



Industrial Pretreatment Program

September 1995
Updated August 2011
Updated September 2017

Table of Contents

| | | |
|-------|--|----|
| 1 | Introduction | 1 |
| 2 | General Requirements | 2 |
| 2.1 | General Discharge Prohibitions (from Sewer Use Regulation) | 2 |
| 2.2 | Categorical Standards | 4 |
| 2.3 | Local Limits..... | 5 |
| 2.3.1 | Best Management Practices..... | 6 |
| 2.4 | BJWSA's Right of Revision | 6 |
| 2.5 | Dilution..... | 6 |
| 3 | Pretreatment of Wastewater..... | 7 |
| 3.1 | Pretreatment Facilities..... | 7 |
| 3.2 | Additional Pretreatment Measures | 7 |
| 3.3 | Accidental Discharge/Slug Discharge Control Plants | 7 |
| 3.4 | Hauled Wastewater | 8 |
| 4 | Pretreatment Permits | 9 |
| 4.1 | Wastewater Analysis..... | 9 |
| 4.1.1 | Letter of Authorization | 9 |
| 4.1.2 | Significant Industrial Users | 9 |
| 4.2 | Individual and General Pretreatment Permit Requirement..... | 10 |
| 4.3 | Pretreatment Permitting: Existing Connections..... | 10 |
| 4.4 | Pretreatment Permitting: New Connections | 10 |
| 4.5 | Pretreatment Permitting: Application | 11 |
| 4.5.1 | Application | 11 |
| 4.6 | Pretreatment Permitting: General Permits..... | 13 |
| 4.7 | Application Signatories and Certifications | 13 |
| 4.8 | Permit Issuance | 14 |
| 4.8.1 | Permit Contents | 14 |
| 4.8.2 | Permit Modification | 15 |
| 4.8.3 | Permit Transfer..... | 15 |
| 4.8.4 | Permit Revocation | 16 |
| 4.8.5 | Permit Reissuance | 16 |
| 4.8.6 | Regulation of Waste Received from Other Jurisdictions..... | 16 |
| 4.8.7 | Permit Timelines..... | 17 |
| 4.9 | Procedures for Developing Discharge Limits | 18 |
| 4.10 | Procedures for Providing Removal Credits | 18 |
| 4.11 | Procedures for Setting Limits in a Combined Wastewater Stream..... | 19 |
| 4.12 | Procedures for Waste Haulers | 19 |
| 5 | Monitoring and Reporting | 20 |
| 5.1 | Sample Collection..... | 20 |
| 5.2 | Recordkeeping | 21 |
| 5.3 | Self-Monitoring | 21 |
| 5.4 | Monitoring by BJWSA..... | 22 |
| 5.5 | Monitoring Schedules and Parameters..... | 23 |
| 5.6 | Spills and Slug Discharges..... | 23 |
| 5.7 | Certification Statements | 24 |

| | | |
|-------|--|----|
| 5.8 | Baseline Monitoring Reports – Categorical Users only | 24 |
| 5.8.1 | Report..... | 25 |
| 5.9 | Compliance Schedule Progress Report | 26 |
| 5.10 | Reports on Compliance with Categorical Pretreatment Standard Deadline..... | 26 |
| 5.11 | Periodic Compliance Reports | 26 |
| 5.12 | Reports of Changed Condition | 28 |
| 5.13 | Reports of Potential Problems | 29 |
| 5.14 | Notice of Violation/Repeat Sampling and Reporting | 29 |
| 5.15 | Notification of the Discharge of Hazardous Waste | 29 |
| 5.16 | Analytical Requirements | 30 |
| 5.17 | Annual Report | 30 |
| 6 | Compliance and Enforcement | 32 |
| 6.1 | Monitoring and Analysis | 32 |
| 6.2 | Compliance Screening..... | 32 |
| 6.3 | Enforcement Response | 33 |
| 6.3.1 | Enforcement Response Plan..... | 34 |
| 6.4 | Remedies..... | 39 |
| 6.4.1 | Administrative Enforcement Remedies..... | 39 |
| 6.4.2 | Judicial Enforcement Remedies..... | 42 |
| 6.5 | Right of Entry: Inspection and Sampling | 43 |
| 6.6 | Confidential Information..... | 44 |
| 6.7 | Significant Non-Compliance | 44 |
| 6.7.1 | Publication of Users in Significant Noncompliance | 45 |
| 6.8 | Affirmative Defenses to Discharge Violations..... | 45 |
| 6.8.1 | Upset | 45 |
| 6.8.2 | Bypass..... | 46 |
| 7 | Organization and Staffing | 48 |
| 8 | Program Funding Management..... | 48 |
| 9 | Definitions..... | 49 |

1 Introduction

Beaufort Jasper Water and Sewer Authority (BJWSA) owns and operates Publicly Owned Treatment Works (POTW) for the purpose of collecting and treating domestic, commercial and industrial wastewaters generated within its service area, as well as adjacent areas. Wastewater systems affected by industrial dischargers include the Cherry Point WRF (SC0047279), the Port Royal WRF (SC0048348), and the Hardeeville WWTP (SC0034584). Federal and State regulations (Appendix D) require such municipalities and authorities to develop industrial pretreatment programs. Equally important, BJWSA, through this Industrial Pretreatment Program, has the means to prevent the introduction of pollutants that will pass through or interfere with the operation of its wastewater systems.

BJWSA's Industrial Pretreatment Program is outlined in this document and is also subject to all of the provisions in the BJWSA Sewer Use Regulation (SUR) which is attached as Appendix B. BJWSA's legal authority (Appendix H) to regulate industrial users is stems from authority granted to BJWSA by its enabling legislation and the SUR.

All persons wishing to discharge any wastewater to BJWSA's system must obtain written authorization from BJWSA to do so. BJWSA's Sewer Use Regulation requires a Wastewater Acceptance Agreement for all users (residential, commercial, industrial) and also requires additional authorization for Industrial Users to prevent the introduction of pollutants which will interfere with the operation of BJWSA's wastewater system. This authorization may be in the form of a Pretreatment Permit or Letter of Authorization at the discretion of BJWSA.

BJWSA samples at the Cherry Point, Port Royal and Hardeeville facilities on a regular basis for various pollutants and routinely monitors the effluent for flow, biochemical oxygen demand (BOD₅), total suspended solids (TSS), temperature, pH, total residual chlorine, dissolved oxygen, fecal coliform, and other parameters in accordance with its NPDES permits which are included as Appendix F.

Allowable parameter loadings to the treatment systems were developed using a headworks analysis updated in April 2017 by Shelby LeBron, PE (Appendix A) using information from Pretreatment Questionnaires (Appendix C), historic DMR data, plant design parameters, and SCDHEC water quality data.

2 General Requirements

2.1 General Discharge Prohibitions (from Sewer Use Regulation)

No user shall contribute or cause to be contributed, directly or indirectly, any pollutants or wastewaters which cause 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:

- 2.1.1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the 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 40 CFR 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.
- 2.1.2. 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.
- 2.1.3. 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.
- 2.1.4. 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.

- 2.1.5. 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.
- 2.1.6. 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.
- 2.1.7. 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.
- 2.1.8. Any substance which will cause the treatment plant to violate its NPDES and/or ND Permit or the receiving water quality standards.
- 2.1.9. Any wastewater with objectionable color not removable in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solution.
- 2.1.10. 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).
- 2.1.11. 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.
- 2.1.12. 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.
- 2.1.13. Any wastewater which causes a hazard to human life or creates a public nuisance.
- 2.1.14. 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.

2.1.15. Any trucked or hauled pollutants, except at discharge points designated by BJWSA.

2.1.16. Any wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test or tests.

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

2.2 Categorical Standards

Industrial Users who are determined to be Categorical Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. BJWSA will follow the process in 40 CFR 403.6 with SCDHEC for Categorical User Requests and Determination.

When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that BJWSA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of BJWSA. BJWSA may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2 (1)(a) through 2.2 (1)(e) below.

1. To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
2. An Industrial User subject to equivalent mass limits must:
 - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify BJWSA whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2(1)(c) of this Section. Upon notification of a revised production rate, BJWSA will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2 (1)(a) of this Section so long as it discharges under an equivalent mass limit.
3. When developing equivalent mass limits, BJWSA:
 - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment. The Industrial User must also be in compliance regarding the prohibition of bypass.

BJWSA may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of BJWSA.

Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 2.2 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

2.3 Local Limits

BJWSA is authorized to establish local limits under 40 CFR and R61-9 403.5(c) to protect against Pass Through and Interference. Enforceable Local Limits for conventional pollutants are established where there is potential for these pollutants to be discharged to BJWSA in quantities or concentrations that could exceed BJWSA's treatment capacity. BJWSA has established specific limits for each non-Categorical SIU which serve as the Pretreatment Standards.

2.3.1 Best Management Practices

BJWSA may develop Best Management Practices (BMPs) in the Sewer Use Regulation, Industrial Pretreatment Program, or in individual or general Pretreatment Permits, to implement Local Limits and the requirements of Section 2.1 above. To date, BJWSA has not established any BMPs.

2.4 BJWSA's Right of Revision

BJWSA reserves the right to establish, by regulation or in individual or general Pretreatment Permits, more stringent Standards or Requirements on discharges to BJWSA consistent with the purpose of the Sewer User Regulation and this Industrial Pretreatment Program.

2.5 Dilution

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

3 Pretreatment of Wastewater

3.1 Pretreatment Facilities

Industrial Users shall provide wastewater treatment as necessary to comply with this regulation and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this regulation within the time limitations specified by EPA, SCDHEC, or BJWSA, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense unless indicated otherwise in a Wastewater Acceptance Agreement between BJWSA and the User.

All wastewater pretreatment facilities, including equalization facilities, must be permitted by SCDHEC before construction is begun. Users are responsible for obtaining the permits from SCDHEC; however, such permits will not be issued without the approval of BJWSA. The User shall submit to BJWSA a copy of its Construction Permit Application, including supporting data and drawings, prior to submitting the application to SCDHEC. Detailed plans describing such facilities and operating procedures shall be submitted to BJWSA for review, and shall be acceptable to BJWSA before such facilities are constructed. BJWSA will review the proposed pretreatment facilities to determine compatibility with pretreatment program requirements, including planned discharge limits, provisions for monitoring, and compliance schedule, if appropriate. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to BJWSA under the provisions of this regulation.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, BJWSA may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this regulation.
- B. BJWSA may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual Pretreatment Permit may be issued solely for flow equalization.
- C. Requirements for grease traps are outlined in the Sewer Use Regulation and Grease Trap Standards.

3.3 Accidental Discharge/Slug Discharge Control Plants

BJWSA shall evaluate whether each Significant User needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. BJWSA will review the need for a Slug Discharge Plan for all new Users and for existing Users only if there is a significant change to the process or facility. BJWSA may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges.

Alternatively, BJWSA may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying BJWSA of any accidental or Slug Discharge, as required by Section 6.6 of this regulation; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by BJWSA, and at such times as are established by BJWSA. Such waste shall not violate Section 2 of this regulation or any other requirements established by BJWSA. BJWSA requires septic tank waste haulers to obtain a Letter of Authorization or General Permit.
- B. The discharge of hauled industrial waste is subject to all other requirements of this regulation. Haulers of industrial wastes and generators of hauled industrial wastes may be required to obtain individual Pretreatment Permits or may be prohibited from discharging to BJWSA. No load may be discharged without prior consent of BJWSA. BJWSA may collect samples of each hauled load to ensure compliance with applicable Standards. BJWSA may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- C. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are Resource Conservation and Recovery Act (RCRA) hazardous wastes.

Procedures for septage hauling are in Appendix G.

4 Pretreatment Permits

4.1 Wastewater Analysis

Proposed new industrial dischargers must complete and submit to BJWSA a Pretreatment Application (Appendix I) at least ninety (90) days prior to connecting or contributing to BJWSA's sewer system.

4.1.1 Letter of Authorization

If BJWSA determines that a discharger of non-domestic waste is a non-significant Industrial User, BJWSA may proceed with the issuance of a discharge authorization. This authorization will be in the form of a written letter and will explain that the Non-significant Industrial User (NSIU) classification may be changed if BJWSA determines that the wastewater characteristics differ from those presented in the questionnaire. The authorization will also explain the conditions under which the discharge is authorized. The authorization will identify the administrative fees that the discharger must pay. This does not apply to Categorical Industrial Users. Tattoo shops and septic haulers are common examples of NSIUs who receive Letters of Authorization.

4.1.2 Significant Industrial Users

If BJWSA determines that the discharger is a Significant Industrial User (SIU), BJWSA will proceed with the issuance of an individual or general Pretreatment Permit. BJWSA may periodically require Users to update information (Appendix C). Pretreatment Permits for existing SIUs can be found in Appendix E.

A Significant Industrial User is

- A. Any Industrial User subject to Categorical Pretreatment Standards, under 40 CFR and R61-9 403.6(d)(5).
- B. Any other Industrial User that:
 1. Discharges an average of 25,000 gallons per day or more of process wastewater to BJWSA's sewer system (excluding sanitary, non-contact cooling and boiler blow-down wastewaters);
 2. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of BJWSA's treatment plant; or
 3. Is designated as such by BJWSA on the basis that the Industrial User has reasonable potential for adversely affecting the operation of BJWSA's sewer system or treatment works, or for violating any pretreatment standard or requirement in accordance with 40 CFR and R61-9 403.3(v).
- C. Upon finding that an Industrial User meeting the criteria in paragraph B above has no reasonable potential for adversely affecting the operation of BJWSA's sewer system or treatment works, or for violating any pretreatment standard or requirement, BJWSA may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with R61-9 403.3(v), determine that such Industrial User is not a Significant Industrial User.

4.2 Individual and General Pretreatment Permit Requirement

No SIU shall discharge wastewater into the POTW without first obtaining an individual or general Pretreatment Permit from BJWSA, except that a SIU that has filed a timely renewal application pursuant to Section 4.3 of this regulation may continue to discharge for the time period specified therein.

BJWSA may require other Users to obtain individual or general Pretreatment Permits as necessary to carry out the purposes of this regulation.

Any violation of the terms and conditions of an individual or general Pretreatment Permit shall be deemed a violation of this regulation and subjects the Permittee to the sanctions set out in Section 6 of this regulation. Obtaining a Pretreatment Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Pretreatment Permitting: Existing Connections

Any User required to obtain a Pretreatment Permit who was discharging wastewater into the BJWSA system prior to the effective date of this regulation and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to BJWSA for an individual or general Pretreatment Permit in accordance with Section 4.5 of this regulation, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this regulation except in accordance with a Pretreatment Permit issued by BJWSA.

4.4 Pretreatment Permitting: New Connections

All Proposed developments in the BJWSA service area are reviewed by the BJWSA Engineering Department. Any industrial projects or project with non-domestic discharges are sent a questionnaire to assess the need for regulation under this IPP.

Any User required to obtain a Pretreatment Permit who proposes to begin or recommence discharging into the BJWSA system must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Pretreatment Permit, in accordance with Section 4.5 of this regulation, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

The general process for permitting new Industrial Users is:

1. BJWSA and User meet to discuss BJWSA's program and the User's manufacturing process. BJWSA makes a preliminary determination whether a User is Significant or not.
2. User is issued a Pretreatment Application.
3. BJWSA may conduct an on-site visit with a potential Significant Industrial User. This inspection will be conducted with appropriate User personnel to develop a better understanding of the User's operation, verify the EPA industrial category, if applicable, and NAICS code, identify specific points of

discharge to BJWSA's system, and discuss the pretreatment program's aims and requirements with the User.

4. Allow thirty days for return of completed application. If application is incomplete, resolve issues directly with the User.
5. BJWSA will determine if the user is Significant or not based on regulatory definition of SIU.
6. For a Significant Industrial User, BJWSA will develop a draft individual permit or draft general permit (if applicable) to include the issuance date, expiration date, and effective date, specific wastewater effluent limitations or Best Management Practices based on the Sewer Use Regulation or Categorical Standards, monitoring and reporting requirements, compliance schedule, requirements to control slug discharges if it is determined to be necessary, and special conditions. For NSIUs, BJWSA will issue a Letter of Authorization to discharge to the sewer system with limitations and conditions deemed appropriate by BJWSA.
7. BJWSA will send the draft permit to the applicant for review. If the applicant objects to any part of the permit, the applicant must file a written objection within thirty days, and BJWSA will schedule a meeting with the authorized user representative to resolve disputed issues.
8. Following a resolution of all disputes, BJWSA issues a Pretreatment Permit for a period of up to five (5) years.
9. Discharge shall not commence until all Permit issues are resolved.
10. BJWSA may deny any application for an individual Pretreatment Permit.

4.5 Pretreatment Permitting: Application

4.5.1 Application

All Users required to obtain a Pretreatment Permit must submit a permit application (Appendix I). Users that are eligible may request a general permit under Section 4.6 but must still complete the Pretreatment Application. BJWSA requires Users to complete the entire application and submit all requested information in the application form. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. BJWSA may require Users to submit all or some of the following information as part of the application process:

4.5.1.1 Identifying Information

- A. The name and address of the facility, including the name of the operator and owner.
- B. Contact information, description of activities, facilities, and plant production processes on the premises.

4.5.1.2 Environmental Permits

A list of any environmental control permits held by or for the facility.

4.5.1.3 Description of Operations

- A. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

- B. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Type and amount of raw materials processed (average and maximum per day).
- E. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

4.5.1.4 Time and duration of discharges.

4.5.1.5 The location for monitoring all wastes covered by the permit.

4.5.1.6 Flow Measurement

Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e) and R61-9 403.6(f) for Categorical Users and Section 4.11.

4.5.1.7 Measurement of Pollutants

- A. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- B. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by BJWSA, of regulated pollutants in the discharge from each regulated process.
- C. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- D. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this regulation. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by BJWSA or the applicable Standards to determine compliance with the Standard.
- E. Sampling must be performed in accordance with procedures set out in Section 6.11 of this regulation.

4.5.1.8 Waiver Request

Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 5.11.2 [40 CFR and R61-9 403.12(e)(2)].

4.5.1.9 General Permit Request

Any request to be covered by a general permit based on Section 4.6.

4.5.1.10 Other

Any other information as may be deemed necessary by BJWSA to evaluate the permit application.

4.6 Pretreatment Permitting: General Permits

For certain users, BJWSA may issue a general permit following the procedure outlined below.

1. At the discretion of BJWSA, BJWSA may use general permits to control significant Industrial Users' discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of wastes;
 - c. Require the same effluent limitations;
 - d. Require the same or similar monitoring; and
 - e. In the opinion of BJWSA, are more appropriately controlled under a general permit than under individual Pretreatment Permits.
2. To be covered by the general permit, the significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 4.4 for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after BJWSA has provided written notice to the significant Industrial User that such a waiver request has been granted in accordance with Section 4.4.
3. BJWSA will retain a copy of the general permit, documentation to support the POTW's determination that a specific significant Industrial User meets the criteria in Table 4.2-4 Item 1.a through e. and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
4. BJWSA may not control a Significant Industrial User through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the combined wastestream formula in 40 CFR 403.6(e) and R61-9 403.6(f).

4.7 Application Signatories and Certifications

All Pretreatment Permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 5.7.

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

4.8 Permit Issuance

Pretreatment Permits shall be issued for a specific time period not to exceed five (5) years from the effective date of the permit. Each permit will have an expiration date.

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

4.8.1 Permit Contents

Pretreatment Permits must contain:

1. Dates: permit issuance date, expiration date, and effective date.
2. A statement that the Pretreatment Permit is nontransferable without prior notification to BJWSA in accordance with Section 4.8.3 of this regulation and provisions for furnishing the new owner or operator with a copy of the existing Pretreatment Permit.
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law as well as any waivers
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
6. Requirements to control Slug Discharge, if determined by BJWSA to be necessary.
7. Waiver provisions: The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 5.11.5. Any grant of the monitoring waiver by the BJWSA must be included as a condition in the User's permit.

Pretreatment Permits may contain, but not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
6. A statement that compliance with the Pretreatment Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the permit or the general permit; and
7. Other conditions as deemed appropriate by BJWSA to ensure compliance with this regulation, and State and Federal laws, rules, and regulations.

4.8.2 Permit Modification

BJWSA may modify an individual Pretreatment Permit for good cause including, but not limited to, the following reasons:

1. To incorporate new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual Pretreatment Permit issuance;
3. A change in BJWSA's system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to BJWSA's system, personnel, sludge use, or the receiving waters;
5. Violation of any terms or conditions of the individual Pretreatment Permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the Pretreatment Application or in any required reporting;
7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR and R61-9 403.13;
8. To correct typographical or other errors in the individual Pretreatment Permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.8.3.

BJWSA may modify a general permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
3. To correct typographical or other errors in the individual Pretreatment Permit; or
4. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.8.3.

4.8.3 Permit Transfer

Pretreatment Permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to BJWSA, and BJWSA approves the

individual Pretreatment Permit or the general permit coverage transfer. The notice to BJWSA must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing individual Pretreatment Permit or general permit.

Failure to provide advance notice of a transfer renders the individual Pretreatment Permit or coverage under the general permit void as of the date of facility transfer.

4.8.4 Permit Revocation

BJWSA may revoke an individual Pretreatment Permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify BJWSA of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to BJWSA of changed conditions pursuant to Section 5.12 of this regulation;
3. Misrepresentation or failure to fully disclose all relevant facts in the Pretreatment Application;
4. Falsifying self-monitoring reports and certification statements;
5. Tampering with monitoring equipment;
6. Refusing to allow BJWSA timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a Pretreatment Application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the Pretreatment Permit or the general permit, or the Sewer Use Regulation, or this regulation.

Individual Pretreatment Permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual Pretreatment Permits or general permits issued to a User are void upon the issuance of a new individual Pretreatment Permit or a general permit to that User.

4.8.5 Permit Reissuance

A User with an expiring Pretreatment Permit shall apply for individual or general Pretreatment Permit reissuance (renewal) by submitting a complete Pretreatment Application, in accordance with Section 4.5 of this regulation, a minimum of 60 days prior to the expiration of the User's existing Permit.

4.8.6 Regulation of Waste Received from Other Jurisdictions

BJWSA will not accept waste from outside of Beaufort and Jasper Counties.

4.8.7 Permit Timelines

Table 4.1 below summarizes the time requirements for new users and changes in existing discharges that may affect permit status.

Additional existing users may be required to obtain permits if reviews of existing or new information warrant such action at any future time. Any additional existing user determined to require a permit will be so notified by BJWSA and allowed 180 days from the date of notification to complete and file an application.

Within 180 days after the effective date of a Federal Categorical Pretreatment Standard (or 180 days after the final administrative decision made upon a categorical determination), any affected existing user without a Pretreatment Permit will submit to BJWSA a completed application. For existing Industrial Users required to meet new Federal Categorical Pretreatment Standards, the user will submit to BJWSA the information contained in R61-9 403.12(b).

Any existing user that has a wastewater discharge contract or permit or other form of approval which proposes to modify its existing discharge such that it will meet the criteria of a Significant Industrial User or will become subject to Federal Categorical Pretreatment Standards must complete and file with BJWSA a new or revised application.

Any affected Industrial User may request an administrative decision from the SCDHEC or EPA concerning the applicability of a Federal Categorical Pretreatment Standard to its plant. Also, any affected IUMay request that EPA grant it a variance from complying with Federal Categorical Pretreatment Standards. These procedures and schedules are described in R61-9 403.6(a) and R61-9 403.13, respectively.

Table 4.1 - Filing Dates for Wastewater Discharge Contract or Discharge Authorization Application

| | |
|---|---|
| Existing Industrial Users, not already permitted, which become Significant Industrial Users due to re-evaluation by BJWSA | Within 180 days following notification by BJWSA of change in evaluation |
| Existing Industrial Users, not already permitted, who become Significant Industrial Users due to promulgation of new Federal Categorical Pretreatment Standards | Within 180 days following effective date of applicable categorical standards, or within 180 days following final administrative decision upon category determination, whichever is later |
| Existing Industrial Users, already permitted, who are subject to newly promulgated Federal Categorical Pretreatment Standards | Information from R61-9 403.12(b) must be submitted within 180 days following the effective date of applicable categorical standards, or within 180 days following final administrative decision upon category determination, whichever is later |
| Existing Industrial Users proposing to significantly modify their discharges | At least 90 days before the proposed change |
| Any new Industrial User | At least 90 days before connecting or contributing to the BJWSA sewer system |

4.9 Procedures for Developing Discharge Limits

Once an Application has been received, it is BJWSA's responsibility to set local limits and any special conditions.

BJWSA will identify from the application or subsequent contact with the industry representative the correct industrial category of the applicant. BJWSA will determine if Categorical pretreatment standards have been promulgated and, if so, calculate the applicable limits.

If the industry is not subject to a Categorical limit, a limit for pollutants of concern will be determined by BJWSA. BJWSA will use the Sewer Use Regulation, most current headworks analysis, or best professional judgement to calculate local limits.

The industry's monitoring requirements will be established in the permit by stating for each parameter the frequency of sampling, the sampling location and the type of sample to be collected. If the monitoring frequency, location, and sample type is included in the categorical regulations, it will be followed. Otherwise, these conditions will be determined by BJWSA. In general, the more significant the industrial discharge, the more frequently monitoring will be required. BJWSA may choose to conduct the compliance monitoring specified in the permit.

If the industry is subject to Federal Categorical Pretreatment Standards, it is required to submit self-monitoring reports to BJWSA at least twice per year. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by BJWSA or the pretreatment standard necessary to determine the compliance status of the user. A schedule for submitting these reports will be established by BJWSA and identified in the permit.

Any other limitations or conditions that need to be placed on the industry may be stated as special conditions in the permit. These conditions are typically unrelated to discharge limitations for specific parameters and could reiterate prohibited discharges from the Sewer Use Regulation, or other conditions as needed.

BJWSA may develop Best Management Practices, by regulation or in individual Pretreatment Permits (or general permits) to implement local limits and the requirements of the Sewer Use Regulation.

4.10 Procedures for Providing Removal Credits

BJWSA's Sewer Use Regulation establishes the authority to apply removal credits if BJWSA chooses to pursue that program.

4.11 Procedures for Setting Limits in a Combined Wastewater Stream

An industry combining wastewater from processes regulated by Federal Categorical Pretreatment Standards, with non-regulated process wastewater, creates an effluent chemically and physically altered from the original flows. To account for this change in wastewater strength, the General Pretreatment Regulations provide a methodology to determine alternative pollutant limits for combined waste streams. The procedures for setting fixed alternative limits and the combined waste stream formula are published in the General Pretreatment Regulations, R61-9 403.6(f) and 40 CFR 403.6(e).

Alternative categorical limits may be derived by BJWSA or by the Industrial User with BJWSA's approval. When deriving these limits, BJWSA or the industry shall calculate an alternative daily maximum value using the daily maximum value specified in the appropriate categorical pretreatment standards. In addition, BJWSA or Industrial User shall calculate an alternative consecutive sampling day average value using the long-term average value(s) specified in the appropriate categorical standards. In either case, the alternative limit may not be used if the alternate value is below the detection level of the analysis for that particular pollutant.

The Industrial User shall comply with alternative daily maximum and long-term average limits fixed by BJWSA, until BJWSA modifies the limits or approves an Industrial User's modification request. Modification is authorized whenever there is a material or significant change in the regulated pollutant. An Industrial User must immediately report any such material or significant change to BJWSA. Where appropriate, new alternative categorical limits shall be calculated within thirty days. Industrial self-monitoring, along with BJWSA's compliance monitoring, will be used in documenting whether or not a material or significant change in pollutant or concentration has occurred. The applicable pretreatment regulations and formulas for deriving alternative concentration limits and alternative mass limits are presented in R61-9 403.6(f)(1)(i).

4.12 Procedures for Waste Haulers

Each waste hauler is required to obtain a Pretreatment Permit or Letter of Authorization from BJWSA to discharge into a BJWSA treatment plant as described in Section 3.4. To provide control over these discharges, each non-domestic waste hauler is required to provide a manifest for these wastes. The manifest must show the origin, nature, and volume of the wastes. The manifest must be signed and time-dated by an official of the business generating the waste. Non-domestic wastes may be discharged to BJWSA's system only at points designated by BJWSA and only during hours designated by BJWSA. See Appendix G for procedures for septic haulers. Fees for septic hauling are listed in the ancillary fee section of BJWSA's annual budget available on the BJWSA website.

5 Monitoring and Reporting

Federal Pretreatment Regulations (Appendix D) require monitoring of wastewater discharges. Industrial Users are responsible for characterization monitoring and compliance monitoring. BJWSA is responsible for user surveillance monitoring, user enforcement monitoring, and emergency response monitoring.

Wastewater analysis performed by the User or BJWSA must comply with sample preservation and analytical procedures outlined in 40 CFR 136.

Reports must be mailed to 6 Snake Road, Okatie, SC 29909, or emailed to pretreatment@bjwsa.org.

5.1 Sample Collection

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

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. BJWSA may, as may be necessary in specific cases, require from a User a Lab Quality Manual or SCDHEC Lab Inspection Report for the User's lab whether an in house lab or outside commercial lab.

- A. Except as indicated in paragraphs B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by BJWSA. Where time-proportional composite sampling or grab sampling is authorized by BJWSA, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by BJWSA, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease,

sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, BJWSA may authorize a lower minimum. For the reports required for periodic compliance reports (R 61-9.403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

5.2 Recordkeeping

Each Industrial User required by permit to monitor its wastewater shall maintain records to verify the self-monitoring reports submitted to BJWSA and BMP activities. These records must be maintained by the user for a minimum of three (3) years and the period of record retention shall be extended during the course of any unresolved litigation regarding the User or when requested in writing by BJWSA or SCDHEC.

Any reports or records submitted to BJWSA by a user must be retained by BJWSA for three years. These reports and records will be available for review and copying by SCDHEC and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the user or the operation of BJWSA's Pretreatment Program or where requested in writing by SCDHEC or EPA.

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

5.3 Self-Monitoring

When a categorical pretreatment standard is promulgated, each affected industry must notify BJWSA within 180 days that it is regulated by the standard. A contract application form will be sent to each industry and it will include monitoring to characterize the industry's discharge. Each industry will be classified according to discharge of non-domestic wastewater. As a guide to monitoring requirements, each Industrial User with a discharge greater than 250,000 gallons per normal production day will collect and analyze six composite samples within a two-week period to define the nature and concentration of the pollutants in the discharge. Those industries with flows equal to or less than 250,000 gallons per normal production day will collect and analyze three composite samples within a two-week period. If sufficient baseline data are available from the industry, this additional testing may be waived by BJWSA.

Based on limits established in the Sewer Use Regulation, the results of the characterization sampling, and the significance of the industry's discharge, BJWSA will establish in the Industrial User's permit the limited parameters, the allowable discharge concentrations, the location and type of sample and the frequency of the sample collection. An industry will be required to have adequate monitoring equipment for the collection of composite samples and flow measurements. At a minimum, quarterly and semi-annual compliance reports must be submitted to BJWSA as specified.

Additional sampling and more frequent reporting may be required by the categorical standards or the Industrial User's permit. However, it is BJWSA's intent to keep required self-monitoring to a minimum. Rather, BJWSA intends to perform surveillance monitoring as needed to assure compliance with permit limits.

Self-monitoring reports will be reviewed by BJWSA for completeness and contract compliance. Industries must immediately report all slug discharges, spill or pretreatment upsets that could cause interference at the wastewater treatment plant.

5.4 Monitoring by BJWSA

BJWSA relies on self-monitoring by Industrial Users as a primary means to assure compliance with the Sewer Use Regulation and Pretreatment Program standards.

Four general types of monitoring are used by BJWSA:

- scheduled surveillance monitoring;
- unscheduled surveillance monitoring;
- demand monitoring; and
- waste hauler monitoring

Scheduled surveillance monitoring consists of the systematic sampling and inspection of the Industrial Users in accordance with a predetermined schedule. Notification to the contributor prior to the sampling date will be provided only as necessary to arrange for site access and any required utilities.

Scheduled monitoring may consist of grab samples or composite samples for at least a 24 hour period. It serves as the primary check for compliance with the Sewer Use Regulation and updates to the characterization of the wastewaters. During scheduled surveillance monitoring, any pretreatment facilities required to meet the contract conditions are inspected.

Unscheduled surveillance monitoring is used principally for spot checking industrial contributors for compliance with contract conditions. Uncheduled surveillance monitoring is conducted with less rigor than scheduled surveillance monitoring. Uncheduled surveillance monitoring is conducted more or less randomly during the year. If necessary, only minimal prior notice is provided to the industry.

Unscheduled surveillance monitoring consists of a cursory inspection of pretreatment facilities and collection of grab samples and/or short-period (12 hours) composite samples.

Demand monitoring is conducted as required in response to an unscheduled need. Demand monitoring is tailored to the need; however, it can be expected to generally consist of samplings similar to both scheduled and unscheduled surveillance monitoring.

Potential reasons for requiring demand monitoring may include:

- the presence of prohibited materials in the wastewater, such as reactive or corrosive materials;
- collection or treatment system malfunctions suspected to be caused by the discharge of excessive or unauthorized pollutants;
- violations in BJWSA's NPDES discharge permit suspected to be caused by the discharge of pollutants into the sewer system; and/or
- suspected violations of the pretreatment regulations by the user.

Waste hauler monitoring consists of monitoring of individual tanker loads of septic, grease trappings or industrial wastewater permitted to be discharged into BJWSA's system. These samplings are generally collected randomly with time for the purposes of characterization and compliance. Section 4.12 outlines the procedure for managing discharges by waste haulers.

5.5 Monitoring Schedules and Parameters

Monitoring schedules and parameters are established on a case by case basis during permit issuance and review procedures.

BJWSA will establish a target schedule for monitoring by BJWSA of each discharger at the time of Permit issuance. Parameters to be monitored are expected to be those for which specific limitations are set in the permit and those which are routinely monitored for system protection and control.

5.6 Spills and Slug Discharges

As noted in Section 3.3, because spills or slug discharges could interfere with the wastewater treatment system's performance and ability to comply with its permit limits, BJWSA will evaluate whether each Significant Industrial User needs to develop a Best Management Practices (BMP) Plan to prevent spills or slugs from entering the BJWSA sewer system. BJWSA will establish emergency response procedures to include the following:

- make the industry aware of the required name and phone number of an official to contact in case of a spill or slug discharge;
- develop a list and location of each industry;
- identify the type and location of sampling monitoring equipment available for emergency use;
- identify key manholes or pumping stations for tracking spills;
- include the requirement for a BMP in each discharge contract and discharge authorization.

5.7 Certification Statements

The following requirements apply to documents submitted to BJWSA by Industrial Users.

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting survey questionnaire; Users submitting baseline monitoring reports; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines; Users submitting periodic compliance reports, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 4.9. The following certification statement must be signed by an Authorized Representative as defined in Section 1.2 4 of the Sewer User Regulation:

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

- B. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 4.9 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [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.

5.8 Baseline Monitoring Reports – Categorical Users only

Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) or R61-9 403.6(b)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to BJWSA shall submit to BJWSA a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical, Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to BJWSA a report which contains the information listed below. A New Source

shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

5.8.1 Report

Users described above shall submit the information set forth in 40 CFR and R61-9 403.12(b) which includes:

5.8.1.1 Facility information

From the Pretreatment Application: Sections 4.5.1.1.A, 4.5.1.2., 4.5.1.3.A, 4.5.1.6.

5.8.1.2 Measurements of pollutants

- A. The User shall provide the information in Section 4.5.1.7.A-D.
- B. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- C. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to BJWSA;
- D. Sampling and analysis shall be performed in accordance with Section 5.1;
- E. BJWSA may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- F. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to BJWSA.

5.8.1.3 Compliance certification:

A statement, reviewed by the User's Authorized Representative as defined in Section 9.3 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

5.8.1.4 Compliance Schedule:

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 5.9 of this regulation.

5.8.1.5 Signature and Report Certification

All baseline monitoring reports must be certified in accordance with Section 5.7 and signed by an Authorized Representative as defined in Section 9.3

5.9 Compliance Schedule Progress Report

The following conditions apply to the compliance schedule required in Section 5.8.1.4 above

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

5.10 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the BJWSA system, any User subject to such Pretreatment Standards and Requirements shall submit to BJWSA a report containing the information described in Section 4.5.1.6 and 4.5.1.7 and 5.8.1.2 of this regulation. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 5.7 of this regulation. All sampling will be done in conformance with Section 5.1.

5.11 Periodic Compliance Reports

1. Except as specified in Section 6.4.C, all Significant Industrial Users must, at a frequency determined by BJWSA submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must

- submit documentation required by BJWSA or the Pretreatment Standard necessary to determine the compliance status of the User
2. All periodic compliance reports must be signed and certified in accordance with Section 5.7.
 3. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
 4. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by BJWSA, using the procedures prescribed in Section 5.1 of this regulation, the results of this monitoring shall be included in the report.
 5. BJWSA may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 2. The monitoring waiver is valid only for the duration of the effective period of the individual discharge contract, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater contract.
 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 4. The request for a monitoring waiver must be signed in accordance with Section 1.2.4 of the Sewer Use Regulations, and include the certification statement in Section 4.9.
 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 6. Any grant of the monitoring waiver by BJWSA must be included as a condition in the User's contract. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by BJWSA for 3 years after expiration of the waiver.
 7. Upon approval of the monitoring waiver and revision of the User's contract by BJWSA, the Industrial User must certify on each report with the statement in Section 4.9, that

- there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply with the monitoring requirements of the contract, or other more frequent monitoring requirements imposed by BJWSA, and notify BJWSA.
 9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- F. BJWSA may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the SCDHEC, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
1. 0.01 percent of the receiving WWTP's design dry-weather hydraulic capacity or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
 2. 0.01 percent of the design dry-weather organic treatment capacity of the receiving WWTP; and
 3. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of BJWSA, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

5.12 Reports of Changed Condition

Each User must notify BJWSA of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater or which might alter the potential for slug discharge at least 30 days before the change.

BJWSA may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an updated Pretreatment questionnaire under Section 4.5.

BJWSA may issue a Pretreatment Permit under Section 4.8.5 or modify an existing Permit under Section 4.8.2 in response to changed conditions or anticipated changed conditions.

5.13 Reports of Potential Problems

In the case of any discharge, including, but not limited to, accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; a Slug Discharge or Slug Load, that might cause potential problems for BJWSA; and/or an upset (Section 6.8.1) the User shall immediately telephone and notify BJWSA of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

Within five (5) days following such discharge, the User shall, unless waived by BJWSA submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to BJWSA, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this regulation

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

5.14 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify BJWSA within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to BJWSA within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if BJWSA performs sampling at the User's facility at least once a month, or if BJWSA performs sampling at the User between the time when the initial sampling was conducted and the time when the User or BJWSA receives the results of this sampling, or if BJWSA has performed the sampling and analysis in lieu of the Industrial User.

5.15 Notification of the Discharge of Hazardous Waste

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this regulation, a permit issued thereunder, or any applicable Federal or State law.

Any User who commences the discharge of hazardous waste shall notify BJWSA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the BJWSA, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the

wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 5.12 of this regulation.

Dischargers are exempt from the requirements of the paragraph above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify BJWSA, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5.16 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a Pretreatment Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the BJWSA or other parties approved by EPA.

5.17 Annual Report

BJWSA shall submit to SCDHEC an annual report which briefly describes BJWSA's pretreatment activities. The report shall contain, at a minimum:

1. A list of all Industrial Users and their addresses and an explanation for any changes from the previous year's report.
2. A list of Categorical Industrial Users and applicable Categorical Pretreatment Standards.
3. A list of non-Categorical Industrial Users which are subject only to local limits.
4. A summary of Industrial User compliance over the previous year.
5. A summary of compliance and enforcement activities including inspections conducted by BJWSA.

6. A summary of any changes to the Industrial Pretreatment Program which have not already been submitted to SCDHEC.

The report shall be signed by an Authorized Representative of BJWSA.

6 Compliance and Enforcement

BJWSA has enforcement powers to the extent of its legal authority. Legal authority (Appendix H) to develop and implement the Pretreatment Program is contained in the Sewer Use Regulation (Appendix B). BJWSA recognizes that its enforcement responses are always limited to those authorized under State law and the Sewer Use Regulation.

BJWSA's available enforcement responses include, but are not limited to, Notices of Violation (NOV), Consent Orders, Show Cause Hearings, Compliance Orders, Cease and Desist Orders, Administrative Fines, Suspensions, and Permit Termination. Further, for serious violations, BJWSA may seek injunctive relief through the appropriate Courts, civil penalties, an/or criminal prosecution

The enforcement response must be appropriate to the violation. For example, while in some instances telephone calls may be appropriate responses, treatment plant upsets merit a more immediate and rigorous response.

6.1 Monitoring and Analysis

If the Industrial User's sampling indicates a violation, the user shall notify BJWSA within twenty-four (24) hours of becoming aware of such violation(s). The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to BJWSA within thirty (30) days after becoming aware of the violation. The Industrial User will provide BJWSA, within 5 days, a written explanation for this violation and steps that will be taken to prevent its reoccurrence.

BJWSA shall then inspect the facilities of any Industrial User to determine whether it is complying with the requirements of the Pretreatment Standards as presented by the Sewer Use Regulation. Persons or occupants of the Industrial User's premises shall allow BJWSA ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. BJWSA shall have the right to set upon the user's property such devices necessary to conduct sampling, inspection, compliance monitoring, metering operations, and records copying. When requested by the Industrial User, BJWSA shall gather sufficient volume of sample when practicable so that the sample can be split into two equal volumes. One shall be for the Industrial User, and one for BJWSA.

6.2 Compliance Screening

This process involves reviewing all available information to identify non-complying dischargers for appropriate enforcement response. This first review shall assess, as appropriate, compliance with schedules, reporting requirements (including "slug" discharge notices), and applicable pretreatment standards.

The screening process should verify that the reports are submitted on schedule, cover the proper time period, include all information requirements, and are properly signed. The person performing the screening process should compare the parameters reported, the number of measurements for each parameter, the method of analysis, the sampling procedures, the discharge concentration (or mass per day), and other information supplied by the Industrial User with the requirements in the Industrial User's permit as mandated by the Sewer Use Regulation. Any discrepancy is a violation that the Industrial User will be required to correct. All alleged violations (including those arising from inspections and private complaints) identified by BJWSA will be recorded in a violation summary specific to each Industrial User. This summary will serve as a log for the compliance history of the Industrial User and the enforcement responses of BJWSA.

The compliance screening process may also include notifying an Industrial User when certain types of obvious non-compliance are found, for example, the establishment of procedures to routinely notify the Industrial User when a report is not received. This notification should include a deadline by which the Industrial User must respond. Although all violations must be identified and responded to, significant noncompliance requires swift and appropriate enforcement action.

6.3 Enforcement Response

The violations and discrepancies identified during compliance screening will be reviewed to evaluate the type of enforcement response needed. An Enforcement Response Plan assists in this evaluation reflecting the following concepts:

- BJWSA must review and respond to violations of requirements;
- BJWSA will notify the Industrial User when a violation is found (Notice of Violation);
- For most violations, BJWSA will require an explanation and plan from the Industrial User to correct the violation within a specified time period;
- The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after taking initial action. The enforcement responses are divided into informal responses and formal responses;

Informal actions may include:

- Informal notice to Industrial Users (e.g., telephone call);
- Informal meeting;
- Warning letter.

Formal actions include:

- Notice of Violations
- Consent Orders, administrative orders, and meetings to show cause;
- Administrative penalties;
- Civil suit for injunctive relief and/or civil penalties and damages;
- Civil prosecution;
- Termination of service (revoke contract or authorization).

6.3.1 Enforcement Response Plan

The Enforcement Response Plan is used as follows:

- Determine the type of non-compliance and identify the most accurate description of the violation;
- Determine an appropriate response. First offenders may warrant a more lenient response. Repeat offenders, or those demonstrating negligence may require a more stringent response;
- Apply the enforcement response to the Industrial User. Specify corrective action or other responses required of the Industrial User, if any;
- Follow-up with escalated enforcement action if the Industrial User's response is not received or if violation continues;
- An Industrial User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions and the specific prohibitions where the user can demonstrate that: it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and a local limit designed to prevent pass through and/or interference, as the case may be, was developed for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or if a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference; the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when BJWSA's treatment plant was regularly in compliance with its NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

Violations and corresponding enforcement responses are outlined below in Table 6.1. This is only guidance: deviations may be made at the discretion of BJWSA when deemed appropriate.

Table 6.1 - Enforcement Response Plan

| Non-compliance | Nature of the Violation | Initial Response Follow-up | BIWSA Personnel |
|---|---|---|--|
| Illegal discharge – no permit or authorization letter | Discharger unaware of permit requirement, no environmental or treatment system damage | Phone call NOV with application form | Pretreatment Coordinator |
| Results in violation of treatment plant NPDES permit or dangerous situation (SNC) | AO with AP Civil Action Criminal Investigation Terminate Service | | Wastewater Manager |
| Illegal discharge – Unauthorized discharge (expired permit) | Failure to apply for permit renewal, no environmental or treatment system damage | Phone call, NOV | Pretreatment Coordinator |
| Discharge standard violation – Exceeding discharge limit on permit | Isolated, non-significant Frequent, non-significant (reported offense) SNC | Phone call, NOV Require compliance plan AO with or without AP Civil Action | Pretreatment Coordinator Pretreatment Coordinator Wastewater Manager |
| Caused known environmental or system damage | Civil Action Criminal Investigation Terminate Service AO with AP | | Wastewater Manager |
| Discharge standard violation – slug load discharge(s) | Isolated without known damage Isolated with known interference, pass-through, or damage results (SNC) Recurring (SNC) | Phone call, NOV AO with or without AP to develop slug control plan Civil Action Criminal Investigation Terminate Service AO with or without AP | Pretreatment Coordinator Pretreatment Coordinator Wastewater Manager |
| Sampling, Monitoring, and Reporting – Minor sampling, monitoring, or reporting deficiencies | Isolated or infrequent (1 st or 2 nd offense) Frequent (repeated offense) or continuous | Phone call or NOV AO | Pretreatment Coordinator Wastewater Manager |
| Sampling, Monitoring, and Reporting – Major sampling, monitoring or reporting deficiencies | Isolated or infrequent (1 st or 2 nd offense) Frequent (repeated offense) or continuous | Phone call or NOV AO with or without AP Civil Action | Pretreatment Coordinator Wastewater Manager |

| Non-compliance | Nature of the Violation | Initial Response Follow-up | BJWSA Personnel |
|---|--|---|--|
| Sampling, Monitoring, and Reporting – Complete failure to sample, monitor or report | Continued SNC | AO with or without AP Show Cause order Civil Action Criminal Investigation | Wastewater Manager |
| Sampling, Monitoring, and Reporting – Failure to submit schedule of compliance (SNC) | Violation of consent order or AO | AO with AP Civil Action Criminal Investigation Terminate Service | Wastewater Manager |
| Sampling, Monitoring, and Reporting – Failure to notify of effluent limit violation or slug discharge | Isolated or infrequent No known effects Frequent or continued violation (SNC) Known environmental or treatment system damage results (SNC) | Phone call NOV AO with or without AP AO with AP Civil Action Criminal Investigation Terminate Service | Wastewater Manager |
| Sampling, Monitoring, and Reporting – Failure to install monitoring equipment | Continued SNC | AO with or without AP Civil Action Criminal Investigation Terminate Service | Wastewater Manager |
| Compliance Schedule Violation – Missed milestone date | Will not affect other milestone dates or final date Will affect other milestone or final date – Violation for good cause Will affect other milestones or final date – Violation not for good cause (SNC) | Phone call NOV AO AO with or without AP Civil Action Terminate Service | Wastewater Manager |
| Compliance Schedule Violation – Failure to meet compliance schedule reporting requirements | Did not submit report but did complete milestone Did not submit report or complete milestone | NOV AO with or without AP Civil Action Criminal Investigation | Pretreatment Coordinator Wastewater Manager |

| Non-compliance | Nature of the Violation | Initial Response Follow-up | BJWSA Personnel |
|--|---|--|--|
| Compliance Schedule Violation – Missed final date | Good cause 30 days or more outstanding; failure or refusal to comply without good cause | NOV AO with or without AP Civil Action Terminate Service | Wastewater Manager Wastewater Manager |
| Compliance Schedule Violation – Reporting false information | Any instance (SNC) | AO with AP Criminal Investigation Terminate Service | Wastewater Manager |
| Violation detected during Site Visit – Entry denial | Entry denied or consent withdrawn. Copies of records denied | Obtain warrant and return to site AO with fine Criminal Investigation Terminate Service | Pretreatment Coordinator |
| Violation detected during Site Visit – Illegal discharge | No harm to system or environment Discharge causes harm or evidence of intent/negligence | AO with fine Civil Action Criminal Investigation Terminate Service | Pretreatment Coordinator Wastewater Manager |
| Violation detected during Site Visit – Inadequate recordkeeping | Recurring, violation of AO Inspector finds files incomplete to missing (no evidence of intent) | NOV AO with fine Criminal Investigation Terminate Service | Wastewater Manager Pretreatment Coordinator |
| Other Permit Violations – Wastestreams are diluted in lieu of treatment | Initial Violation Recurring | AO with fine Show Cause Order Terminate Service | Pretreatment Coordinator Pretreatment Coordinator |
| Other Permit Violations – Failure to mitigate non-compliance or halt production | Does not result in harm Does result in harm | NOV AO with fine Civil Action Terminate Service | Wastewater Manager Pretreatment Coordinator |
| Other Permit Violations – Failure to properly operate and maintain pretreatment facility | Does not result in harm Does result in harm | NOV AO with fine Civil Action | Pretreatment Coordinator Wastewater Manager |
| Best Management Practices Violation – Failure to properly operate BMP | Isolated, insignificant | Phone call NOV | Pretreatment Coordinator |
| Repeated, insignificant | Require compliance plan | Pretreatment Coordinator | |
| Isolated, significant, no harm to POTW/environment | Require compliance plan AO with or without AP Civil Action | Pretreatment Coordinator Wastewater Manager Wastewater Manager | |

| Non-compliance | Nature of the Violation | Initial Response Follow-up | BJWSA Personnel |
|--|---|--|--|
| Recurring, significant, harm to POTW/environment | Civil Action Criminal Investigation Terminate Service AO with AP | AP - Monetary penalty assessed by BJWSA as Penalties allowed under BJWSA's Sewer Use Regulation NOV - Notice of Violation SNC - Significant Non-Compliance | Pretreatment Coordinator Wastewater Manager Wastewater Manager Wastewater Manager |
| AO - Administrative Order | | | |
| Civil Action - Civil litigation against the Industrial User seeking equitable relief, monetary penalties and/or actual damages | | | |
| Criminal Prosecution - Pursuing punitive measures against an individual and/or organization through a court of law | | Show Cause - Formal meeting requiring the Industrial User to appear and demonstrate why BJWSA should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules | |

Abbreviations:

AO - Administrative Order

Civil Action - Civil litigation against the Industrial User seeking equitable relief, monetary penalties and/or actual damages

Criminal Prosecution - Pursuing punitive measures against an individual and/or organization through a court of law

The general time frame for response and follow up to a violation are:

- A. All violations must be identified and documented within 10 working days of receiving compliance information.
- B. Initial enforcement responses from date of identification and documentation:
 - a. Issue NOV: 5 days.
 - b. Issue AO: 10 days.
 - c. File civil complaints: 60-90 days.
 - d. File criminal charges (when evidence allows).
- C. Follow up actions for continuing or re-occurring violations will be taken within 60 days of the initial enforcement response.
 - a. NOV or AO: 60 days
 - b. Civil litigation or termination: 60-90 days.
- D. Violations which threaten health, property, and/or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant non-compliance (SNC) will be addressed with the submission of a compliance plan or with an enforceable order within 30 days of the identification of the significant non-compliance.
- F. All days are defined as working days.

6.4 Remedies

6.4.1 Administrative Enforcement Remedies

6.4.1.1 Notification of Violation

When BJWSA finds that a User has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, BJWSA may serve upon that User a written Notice of Violation (NOV). Within 10 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to BJWSA. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this Section shall limit the authority of BJWSA to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

6.4.1.2 Consent Orders

BJWSA may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.4.1.4 and 6.4.1.5 of this regulation and shall be judicially enforceable.

6.4.1.3 Show Cause Hearing

BJWSA may order a User which has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before BJWSA and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 9.3 and required by Section 4.7. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

6.4.1.4 Compliance Orders

When BJWSA finds that a User has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, BJWSA may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6.4.1.5 Cease and Desist Orders

When BJWSA finds that a User has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, BJWSA may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

6.4.1.6 Administrative Fines

- A. When BJWSA finds that a User has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, BJWSA may fine such User in an amount not to exceed two thousand dollars (\$2000) per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be

assessed for each day during the period of violation. Prior to the imposition of a penalty, BJWSA shall issue to the User a notice of a Show Cause Hearing to be conducted pursuant to the procedures specified by SC Code section 6-11-285.

- B. Unpaid charges, fines, and penalties shall be assessed a late fee according to BJWSA's Ancillary Fee Schedule published annually. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for BJWSA to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, BJWSA may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. BJWSA may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

6.4.1.7 Emergency Suspensions

BJWSA may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. BJWSA may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, BJWSA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. BJWSA may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of BJWSA that the period of endangerment has passed, unless the termination proceedings in Section 6.4.1.8 of this regulation are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to BJWSA prior to the date of any show cause or termination hearing under Sections 6.4.1.3 or 6.4.1.8 of this regulation.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

6.4.1.8 Termination of Discharge

In addition to the provisions in Section 4.8.4 of this regulation, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual or general Pretreatment Permit conditions;

- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this regulation.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6.4.1.3 of this regulation why the proposed action should not be taken.

Exercise of this option by BJWSA shall not be a bar to, or a prerequisite for, taking any other action against the User.

6.4.1.9 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this regulation, an individual or general Pretreatment Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense and subject to BJWSA ancillary fees, only after the User has satisfactorily demonstrated its ability to comply.

6.4.2 Judicial Enforcement Remedies

6.4.2.1 Injunctive Relief

When BJWSA finds that a User has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, BJWSA may petition a Court of Beaufort or Jasper County through BJWSA's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general Pretreatment Permit, order, or other requirement imposed by this regulation on activities of the User. BJWSA may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

6.4.2.2 Judicial Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this regulation, an individual or general Pretreatment Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to BJWSA for a maximum judicially imposed 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. BJWSA 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 BJWSA.
- C. In determining the amount of civil liability, the Court 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.

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

6.4.2.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this regulation, an individual or general Pretreatment 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 one hundred dollars (\$100) per violation, per day, or imprisonment for not more than 30 days, 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 hundred dollars (\$100) per violation, per day, or imprisonment for not more than 30 days, 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 regulation, individual or general Pretreatment Permit, or order issued hereunder, 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 of not more than one hundred dollars (\$100) per violation, per day, or imprisonment for not more than 30 days, or both.

6.4.2.4 Remedies Nonexclusive

The remedies provided for in this regulation are not exclusive. BJWSA may take any, all, or any combination of these actions against a noncompliance User. Enforcement of pretreatment violations will generally be in accordance with BJWSA's Enforcement Response Plan above. However, BJWSA may take other action against any User when the circumstances warrant. Further, BJWSA is empowered to take more than one enforcement action against any noncompliance User.

6.5 Right of Entry: Inspection and Sampling

BJWSA shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this regulation and any individual or general Pretreatment Permit or order issued hereunder. Users shall allow BJWSA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, BJWSA shall be permitted to enter without delay for the purposes of performing specific responsibilities.

- B. BJWSA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. BJWSA may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as required by manufacturer and method to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of BJWSA and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing BJWSA access to the User's premises shall be a violation of this regulation.

6.6 Confidential Information

Information and data on a User obtained from reports, surveys, Pretreatment Permit applications, individual Pretreatment Permits, general Pretreatment Permits, and monitoring programs, and from BJWSA's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of BJWSA, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

6.7 Significant Non-Compliance

The term significant noncompliance (SNC) shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs C, D or H of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) parameter numeric pretreatment standard or requirement, including instantaneous limits;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits by the applicable criteria (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);

- C. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the BJWSA determines 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 POTW's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a permit or general permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report non-compliance;
- H. Any other violation or group of violations, which may include a violation of Best Management Practices, which BJWSA determines will adversely affect the operation or implementation of the local pretreatment program.

6.7.1 Publication of Users in Significant Noncompliance

The public, industry, and other interested parties will be informed about the changes in the Sewer Use Regulation and the Industrial Pretreatment Program.

Annually, BJWSA will publish in the largest daily newspaper published in the Beaufort and Bluffton, South Carolina area a list of Industrial Users which, during the previous 12 months, were in Significant Noncompliance with applicable pretreatment requirements.

6.8 Affirmative Defenses to Discharge Violations

6.8.1 Upset

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

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements below, are met. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: an upset occurred and the User can identify the cause(s) of the upset; that the facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and that the User has submitted

the following information to BJWSA within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

- a. A description of the indirect discharge and cause of noncompliance;
- b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

6.8.1.1 Categorical Standards

Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

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

6.8.1.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general or specific prohibitions in Section 2.1 of this regulation if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when BJWSA was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

6.8.2 Bypass

For the purposes of this Section, bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Bypass is prohibited. BJWSA may take enforcement action against a User for a bypass unless the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there was no feasible alternative to the bypass; and the User submitted notice as required below.

A User may allow a bypass which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to assure efficient operation.

If a User knows in advance of the need for a bypass, prior notice should be submitted to BJWSA at least 10 days before the bypass if possible. BJWSA may approve an anticipated bypass after considering its adverse effects if the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there was no feasible alternative to the bypass; and the User submitted notice as required below.

Users shall notify BJWSA of an unanticipated bypass that exceeds any applicable Pretreatment standard within 24 hours. Within 5 days of the unanticipated bypass, User shall submit a written report containing a description of the bypass, cause of bypass, duration and times of bypass, and if not yet corrected, the anticipated time and plan to reduce, eliminate and prevent bypass.

7 Organization and Staffing

All of the Pretreatment Program functions are administered by BJWSA. BJWSA has no full time personnel assigned to pretreatment; rather, the Pretreatment Program is part of the work of several full time employees: primarily the Director of Treatment Operations, the Wastewater Operations Manager, and Pretreatment Coordinator with administrative support from the Treatment Operations Coordinator. Although BJWSA has a certified wastewater laboratory and excellent lab staff, commercial labs are used for Pretreatment compliance sampling to avoid any appearance of conflict. BJWSA has retained the services of consulting engineers for updating the headworks analysis.

The Pretreatment Coordinator is a BJWSA Wastewater Operator with a B-level Physical/Chemical Wastewater Treatment license in addition to the Biological Treatment license required for operating BJWSA's plants. The Pretreatment Coordinator has regular plant responsibilities as well as Pretreatment tasks. The Pretreatment Coordinator reports to one of the Chief Wastewater Operators and also works closely with the Wastewater Operations Manager and Director of Treatment Operations when issuing permits, conducting compliance activities, and requesting legal enforcement actions through BJWSA's attorney. The Pretreatment Coordinator reviews DMRs, conducts annual sampling and inspection, and is the contact with Significant Industrial Users. The Wastewater Operations Manager also reviews DMRs and interacts with Significant Industrial Users. Enforcement activities are performed by personnel according to the Enforcement Response Plan in Section 6.3.1.

8 Program Funding Management

The implementation of this Industrial Pretreatment Program is a financial and personnel expense of BJWSA. All SIUs are charged an annual Pretreatment Fee.

BJWSA has established surcharge levels to recover the cost to treat wastewater when discharge concentrations are above domestic wastewater levels.

Information on fees, BJWSA funding levels and financial health may be found in the Operating Budget and Comprehensive Annual Financial Report (CAFR) on the BJWSA website www.bjwsa.org .

9 Definitions

9.1 “Act” means Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et seq.

[Note: A copy of section 403 of the CWA and R61-9 is included as Appendix D.]

9.2 “Approval Authority” means the South Carolina Department of Health and Environmental Control (SCDHEC)

9.3 “Authorized or Duly Authorized Representative of the User” means

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 Pretreatment 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.

9.4 “Beaufort-Jasper Water & Sewer Authority” or “BJWSA” is the owner and operator of wastewater systems in Beaufort and Jasper counties. BJWSA is the POTW.

9.5 “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR and R61-9 403.5(a)(1) and (b) and BJWSA’s Sewer User Regulation. BMPs also include

treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

- 9.6 “Biochemical Oxygen Demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- 9.7 “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 9.8 “Categorical Industrial User” is an Industrial User subject to a categorical Pretreatment Standard or Categorical Standard.
- 9.9 “Control Authority” is BJWSA.
- 9.10 “Existing Source” is any source of discharge that is not a “New Source.”
- 9.11 “Grab Sample” is a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- 9.12 “Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
- 9.13 “Industrial User” or “User” means a source of Indirect Discharge.
- 9.14 “Instantaneous Limits” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- 9.15 “Interference” means 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 processes, 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 thereunder (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 referred to 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.

9.16 “Local Limit” means specific discharge limits developed and enforced by BJWSA upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in BJWSA’s Sewer User Regulation, and 40 CFR and R61-9 403.5(a)(1) and (b).

9.17 “National Pretreatment Standard”, “Pretreatment Standard”, or “Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

9.18 “New Source” means

1. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii) or (1)(iii) of this section, but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program:
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- 9.19 “NPDES Permit” or “Permit” means a permit issued to BJWSA by SCDHEC pursuant to regulations for all point source discharges into surface waters.
- 9.20 “Pass Through” means 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 the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).
- 9.21 “Pollutant” includes dredged spoils, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- 9.22 “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with § 403.6(e).
- 9.23 “Pretreatment Requirements” means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- 9.24 “Publicly Owned Treatment Works” or “POTW” is a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by BJWSA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- 9.25 “Septage” means any solid, and liquid material pumped from septic tank, cesspool or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

9.26 “Significant Industrial User” or “SIU”

Except as provided in paragraph (3) below, the term Significant Industrial User means:

1. An Industrial User subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
2. Any other Industrial User that:
 - discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant;
 - or is designated as such by BJWSA on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
3. Upon a finding that an Industrial User meeting the criteria in paragraph (2) above of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

9.27 “Slug Load” or “Slug Discharge” is any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this document or Section 3.3 of BJWSA Sewer Use Regulation. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

9.28 “Wastewater Treatment Plant” or “Treatment Plant” means that portion of BJWSA which is designed to provide treatment of municipal sewage and industrial waste.