40 C.F.R. Section 35.929-1 requires that the cost of operation, maintenance and replacement of waste treatment systems must be distributed proportionately among users and user classes.

SECTION 11.03 REVIEW

Said regulation requires that sewer service charges be reviewed not less than biannually and revised to reflect the costs of operation, maintenance and repair of the system. (Please refer to the Rate Resolution in force.)

ARTICLE XII. SEWER SERVICE CHARGE, REFUNDS AND BACKCHARGES

SECTION 12.01 REFUND

If a person not meeting the requirement of Section 3.5 Connection to Sewer Required is billed a sewer service charge, said person shall be entitled to a full refund of all sewer service charges paid from the date of commencement of such charges for a period not to exceed three (3) years.

SECTION 12.02 BILLING CREDITS OR ADJUSTMENTS

If a sewer system customer is billed a sewer service charge that is deemed to be inaccurate, that customer is eligible to receive a billing credit or adjustment. A sewer service customer must notify the District that a bill received is inaccurate based on one of the following (1) a faulty meter or (2) a recently detected water leak. The customer needs to provide documentation that the problem has been corrected. The billing credit or adjustment will be given as soon as research is completed and will be for the billing period in which the inaccurate billing occurred. The credit will consist of the difference between the amount billed and the most recent twelve-month period consumption average.

SECTION 12.03 MULTIPLE RESIDENTIAL EQUIVALENT UNIT CORRECTIONS

If a sewer system customer is billed a sewer service charge for multiple REUs and that classification is found to be inaccurate, that customer is eligible to receive a correction or credit. Depending on the method of billing the following will occur: (1) if the sewer system customer is billed a flat rate sewer service charge for multiple dwelling units greater than the number actually proven to exist, a correction will be made for the month the discovery is made or (2) if a sewer system customer, that should be classified as a single residential equivalent unit, is billed by consumption usage and does not receive the residential consumption cap, that customer is entitled to up to one (1) year credit for consumption over the cap with proper documentation

SECTION 12.04 BACKCHARGE

A sewer system customer found not to have been billed a sewer service charge shall be back charged for sewer service charges based on the schedule of charges in force during the period of time in question. The period is not to exceed one (1) year. In no case will such charges cover a period of time when the present occupant of the property was not responsible for sewer service charges.

ARTICLE XIII. CONFLICT BOX COSTS

SECTION 13.01 CONSTRUCTION

Where conflicts between storm drainage piping and sanitary sewer laterals become apparent in the course of new or upgraded construction, by the Highway Department, and it can be determined that the District does not hold "PRIOR RIGHTS", the costs involved by the required modification to the sewer line shall be the responsibility of the District. Construction requiring modification to existing sewer lines located in areas where the District holds "PRIOR RIGHTS" shall be the responsibility of the entity responsible for the construction.

SECTION 13.02 PRIVATE PROPERTY OWNER

When a private property owner, at his own expense, installs storm drainage piping in a ditch in the public right-of-way in front of his property or adds on an additional entrance way to his property and the construction initiates modification to the existing sanitary sewer facilities all costs shall be the responsibility of the private property owner.

SECTION 13.03 CONFLICTS

Where a conflict exists between a storm drainage piping and any District sanitary sewer pipe and the sanitary sewer pipe is owned by the District, the District will pay nothing towards the cost of a junction box.

ARTICLE XIV. VALIDITY

SECTION 14.01 RESOLUTION CONFLICTS

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 14.02 SEVERABILITY

A finding by any court or other jurisdiction that any part or provision of this Resolution is invalid shall not affect the validity of any other part of this Resolution that can be implemented without the invalid parts or provisions.

SECTION 14.03 COMMISSION RESERVATIONS

The Commission, through its duly elected officers, reserves the right to take immediate action for

emergencies not specifically covered herein as they may deem necessary in the interest of Public Health and Safety and, further, reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater system as deemed necessary and to amend this Resolution, in part or in whole.

ARTICLE XV. RESOLUTION IN FORCE

Section XV.01 ENFORCEMENT

This resolution shall be in full force and effect on and after July 1, 2023.

ADOPTED by the North Charleston Sewer District Commission of the State of South Carolina on the 8th day of May 2023.

NORTH CHARLESTON SEWER DISTRICT

Melinda G. Chambers
Melinda Chamber, Chairman

Sylderrial T. Pryor
Sylderrial T. Pryor, Secretary

WITNESS:

Thad? O'ne

Enno Lamasan

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned witness and made an oath that (s)he saw the within named North Charleston Sewer District by Melinda Chamber, its Chairman and Sylderrial T. Pryor, its Secretary, sign, seal and as its act and deed, deliver the within written Resolution, and that (s)he with the other witness witnessed the execution thereof.

SWORN to before me this 8th day of May 2023.

Danisha Sheppard

Danisha Sheppard
Notary Public for South Carolina

My commission expires: 4/22/2030

WILL
WITNESS