

Chapter 15

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*State law references—Construction and operation of municipal utilities, S.C. Code 1976, § 5-31-610; authority to purchase, construct system, S.C. Code 1976, § 6-21-50; to improve existing system, S.C. Code 1976, § 6-21-80; bond issue authorized, S.C. Code 1976, § 6-21-190.

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ARTICLE I. IN GENERAL

Secs. 15-1—15-30. Reserved.

ARTICLE II. GAS SYSTEM**Sec. 15-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appliances means all stoves, heaters, hot water tanks, conversion units and any other devices in which natural gas is used.

Coated pipe means iron or steel pipe which has been thoroughly cleaned and coated with a coating equal to Bitumastic No. 4.

Customer means any person buying gas from the town system.

Customer's inlet means the location of the pipe at the customer's premises where gas is delivered to the customer.

Gas inspector means the duly authorized person hired by the town to inspect, operate and maintain the gas system.

Gas system means the transmission line to the town, and the distribution mains within and adjacent to the town, together with all service lines, valves, meters, cocks, regulating equipment and other appurtenances owned by the town.

House piping means the piping in or around the house or building of the customer.

Licensee means any person who has been licensed by the town to install house piping and appliances.

Main means a line, part of the distribution system, that transports gas.

Service line means the line from the main to the consumer's inlet.
(Code 1991, § 15-31)

Sec. 15-32. Meters furnished.

All gas service shall be furnished on a metered basis, and a separate meter shall be installed for each domestic, commercial and industrial user. No gas service shall be furnished or rendered free of charge to any person, including the town.

(Code 1991, § 15-32)

Sec. 15-33. Schedule of monthly charges for gas service.

The schedule of monthly charges for natural gas service furnished by the natural gas distribution system of the town shall be set from time to time by the council and a schedule of such charges is on file in the office of the town administrator.

(Code 1991, § 15-33)

Sec. 15-34. Connection fee.

For any new connection to the gas system, the person applying for such service shall pay a connection fee equal to the actual cost of making the initial connection from the gas main to the property line, plus the cost of installing the gas meter. Such payment shall be made prior to the installation of the connection.

(Code 1991, § 15-34)

Sec. 15-35. Deposit required.

All customers shall make a deposit with the town in the sum which shall be set from time to time, or that sum which is the anticipated monthly minimum charge, whichever shall be the greater. No interest will be paid on such deposit, but upon the disconnection of service the customer shall be entitled to the return of the deposit, less any sums due the town by the provisions of this article.

(Code 1991, § 15-35)

Sec. 15-36. Customer service line and installation fee.

(a) No one shall be served with gas unless the town can serve such customer at a profit.

(b) Each customer shall make a deposit with the town before a service is installed to the customer's premises. Such deposit will be refunded to the customer when the service is disconnected, provided the customer does not owe the town anything for gas used. The amount of such deposit shall be set from time to time and a schedule of such deposits is on file in the office of the town administrator.

(c) If a customer desires to have his service temporarily disconnected, the town will cut off the gas to this customer. A fee will be charged for such shutoff. The town will turn the gas back on, at the customer's request, also for a fee.

(d) Unless different arrangements in specific cases are approved by the gas inspector and the town, all service lines shall be furnished and laid by the town. The town will run 200 feet of main and 100 feet of service to obtain an average customer. Lengths of main in excess of the above shall be charged at a set rate per foot and service line in excess of the above shall be charged for at a set rate. The town will furnish and install the lockwing cock, regulator and meter.

(e) No charge will be made for installation of a standard domestic service until funds allowed in the original financing for installation of services are exhausted. After that a charge may be made.

(f) Any customer who pays 12 consecutive monthly gas bills, other than the minimum, will be entitled to have his meter deposit refunded at that time, provided no bill has been delinquent during the 12 months.

(Code 1991, § 15-36)

Sec. 15-37. Reading of meters, billing and payment.

All gas meters shall be read and bills rendered monthly. All bills shall be due and payable from and after the date such bills are rendered, at the office of the town clerk-treasurer or other duly designated person, during the regular hours of business. If any bill for service shall remain unpaid for as long as 15 days, a penalty of ten percent shall be imposed upon the delinquent customer, and if such delinquency shall continue for an additional five days, service to such customer shall be discontinued until such customer has paid in full all past due bills and penalties, plus the current reconnection charge.

(Code 1991, § 15-37)

Sec. 15-38. Penalty for tampering with or changing gas meter.

It shall be a violation of this section for any person to tamper with or change any gas meter, or to make any connection to the gas distribution system without written permission from the town clerk-treasurer, or to reconnect service when it has been disconnected for nonpayment of a bill for service, until such bill has been paid in full, including the reconnection charge. Any person found guilty of violating the provisions of this section shall be punished in accordance with section 1-12.

(Code 1991, § 15-38)

Secs. 15-39—15-60. Reserved.

ARTICLE III. WATERWORKS*

DIVISION 1. GENERALLY

Sec. 15-61. Authorization of article.

Pursuant to the authority granted to the council under the statutes of the state and the Code of the town, the following article governing water service is affirmed and adopted by the council.

(Code 1991, § 15-61)

Sec. 15-62. Applicability.

As a condition of service, this article, as may be revised or amended from time to time, is a part of all contracts for receiving water and/or private fire protection service from the town and

*State law reference—State primary drinking water regulations, S.C. Code Reg. 61-58.

is applicable to all customers receiving such service from the town whether the service is rendered within or outside of the town and whether the service is based upon contract, agreement, signed application or otherwise.

(Code 1991, § 15-62)

Sec. 15-63. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement means any agreements or contracts; verbal or written, contracting or arranging for water or private fire protection service and for the installation of service connections and meters; made with the town.

Applicant means any individual or agency applying for water or other services available from the town.

Application means any formal (written) or verbal request for water or other services available from the town and, when duly approved by authorized personnel of the town shall constitute a contractual agreement.

Contribution in aid of construction fees means the applicable schedule of fees as established by the town and collected prior to making connections to certain designated pipelines located outside the town.

Customer or water user means any person receiving water or private fire protection service from the town under an expressed or implied agreement or contract.

Developer tapping permit means a tapping permit issued by a development who has contributed, under contractual agreement with the town, to the financing of a water main along certain public streets or highways outside the town, to nonparticipating property owners desiring water service from such water mains during the life (normally five years) of such developer agreements. Where applicable, such developer tapping permits shall be submitted to the town by the applicant before an application will be approved and a service connection made by the town.

Dwelling or residence means any single structure, with auxiliary buildings, occupied by a family, one or more persons or households (family group) for residential purposes. See "Premises."

Jumper means any unauthorized, mechanical connection made at a meter location where such meter has been previously removed; thereby providing a means of illegally obtaining and using water therefrom without being registered.

Main means a water pipe, owned or maintained by the town, located within the right-of-way of streets, highways or private easements, and which is used for the purpose of transmitting or distributing water to the general public but does not mean "service pipe" or "service line."

Meter, without other qualification, means any device, or instrument, which is used by the town in measuring the quantity of water used during a specified period.

Premises means the integral property, piece of land, real estate or area; including buildings and other improvements thereon to which water and/or private fire protection services are, or will be, provided.

Private fire protection service means the provision of water to premises for private fire protection service, including automatic sprinkler systems, private hydrants, etc. Such service is subject to established rates and is in addition to the protection afforded by public fire hydrants located along public streets and highways.

Service pipe or service line means the pipe or tubing that runs between the town's supply main and a customer's premises, including the control valve and meter.

System means the town's water system.

Tap to curb means a service connection and service pipe extended from such connection to a curbstop (cutoff valve) at a point outside of the curblin in advance of its need and installed prior to street paving.

Who's using means and is a term utilized by the town to designate an account where water has been turned on by unauthorized persons and water is being used at such location without prior arrangement or a contract for such service.

(Code 1991, § 15-63)

Sec. 15-64. Administration and management of the system.

The water system shall be administered and managed by council who may appoint a certain person to manage the water system and enforce the rules and regulations governing the town's water service.

(Code 1991, § 15-64)

Sec. 15-65. Fiscal year.

The water system shall be operated on a fiscal year basis, commencing on April 1 of each year and ending on March 31 of the same year, and shall be operated by the town.

(Code 1991, § 15-65)

Sec. 15-66. Town administrator.

(a) *Appointment; bond.* The town administrator appointed by council shall administer the rules and regulations governing water service, whether water service is within or without the town limits. The town administrator, who shall, before entering upon his duties as such, furnish satisfactory bond if required by the town council, conditioned for the faithful discharge of his duties as such, such bond to be approved by the town council and payable to the town, its successors and assigns, and such bond to further protect and hold harmless the town in the

commission or noncommission of the duties imposed upon the town administrator and for any cause in connection with the maintenance and enforcement of the rules and regulations set forth in this article.

(b) *Powers and duties.* The town administrator is hereby vested with authority and power, and charged with the duty of, the enforcement of the rules and regulations governing the town's water system as set forth in this article; and upon the failure or refusal of any person to obey, carry out and abide the orders of the town administrator, he shall discipline the offender in accordance with the powers granted the town administrator by council. The town administrator shall have charge of and be responsible for the employment, assignment of work, discharge or suspension of all the personnel of the town's water system or any of its work. He shall also have the power to negotiate and sign all contracts, agreements, proposals or other instruments necessary to or in relation to service contracts of and for the town, whether the same involve property and rights and responsibilities inside or outside the town, and to sign and have performed all contracts to be performed within the space of one year from the entering into same. Such contracts for service to be furnished by the facilities of the town shall not be longer than a period of one year from the date thereof, but may be renewed from year to year by the town administrator as in his judgment same may be advisable.

(c) *Enforcing officer.* For the purpose of carrying out the intent and purpose of this article, the town administrator shall be, and is hereby appointed, the enforcement officer with police power.

(Code 1991, § 15-66)

Secs. 15-67—15-80. Reserved.

DIVISION 2. OBTAINING SERVICE

Sec. 15-81. General service requirements.

The town shall make all connections to water mains and install all meters. All water services, including a common water and private fire protection service, shall be metered.

(Code 1991, § 15-81)

Sec. 15-82. Water connections required.

Any person owning a building, whether commercial, industrial, or residential, within the town, shall install water connections or taps within 90 days after the property owned by such person becomes accessible to the town water lines, and all outdoor privies on such premises shall be removed by the owners thereof after the connection with the water lines.

(Code 1991, § 15-82)

Sec. 15-83. Applications and service contracts.

An application, whether formally (signed) or verbally made by an applicant, shall, when approved by the town, constitute a contractual agreement whereby the applicant agrees as a

condition of service to conform to the town's rates, rules and regulations governing water or private fire protection service, including all amendments or revisions made thereafter by the town from time to time. When a verbal application is accepted by the town, this article pertaining to service and the applicable schedules of rates and charges shall be effective in the same manner as if the town's standard form of application for water service had been signed by the customer and accepted by the town. Such a verbal service agreement shall be conclusively presumed, where there is no written application by a person accepted in writing by the town, if either water supplied by the town is used by the person or on the person's premises, or if a private fire service is utilized by a person. The rights which accrue to the customer under the agreement are personal and shall not be transferred or assigned by the customer or person without the written consent of the town. The customer shall notify the town before vacating the premises served under the agreement as provided herein.

(Code 1991, § 15-83)

Sec. 15-84. Service used in advance of contract (who's using).

In the event service is used by any person before a contractual agreement for service is consummated (application for service made and approved), such service received shall be governed by this article and the appropriate rate schedule. Such use of service constitutes an unauthorized turn-on and is referred to (internally) by the town as a "who's using" account. Upon failure or refusal of such person to consummate a service contract, the town may discontinue such service at any time and the appropriate provisions of division 4 of this article shall apply.

(Code 1991, § 15-84)

Sec. 15-85. Applicant.

A written application is required for service involving a new connection (tap), a new meter installation or additional facilities to provide the requested service and shall be made at town hall, on forms provided for that purpose. An application for a new connection cannot be accepted unless a water main exists in the public street (or road) right-of-way contiguous to the lot or tract being served; except as may be specifically authorized by the town or its town administrator.

(Code 1991, § 15-85)

Sec. 15-86. Schedules of current tapping fees and meter installation charges.

Schedules of current tapping fees and meter installation charges are on file in the town administrator's office as set from time to time, and are hereby made a part of this division. Applicable tapping fees and meter installation charges are payable upon application for service.

(Code 1991, § 15-86)

Sec. 15-87. Aid of construction, developer tapping fees.

Contribution in aid of construction fees and developer tapping permit fees are on file in the town administrator's office as set from time to time and are applicable in certain areas outside the town where water mains and hydrants are provided by the town under petition or by developers under contractual arrangements. Where applicable, such fees or permits apply for each connection or tap made on such water mains. The applicability and amount of either of these fees can be verified at town hall.

(Code 1991, § 15-87)

Sec. 15-88. Service from an existing connection and meter.

An application for water service at a location currently served by an existing connection and meter must be made to the town hall, on forms provided for that purpose. Notwithstanding the foregoing; where an account can be definitely located, there are no apparent service problems, no outstanding payments due, etc., the customer's application and the town's acceptance thereof may be verbal.

(Code 1991, § 15-88)

Sec. 15-89. Temporary service.

An applicant requiring temporary water service, such as a circus, a fair, a construction site, etc., shall apply at the town hall and shall pay in advance the estimated cost of providing the service. Service may be provided the applicant from either a public fire hydrant, an existing service connection or from a new service connection, as determined most feasible by the town. The service agreement shall provide that upon discontinuance the applicant shall pay, or be refunded, any difference in the estimated and the actual cost of providing the service. Such cost shall include the cost of connecting and removing the service facilities, as determined by the town, in addition to the charges for the water used.

(Code 1991, § 15-89)

Sec. 15-90. Inability to serve applicant.

The receipt of an application for service, regardless of whether or not accompanied by the payment of fees, charges or deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the town's rules, regulations and general practices and policies, the liability of the town shall be limited to the refund of any such payments received.

(Code 1991, § 15-90)

Sec. 15-91. Service termination by customer.

When a customer desires to have his service terminated, he must notify the town administrator, either verbally or in writing. Service will then be terminated as near the requested time as practical, the meter read and a final bill rendered. Any unapplied deposit made on the account for such service will be refunded.

(Code 1991, § 15-91)

Secs. 15-92—15-110. Reserved.

DIVISION 3. DEPOSITS

Sec. 15-111. Applicability.

The town may require from any customer, or prospective customer, a cash deposit or a surety bond to establish, or reestablish, credit for service or as continuing security for the performance of the obligations contracted for by the customer. Failure to make a deposit or satisfactory security upon demand of the town will give the town the right to declare the contract forfeited and to refuse or discontinue service. The deposit rate schedule shall be set from time to time by the council and such schedule is on file in the town clerk's office.

(Code 1991, § 15-111)

Sec. 15-112. Right to discontinue service not waived.

The acceptance of a deposit by the town shall not constitute a waiver of the town's right to discontinue service for collection of a delinquent bill or for any reason provided under division 4 of this article. Where service is discontinued because of nonpayment, the full amount of such deposit shall be reestablished, by payment of the bill and all associated charges, before service will be restored.

(Code 1991, § 15-112)

Sec. 15-113. Amount and duration.

The deposit required for water service shall be set from time to time and a schedule of such deposits is on file in the town clerk's office. The town may require an increase or allow a decrease, in the amount of a deposit if changes occur in the customer's service requirements. Such deposits will draw no interest and may be retained as long as deemed necessary to ensure continued payment of bills for service.

(Code 1991, § 15-113)

Sec. 15-114. Transferability.

No deposit shall be transferable or assignable by the customer without the prior written approval of the town. A customer requesting transfer of service and having a deposit with the town may be required to make a deposit on the new account if the final liability incurred on the previous account has not been settled or determined at the time service is required at the new location.

(Code 1991, § 15-114)

Sec. 15-115. Refund.

The town may refund a deposit at any time. When service is discontinued, the town will endeavor to locate the customer and, after applying the amount of any obligations of the customer to the town, will refund any remaining part of such deposit. After three years, unclaimed deposits may be transferred to the town's general fund.

(Code 1991, § 15-115)

Secs. 15-116—15-130. Reserved.**DIVISION 4. CUSTOMER RELATIONS****Sec. 15-131. Meter reading, billing and collecting.**

(a) *Water bills; interval, when due and payment.* Meters shall be read and statements of charges for water service shall be rendered at regular intervals as determined by the town. Statements of charges for water service for the billing period indicated on the statement shall be due when rendered and payable at the town hall or at such places designated by the town collection agencies.

(b) *Failure to receive bill; no release of payment responsibility.* Statements of charges for water service for the period shown thereon shall be issued and forwarded by mail to the customer's designated mailing address as soon as practical after the meters are read for the service period. Failure to receive a statement will not release the customer from payment obligation nor entitle the customer to any delay in paying the amount due beyond the established grace period for that particular service period.

(c) *Estimated billing.* If a meter fails to register properly, or if a meter cannot be read for good reason, or if water is received other than through a meter, the town shall render an estimated bill based on the history of the account or the best information available.

(d) *Adjustment of bills.* Except for an error in meter reading or billing or for meter inaccuracy as determined by tests, the town shall not be obligated to make adjustments of any bill for water service computed from meter registrations. When excessive meter registration is caused by broken or leaking water service pipes or fixtures on the customer's premises, without the customer's knowledge, the town, at its option, may make an adjustment, after repairs have been made, of such bill upon written application and approval for the billing periods affected. No more than two adjustments will be allowed during a 12-month period. The basis of an adjustment granted shall be an allowance for the portion of the excess over normal usage under similar operating conditions, as determined by the town and more specifically detailed in the town's administrative procedures for water services.

(Code 1991, § 15-131)

Sec. 15-132. Water rates.

(a) *Commodity charge.* A commodity charge for water supplied shall be based on the water used during the service period indicated on the bill as determined by applying to the meter registration the appropriate rate schedule, as set from time to time.

(b) *Minimum charges.* Minimum charges for the billing periods are established on the basis of a reasonable usage allowance for each meter size and are applicable on all active accounts showing for the period either no usage or usage less than the applicable established allowance. A schedule of the currently applicable minimum charges is on file in the office of the town administrator.

(Code 1991, § 15-132)

Sec. 15-133. Seasonal usage or temporary absence; turnoff for accommodation.

Seasonal usage accounts, such as swimming pools will not be closed for periods of less than one year in duration, even though the water service may be turned off for accommodation. In any event, the established minimum charges will apply to all open accounts for each billing period. Where the town agrees to turn off an account for accommodation, such account will be turned off without charge where turnoff can be accomplished at a time convenient to the town; however, the town's established special turn-on charge will apply when service is restored.

(Code 1991, § 15-133)

Sec. 15-134. Water service; turn-on.

(a) *New service installations.* When a new connection is installed to provide water service to any premises, the curbstop or supply valve at the meter is left in the "on" position by the water system, at which time the account is activated. Upon the approval of a builder's request, the curbstop or supply valve for a new service and meter installation may be left in the "off" position, provided the builder:

- (1) Verifies that no water will be needed for construction, testing, plumbing, irrigation, etc.; and
- (2) Agrees to be responsible for the payment for any water usage as registered on the meter in the event the account is in a "who's using" status at the account's meter reading time and the occupant (if any) of the premises does not fully pay for such usage.

If such premises is unoccupied, the water will be turned off and the account closed at the time the "who's using" bill is rendered.

(b) *Existing service.* When service has been turned off for any reason other than a violation of this article or for accommodation, the service will be turned on upon approval of a written application or verbal request received at town hall without charge; provided the turn-on can be accomplished during the town's normal working hours.

(c) *Special turn-on charge.* Whenever a request is made to the town for a service to be turned on after normal working hours, or to restore service previously turned off as an accommodation to customers with seasonal accounts and/or temporary absence, a special turn-on charge will be made as set from time to time.

(d) *Unauthorized turn-on.* It shall be unlawful for any person, except duly authorized town employees, to turn on the water supply to any premises after a turnoff is made at the meter by the town. The water service pipe to any premises, including "tap to curb" installations, turned on by an unauthorized person after being turned off by the water system for cause, shall be turned off and locked or disconnected at the water main as the particular situation demands to stop such violation of the system's rules and regulations. The service pipe will not be turned on, unlocked, or reconnected to the water main until violations of this article have been corrected and all expenses incurred relating to turning on and off, locking and unlocking or disconnecting and reconnecting, as provided in sections 15-136 through 15-143, inclusive, have been paid.

(e) *Turn-on/turnoff; liability disclaimer.* The town shall not be liable for any loss or damages to persons or property that may result from the turn-on or turnoff of the water service or from the service being left on when the premises may be unoccupied.

(Code 1991, § 15-134)

Sec. 15-135. Discontinuance of service or refusal.

The town shall have the right to discontinue service or to refuse to connect service for any of the reasons listed below and service will not be restored or rendered until all violations have been corrected and/or all charges and penalties due are fully paid:

- (1) Failure to comply with this article;
- (2) Violation of, or failure to comply with, the customer's application or contract for service;
- (3) Without further notice, for failure to pay for water service within the established grace period or failure to pay any obligation due the town, including any required deposit. The town may refuse service to any applicant, who at the time of application, is indebted to the town for water service previously furnished such applicant or to any other member of the applicant's household or business;
- (4) Without notice, if a condition is determined by the town to be hazardous;
- (5) Without notice, if a customer's use of equipment is in such a manner as to adversely affect the town's service to others;
- (6) Without notice, in the event of unauthorized use of water;
- (7) For willful waste of water or failure of customer to comply with reasonable restrictions on the use of water imposed by the town after notice has been given to such customer;
- (8) For failure of the customer to permit the town reasonable access to its water usage equipment; and

(9) For tampering with equipment furnished or owned by the town.
(Code 1991, § 15-135)

Sec. 15-136. Discontinuing service to multiservice meters.

The right to discontinue service under this division shall apply to all service received through a single tap or service, even though more than one customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.
(Code 1991, § 15-136)

Sec. 15-137. Customer liable for payment; discontinued service.

Discontinuance of service by the town for any causes stated in this article shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions of the customer's contract, and/or the rules and regulations of the town.
(Code 1991, § 15-137)

Sec. 15-138. Commission liability disclaimer; discontinued service.

In the event bills for water service are not paid within the established grace period or other charges are not paid when due, service may be discontinued without further notice to customer and not again restored until all bills are paid. The town shall not be liable for damages on account of discontinuing service even though payment of such bills is made on the same day or on the day before service is actually discontinued.
(Code 1991, § 15-138)

Sec. 15-139. Delinquent charge.

If any bill for water service shall remain unpaid for as long as 15 days a penalty of ten percent shall be imposed upon the delinquent customer and if such delinquency shall continue for an additional five days, service to such customer shall be discontinued until such customer has paid in full all past due bills and penalties, plus the current reconnection charge.
(Code 1991, § 15-139)

Sec. 15-140. Nonpay service charge.

A nonpay service charge under this division, as set from time to time, is added to a customer's delinquent account, effective at 8:30 a.m. on the date designated on the delinquent notice as the turnoff date, where payment has not been received prior to the established close of business on the work day immediately preceding the designated turnoff date.
(Code 1991, § 15-140)

Sec. 15-141. Lock meter charge.

A lock meter charge under this division, as set from time to time, is added to other applicable charges due on a delinquent account before service is reestablished where the curbstop is locked because, upon inspection following turnoff, water had been used.

(Code 1991, § 15-141)

Sec. 15-142. Meter removal and reset charges.

The customer's meter will be removed where a lock or locking device has been installed by the water system on a delinquent customer's meter curbstop and such locking device is found to be damaged or missing upon subsequent inspection. A meter removal and reset charge as set from time to time, along with the cost of repairing or replacing the damaged or missing equipment, will be added to all other charges due and will be collected before service is restored.

(Code 1991, § 15-142)

Sec. 15-143. Meter jumper charges for disconnecting and reconnecting service.

The customer's service under this division may be disconnected at the water main where the meter has been removed by the town and a meter jumper is found installed upon subsequent inspection. The estimated costs involved in removing the jumper and disconnecting and reconnecting the service, along with the estimated value of the water (never less than quarterly minimum) used through the jumper or other bypassing device, will be added to all other charges due and will be collected before the service is reconnected and service is restored.

(Code 1991, § 15-143)

Sec. 15-144. Returned checks.

A returned check charge under this division, as set from time to time, shall be collected, in addition to all other charges due, from an applicant or customer in the event such applicant or customer submits a check or money order in payment of a bill or the other charges due the town and such check or money order is returned to the town by the bank for reason of insufficient funds, account closed or for any other reason. The bill or charge for which such returned check or money order is received as payment will revert to an unpaid status and, when past due, shall be subject to the provisions of sections 15-136 through 15-143, inclusive. Under extenuating circumstances, this charge may be waived by management for a first offense by an applicant/customer.

(Code 1991, § 15-144)

Secs. 15-145—15-160. Reserved.

DIVISION 5. SERVICE CONNECTIONS AND LINES

Sec. 15-161. Tapping charges.

All water service connections shall be made by the town upon application and payment of tapping charges as established by the town. The current schedule of tapping charges is on file in the town administrator's office as set from time to time. The water system reserves the right to determine the size of all taps and service lines.

(Code 1991, § 15-161)

Sec. 15-162. Installation.

The town shall furnish and install the corporation stop (tap on the water main), a meter setter or yoke with a cutoff valve and a meter box after notification by the plumber that the installation is ready. For meter vault settings, see section 15-183.

(Code 1991, § 15-162)

Sec. 15-163. Maintenance.

After installation, the town will maintain the service line between the water main tap and the outlet coupling of the meter, meter setting or meter yoke. The property owner will be responsible for the maintenance of that portion of the service line extending from the outlet couplet of the meter, meter setter or yoke, including the check valve, to all points of usage on his premises. Leaks in a customer's service lines must be repaired promptly by the property owner or customer and, if not repaired within a reasonable time after notice, the water will be turned off without any liability on the part of the town for damages resulting from such turnoff.

(Code 1991, § 15-163)

Sec. 15-164. Service connections prior to paving (tap to curb).

Developers or property owners may install a service line (with curbstop) from the main to the normal meter location for future water service to a lot or tract to accommodate paving improvements, etc., upon application to, and approval by, the town for a "tap to curb" installation and payment of the applicable tapping fee. The curbstop for such service line shall remain closed until service is turned on by the town as a result of an application for service and the applicable meter installation charge is paid. For unauthorized turn on of such tap to curb installation, all applicable charges and costs will be assessed and collected before a meter will be set and service rendered at such location.

(Code 1991, § 15-164)

Sec. 15-165. Control valve.

A curbstop or meter cutoff valve is located in each meter box or meter vault for the exclusive use of town personnel to control water service to the customer.

(Code 1991, § 15-165)

Sec. 15-166. Killing old service connections.

Where an old service connection (tap) is being permanently discontinued, the water system will kill the old tap at the main, upon application to town hall.

(Code 1991, § 15-166)

Secs. 15-167—15-180. Reserved.**DIVISION 6. METERING REQUIREMENTS****Sec. 15-181. Installation, ownership and maintenance.**

All meters shall be provided, installed, tested, repaired, removed and owned by the town. The town shall provide, install and maintain all meter boxes. Frames and covers may be furnished for the smaller meter vaults.

(Code 1991, § 15-181)

Sec. 15-182. Sizing and location requirements.

The town reserves the right to determine the size and type of all meters installed. Water meters are to be set at a convenient location as designated by the town. They are to be located on, or adjacent to, the public street or road right-of-way contiguous to the lot or tract to be served, be accessible at all reasonable hours of the day and shall not be placed in driveways. In the event the customer desires any change in the location or position of a meter after it has been installed, such change in location, if approved, shall be made by the town at the expense of the customer or property owner.

(Code 1991, § 15-182)

Sec. 15-183. Meter vaults.

Meter vaults for large meter installations shall be constructed by the property owner or contractor and shall conform to the town's specifications. The town may furnish its approved standard pit frame and cover for meter vaults housing 1½-inch through four-inch meter installations. Frames and covers, conforming to town specifications, shall be furnished by the property owner or contractor for vault installations of six-inch, and larger, meters.

(Code 1991, § 15-183)

Sec. 15-184. Protection of meter and town property.

It shall be unlawful for anyone to tamper with or damage a meter, the meter seal, curbstop or valves, meter setter, meter box or meter vault. It shall be unlawful for anyone to interfere with or prevent the proper registration of a meter, remove a meter or meter register or install any pipe or other device which will cause water to be received without being properly registered by the meter. The property owner and/or customer shall exercise proper care to protect the meter, meter box and other town property serving his premises from damage or from any other cause, and in the event of loss or damage thereto arising from neglect or other

cause, shall pay the estimated cost of any water received illegally, the costs involved in making inspections and the costs of repairing or replacing the damaged items before further service will be provided the customer at such location.

(Code 1991, § 15-184)

Sec. 15-185. Metering requirements relating to customer service classification.

(a) *Single point delivery.* Each residence, housing unit or building (commercial, industrial or institutional, etc.), under the same roof, shall have an individual tap and meter. No resale or master-metering of water will be permitted unless expressly authorized by the town. If service is rendered to any customer or premises through more than one delivery point, each delivery point shall be metered and billed as a separate service.

(b) *Mobile homes.* Each mobile home that occupies a single lot or tract not designated as a mobile home court or park must have an individual tap and meter. A lot or tract designated as a mobile home court or park may be served by one meter.

(Code 1991, § 15-185)

Sec. 15-186. Testing meters.

(a) *Routine tests.* Routine tests of meters are made by the town, at its own expense, when such tests are considered desirable by the town.

(b) *Allowable accuracy standards.* In testing meters, the water passing through the meter will be measured at various rates of discharge. To be considered accurate, the registrations of all meters, except compound and fire line meters, shall check with the measured amounts of water within two percent. Compound and fire line meters shall test within three percent.

(c) *Customer's request.* The town will make additional tests or inspections of its meters at the request of customers. Where the test results of such requested meter test indicate the meter to be within the established accuracy limits, stated in subsection (b) of this section, the customer shall pay the established testing charge as set from time to time. If such test shows the meter not to be within the above accuracy limits, the cost of such test shall be borne by the town and the water billing for the affected billing periods, may be adjusted as follows:

- (1) *Fast meters.* When a meter is found to be registering more than the allowable limit, under conditions of normal operation, the customer will be refunded the full amount of the overcharge as calculated for the affected preceding billing periods, not exceeding a period of 12 months' duration.
- (2) *Slow meters.* When a meter is found to be registering less than the allowable limit, the town may bill the customer for the amount of the calculated undercharge for the affected billing periods immediately preceding such test, not exceeding a period of 12 months' duration.

(Code 1991, § 15-186)

Sec. 15-187. Changing size of meter.

(a) *Increasing.* Whenever the owner of any premises desires to increase the size of a meter installation, an application shall be made to the town hall and, upon approval, the exchange will be made at the expense of the owner. The exchange cost will be based on the difference between the current meter installation charges established for the new and existing meter installation and the cost of any required larger service connection fee. Whenever a new service connection (tap) is required to serve the larger meter, the applicant shall locate the new tap as close to the old tap as practical to minimize the cost of killing the old tap. Whenever the consumption (or measured flow rates), exceeds the capacity of an installed meter, the town shall notify the customer (or owner) of this situation and advise the responsible party of the correct size of meter required to give proper service without damage to the meter. The cost of the exchange shall be at the customer's expense, on the same basis as outlined above. If the customer or property owner fails to make the necessary arrangements for the meter exchange within the stipulated time, the town may install the proper sized meter and required appurtenances, charging the total cost to the customer or property owner, and may discontinue service until all costs involved are received by the town.

(b) *Reducing.* Whenever a customer desires to decrease the size of a meter, an application shall be made to town hall and, if approved, the exchange will be made by the town at its expense. Approval shall be based on analysis of the customer's water usage requirements and the meter shall be sized to meet anticipated peak usage rate requirements.

(Code 1991, § 15-187)

Secs. 15-188—15-200. Reserved.**DIVISION 7. PRIVATE FIRE PROTECTION SYSTEMS****Sec. 15-201. Purpose; requirements generally.**

(a) Private fire protection systems provided additional on-site fire protection to larger area buildings, tall structures, basements with limited accessibility and high-risk facilities such as warehouses, hotels, hospitals, etc. Such fire protection facilities may consist of either an automatic sprinkler system, an inhouse hose connection, an on-site fire hydrant, or a combination of either two or all three of these facilities.

(b) Generally, a private fire system is completely independent of the internal domestic water system. A common system may be utilized, providing it is controlled by a fire-line type meter to measure all water used, including water used for testing and firefighting, for billing purposes.

(Code 1991, § 15-201)

Sec. 15-202. Application and contract for service; rates.

An applicant for private fire protection service is required to apply at the town hall and sign a special contract provided for that purpose. In executing the contract, the applicant agrees to abide by all applicable provisions of this article for water service, including the following specific requirements:

- (1) No installation of a private fire protection system, or alterations, additions or connection thereto, shall be made without the prior submission of plans to, and approval by, the town.
- (2) To install and maintain the system in such a manner as to prevent leakage, waste and backflow into the town's water system.
- (3) Where such system is unmetered, no water shall be used from any hydrant or connection thereto except to fight fire or for official fire insurance inspection and testing purposes. Where water is wasted or used for unauthorized purposes, the town reserves the right to install a meter at the customer's (or applicant's) expense and to bill the customer (or applicant) at the established rate for such water usage.
- (4) Violation of any of the requirements of this section or other applicable provisions of this article constitutes grounds for the town to immediately cancel the contract for this service.
- (5) To assume all responsibility for the condition and sufficiency of the applicant's supply main and to indemnify and hold harmless the town from any and all claims for loss or damage caused by fire or any other cause relating to the existence of the fire protection service. A schedule of quarterly rates for private fire protection service is on file in the town administrator's office as set from time to time.

(Code 1991, § 15-202)

Sec. 15-203. Installation requirements and connection charges.

Plans showing the site piping, valving, vault construction and required backflow prevention equipment are required to be submitted to the town hall for approval prior to installation or revision of a private fire protection system. The connection to serve a private fire protection system will not be made by the town until all required plans have been received and approved by its town and the specified vault construction requirements have been met. Schedules of applicable tapping fees are on file in the town administrator's office as set from time to time.
(Code 1991, § 15-203)

Secs. 15-204—15-210. Reserved.

DIVISION 8. CROSS CONNECTION CONTROL**Sec. 15-211. General purpose.**

(a) To protect and maintain the Blacksburg Water Supply System so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of its consumers.

(b) To facilitate the elimination or control of any existing, unprotected cross connections between the potable water supply system and any other water system, sewers or waste lines, or any piping systems or containers containing polluting substances.

(c) To provide for the establishment and maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of the potable water supply system by cross connection.

(Code 1991, § 15-211; Ord. No. 96-03.1, § I, 3-12-1996)

Sec. 15-212. Cross connection control and backflow prevention regulations.

(a) For the protection of the public water supply system against possible contamination arising from problems involving cross connections, the Blacksburg Water Supply System is authorized to adopt regulations establishing and maintaining a cross connection control program. Such program shall include, but not be limited to, the survey, inspection and approval of all existing facilities, requirements for periodic testing of all backflow prevention devices, and the assessment and collection of fees in an amount sufficient to cover the cost of the program.

(b) The cross connection control program shall be in accordance with the regulations promulgated by the South Carolina Department of Health and Environmental Control, which regulations are adopted by reference and made applicable to the Blacksburg Water Supply System and all connections thereto.

(c) The director of the Blacksburg Water Supply System is hereby given the primary responsibility for enforcement of the provisions of this division and for maintaining all records pertaining thereto.

(d) The regulations and provisions of this division apply to the entire water system of the town, to all water customers of the town, whether located inside or outside the city limits.

(Code 1991, § 15-212; Ord. No. 96-03.1, § II, 3-12-1996)

Sec. 15-213. Unlawful acts.

(a) It shall be unlawful for any person to make any connection to the town's water supply system without the approval of the director of the Blacksburg Water Supply System. Each day that such unauthorized connection exists prior to obtaining this approval, shall constitute a separate offense and be punishable by a \$100.00 per day fine and disconnection of service.

(b) Failure to comply with the annual backflow prevention device testing program as is required by the South Carolina Department of Health and Environmental Control's state primary drinking water regulation (section 61-58.8) within a given reasonable time limit will be subject to the penalties set forth in subsection (a) of this section.

(c) Violators of the cross connection control program pursuant to this division shall be served with written notice stating the nature of the violation and shall be given a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time

stated in such notice, permanently cease all violations. Failure to correct the violation within the time limit specified shall constitute an unlawful act subject to the penalties set forth in subsection (a) of this section.

(Code 1991, § 15-213; Ord. No. 96-03.1, § III, 3-12-1996)

Secs. 15-214—15-230. Reserved.

DIVISION 9. DROUGHT MANAGEMENT*

Sec. 15-231. Declaration of purpose and intent.

The Town of Blacksburg's water system understands the fundamental need to make efficient use of the limited and valuable water resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this document is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (S.C. Code 1976, § 49-23-10 et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection and to provide water for other purposes in an equitable manner. Therefore, the Blacksburg water system has adopted this drought management plan and drought response ordinance that provide the policies and the authority to fulfill this obligation. The drought management plan outlines the framework by which the Blacksburg water system will internally prepare for water shortages. The ordinance from which this division is derived provides the regulations by which the Blacksburg water system will manage and control its customer water usage during various levels of a drought.

(Ord. No. 2003-04.01, § I, 5-13-2003)

Sec. 15-232. Definitions.

For the purposes of this division, the following definitions will apply:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial use means water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

Conservation means reduction in water use to prevent depletion or waste of the resource.

Customer means any person, company or organization using finished water owned or supplied by the Blacksburg water system.

Domestic water use means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

*State law reference—Authority for local drought response ordinances, S.C. Code 1976, § 49-23-90.

Drought alert phases means there are four drought alert phases to be determined by the drought response committee for the State of South Carolina. The four phases are:

- (1) Incipient drought.
- (2) Moderate drought.
- (3) Severe drought.
- (4) Extreme drought.

Drought response committee means a committee composed of state and local representatives created for the purpose of coordinating responses to water supply shortages within drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the governor. The committee is composed of state agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and soil and water conservation districts.

Drought response management areas means there are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- (1) West or Savannah.
- (2) Central or Santee.
- (3) Northeast or Pee Dee.
- (4) Southern or Ashepoo, Combahee, and Edisto.

In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Essential water use means water used specifically for firefighting, maintaining instream flow requirements and to satisfy federal, state or local public health and safety requirements.

Finished water means water distributed for use after treatment. The terms "water use," "water user," and "water customer" refer to finished water use unless otherwise defined.

Institutional water use means water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

Irrigation water use means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Nonessential water use means categories of water use other than essential water use. Examples of non-essential water use include landscape irrigation and the washing of buildings, parking lots, automobiles, etc.

Residential Equivalent Unit (REU) means an equivalency unit defined to be equal to one single-family residence. The Blacksburg water system's allocated water capacity equals 250 gallons per day per REU.

S.C. Dept. of Natural Resources means the state agency with primacy to implement the provisions of the Drought Response Act.

Water supply shortage means lack of adequate, available water caused by drought to meet normal demands.

(Ord. No. 2003-04.01, § II, 5-13-2003)

Sec. 15-233. Drought management plan.

(a) *Introduction.* To ensure that the Blacksburg water system adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination and ultimate allocation of water use. Prior planning will compliment the Blacksburg water system's ability to respond to drought conditions and to enforce the related ordinance.

(b) *Designation of water system drought response representative.* Administrating a drought plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's drought response representative. The drought response representative for the Blacksburg water system is:

Trudy U. Martin
Town Administrator
303 West Pine Street
P. O. Box 487
Blacksburg, SC 29702
Phone: 864 839 2332
E-mail: trudy@townofblacksburg.com

(c) *Description of water system layout, water sources, capacities and yields.* The Blacksburg water system is located in the Savannah drought response management area of the state. The system serves 1,255 active customers east of the Broad River in Cherokee County. The distribution systems includes one—250,000 gallon ground storage tank, three—elevated tanks totaling 1,000,000 gallons of water storage. The water supply source for the Blacksburg water system is the board of public works located in Gaffney, SC.

(d) *Identification of water system specific drought or water shortage indicators.* Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. The Blacksburg water system has developed triggers for use during drought or demand water shortages that describe when specific phases of the drought response ordinance are implemented. The system triggers will be in the following categories and in amounts determined by council from time to time as necessary:

(1) *Moderate drought phase.*

- a. Reservoirs _____ full.
- b. Storage falls below _____ percentage of capacity.
- c. Stream-flow less than _____ cubic feet per second.
- d. Aquifer levels less than _____.
- e. _____ number of days of supply remaining.
- f. Average daily use greater than _____ mgd for _____ consecutive days.
- g. Others: Notification from DNR or the board of public works that established and approved triggers defining moderate drought conditions have been verified by the best available information and conditions indicate this situation is expected to persist.

(2) *Severe drought phase.*

- a. Reservoirs _____ full.
- b. Storage falls below _____ percentage of capacity.
- c. Stream-flow less than _____ cubic feet per second.
- d. Aquifer levels less than _____.
- e. _____ number of days of supply remaining
- f. Average daily use greater than _____ mgd for _____ consecutive days.
- g. Others: Notification from DNR or the board of public works that established and approved triggers defining severe drought conditions have been verified by the best available information.

(3) *Extreme drought phase.*

- a. Reservoirs _____ full.
- b. Storage falls below _____ percentage of capacity.
- c. Stream-flow less than _____ cubic feet per second.
- d. Aquifer levels less than _____.
- e. _____ number of days of supply remaining.
- f. Average daily use greater than _____ mgd for _____ consecutive days.

- g. Others: Notification from DNR or the board of public works that established and approved triggers defining extreme drought conditions are verified by the best available information.

(e) *Cooperative agreements and alternative water supply sources.* Successful drought management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. The Blacksburg water system does not have an alternative water source since all surrounding agencies obtain water from the same source. Agreements are being negotiated or considered with Cherokee County to purchase an alternative water source.

(f) *Description of predrought planning efforts.* Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the division, it is important that certain prereshponse measures be taken with the aim of conserving the system's source water, as well as the water distributed to the customer. In regards to the conservation measures listed in section 15-252, the Blacksburg water system has taken the following actions:

- (1) Notify customers of the possibility of drought conditions.
- (2) Provide list of conservation measures that are easily accomplished and essential to relieve the situation.
- (3) Place notification in the local newspapers: The Blacksburg Times, the Cherokee Chronicle and the Gaffney Ledger.
- (4) Vigilant attention to maintaining the lines of the distribution system and repair any breaks or leaks in a timely manner.

(Ord. No. 2003-04.01, § III, 5-13-2003)

Secs. 15-234—15-250. Reserved.

DIVISION 10. DROUGHT RESPONSE ORDINANCE

Sec. 15-251. Declaration of policy and authority.

(a) The objective of this drought response ordinance is to establish authority, policy and procedure by which the Blacksburg water system will take the proper actions to manage water demand during a drought-related shortage. The ordinance satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

(b) This division outlines the actions to be taken for the conservation of water supplied by the Blacksburg water system. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

(c) To satisfy these goals, the Blacksburg water system under the authority of the town council hereby adopts the following regulations and restrictions on the delivery and consumption of water. This division is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the town council.

(d) If it becomes necessary to conserve water in its service area due to drought, the Blacksburg water system is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

(e) Immediately upon issuance of such a proclamation, regulations and restrictions set forth under this division shall become effective and remain in effect until the water supply shortage has ended and the proclamation rescinded.

(f) Water uses that are regulated or prohibited under this division are considered to be nonessential and continuation of such uses during times of water supply shortages is deemed to constitute a waste of water, subjecting the offenders to penalties.

(Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-252. Moderate drought phase.

Upon notification by the drought response committee that a moderate drought condition is present and is expected to persist and/or upon determination by the Blacksburg water system that a moderate water supply shortage exists based on trigger levels, the Blacksburg water system will seek voluntary reductions from its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20 percent in residential water use and 15 percent in other water uses such as commercial, industrial, institutional and irrigation; and a reduction in overall water use of 15 percent. To accomplish this, the Blacksburg water system will take the following actions:

- (1) Issue a proclamation to be released to local media, Blacksburg water system's customers and to the South Carolina Department of Natural Resources Drought Information Center that moderate drought conditions are present.
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:
 - a. Reduce residential water use to 65 gallons per person per day and a maximum of 200 gallons per household per day;
 - b. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - c. Eliminate the washing down of buildings for purposes other than immediate fire protection;

- d. Eliminate the flushing of gutters;
 - e. Eliminate the domestic washing of motorbikes, boats, cars, etc.;
 - f. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - g. Reduce watering of lawns, plants, trees, gardens, shrubbery and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done during off-peak hours;
 - h. Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than firefighting or flushing necessary to maintain water quality; and
 - i. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life; and
 3. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
 - (4) Cease to install new irrigation taps on the water system.
 - (5) Continue to encourage and educate customers to comply with voluntary water conservation.
- (Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-253. Severe drought phase.

Upon notification by the drought response committee that a severe drought condition is present and is expected to persist and/or upon determination by the Blacksburg water system that a severe water supply shortage exists, Blacksburg water system will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on nonessential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25 percent in residential water use, 20 percent in all other water use categories, and a reduction in overall water use of 20 percent. To accomplish these goals, the Blacksburg water system will take the following actions:

- (1) Issue a proclamation to be released to the local media, Blacksburg water system's customers and to the South Carolina Department of Natural Resources Drought Information Center that severe drought conditions are present.
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circula-

tion in the service area of the water system the voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

- a. Voluntary reduction of residential water use by the utility's customers to 55 gallons per person per day and a maximum of 170 gallons per household or REU per day.
 - b. Control landscape irrigation by the utility's customers by staggering watering times.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. Eliminate domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 6. Eliminate filling or maintaining public or private swimming pools;
 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than firefighting or flushing necessary to maintain water quality; and
 - d. Limit use of water by commercial and individual customers including, but not limited to, the following:
 1. Stop serving water in addition to another beverage routinely in restaurants;
 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
 3. Limit irrigating golf courses and any portion of its grounds;
 4. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and
 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.

- (5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
 - (6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.
 - (7) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.
- (Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-254. Extreme drought phase.

Upon notification by the drought response committee that an extreme drought condition is present and is expected to persist and/or upon determination by the Blacksburg water system that an extreme water supply shortage exists based on the trigger levels, the Blacksburg water system's will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 30 percent in residential water use, 25 percent in all other categories of water uses and a reduction in overall water use of 25 percent. To accomplish these goals, the Blacksburg water system will take the following actions:

- (1) Issue a proclamation to be released to the local media, the Blacksburg water system customers and to the South Carolina Department of Natural Resources Drought Information Center that extreme drought conditions are present;
- (2) Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:
 - a. Limiting residential water use to 45 gallons per person per day and a maximum of 150 gallons per household or REU per day.
 - b. Eliminate landscape irrigation by the utility's customers.
 - c. Mandatory restrictions on the use of water supplied by the utility for activities including:
 1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 2. Eliminate the washing down of buildings for purposes other than immediate fire protection;
 3. Eliminate the flushing of gutters;
 4. No domestic washing of motorbikes, boats, cars, etc.;
 5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;

- 6. Eliminate filling or maintaining public or private swimming pools;
- 7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality; and
- d. Limit normal water use by commercial and individual customers including, but not limited to, the following:
 - 1. Stop serving water in addition to another beverage routinely in restaurants;
 - 2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife;
 - 3. Limit irrigating golf courses and any portion of their grounds;
 - 4. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and
 - 5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.
- (3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.
- (4) Continue to cease installation of new irrigation taps on the water system.
- (5) Outline other conservation measures, examples are:
 - a. Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
 - b. Encourage all residential water customers to voluntarily reduce overall monthly water usage to 70 percent of the customer's monthly average. If voluntary reduction of usage is not successful, the Blacksburg water system may, at its option, implement the following excessive use rate schedule for water:

Tier I	0—300 gallons/REU	regular rate
Tier II	301—600 gallons/REU	2 times regular rate
Tier III	Over 601 gallons/REU	3 times regular rate
 - c. Impose a drought surcharge per thousand gallons of water that increases with higher usage. The general principle behind the drought surcharge is that the fee is imposed on water use in excess of 30 percent of normal monthly use. The drought surcharge is a temporary fee imposed during the current water supply shortage and is not a cost-based rate. The drought surcharge is temporary and will be terminated at such time as the Blacksburg water system determines the water supply is above the trigger levels.

- d. If the conservation measures of the ordinance or plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the Blacksburg water system may take additional actions including, but not limited to:
1. Decreasing the gallon/REU limits in the different tiers; and
 2. Reduction of water system pressure as needed.
- (6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.
- (7) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.
- (8) Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.
- (Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-255. Rationing.

If a drought threatens the protection of public health and safety, the Blacksburg water system is hereby authorized to ration water.

(Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-256. Enforcement of restrictions.

(a) If any customer of the Blacksburg water system fails to comply with the mandatory water use restrictions of this division, the customer shall be given a written notice of such failure to comply, which cites the date of said violation, and shall be assessed surcharges in accordance with the following schedule:

- (1) First violation: an additional \$25.00 surcharge shall be added to the customer's water bill;
- (2) Second violation: an additional \$50.00 surcharge shall be added to the customer's water bill;
- (3) Third violation: the customer's water service shall be terminated and restored only after payment of a surcharge of \$100.00 in addition to all previously assessed surcharges.

(b) Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied water by the Blacksburg water system shall diligently enforce the provisions of this division.

(Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-257. Variances.

(a) Customers, who in their belief are unable to comply with the mandatory water use restrictions of this division, may petition for a variance from restrictions by filing a petition with the Blacksburg water system within ten working days after the issuance of the proclamation requiring water use restrictions. All petitions for variance shall contain the following information:

- (1) Name and address of the petitioner;
- (2) Purpose of water usage;
- (3) Special provision from which the petitioner is requesting relief;
- (4) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (5) Description of the relief desired;
- (6) Period of time for which the variance is sought;
- (7) Economic value of the water use;
- (8) Damage or harm to the petitioner or others if petitioner complies with this division;
- (9) Restrictions with which the petitioner is expected to comply and the compliance date;
- (10) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
- (11) Other information as needed.

(b) In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with this division cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interests of the community. The Blacksburg water system is authorized to grant the request for variance.

(c) In addition, the Blacksburg water system is authorized to grant temporary variances for existing water uses otherwise prohibited under this division if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this division occurring prior to the issuance of the variance. Variances granted by the Blacksburg water system shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Ord. No. 2003-04.01, § III, 5-13-2003)

Sec. 15-258. Severability and interpretation.

(a) If any portion of this division is held to be unconstitutional for any reason, the remaining portions of the drought response ordinance shall not be affected.

(b) The provisions of this division shall prevail and control in the event of any inconsistency between this division and other rules and regulations of the Blacksburg water system.

(c) Nothing in this division shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.

(Ord. No. 2003-04.01, § III, 5-13-2003)

Secs. 15-259—15-270. Reserved.

ARTICLE IV. WASTEWATER DISCHARGE AND TREATMENT*

DIVISION 1. GENERALLY

Sec. 15-271. General provisions.

(a) This article sets forth uniform requirements for users of the publicly owned treatment works for the town and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and
- (6) To enable the town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

***Federal law references**—Local delegated pretreatment programs must effectively control and document wastewater discharge from certain industrial users to publicly owned treatment works, 40 CFR 403.8(f)(1)(iii); general pretreatment regulations, 40 CFR 403.1 et seq.; categorical pretreatment regulations, 40 CFR 401.10—471.105.

State law reference—Municipal authority to establish a sewerage system, S.C. Code 1976, § 5-31-810.

(b) This article shall apply to all users of the publicly owned treatment works. The article authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. No. 97-06-1, § 1, 6-10-1997)

Sec. 15-272. Administration.

Except as otherwise provided herein, the control authority shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the control authority may be delegated by the control authority to other control authority personnel.

(Ord. No. 97-06-1, § 1(1.1), 6-10-1997)

Sec. 15-273. Abbreviations.

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

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - Gallons per day
- l - Liter
- mg - Milligrams
- mg/l - Milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O & M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- ppm - Parts per million
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SWDA - Solid Waste Disposal Act, 42 USC 6901 et seq.
- TSS - Total Suspended Solids
- TKN - Total Kjeldahl Nitrogen
- USC - United States Code

(Ord. No. 97-06-1, § 1(1.2), 6-10-1997)

Sec. 15-274. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article shall have the meanings hereinafter designated.

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC § 1251 et seq.

Approval authority means the South Carolina Department of Health and Environmental Control.

Authorized representative of the industrial user:

- (1) If the industrial user is a corporation, authorized representative means:
 - a. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or sole proprietorship, an authorized representative means a general partner or the proprietor, respectively.
- (3) If the industrial user is a federal, state or local government, an authorized representative means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1)—(3) of this definition may designate another 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 the town.

Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of the disposal, also called house connection.

Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility.

Categorical pretreatment standard or *categorical standard* means is any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, parts 405—471.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Commercial means any hotel, motel, lodge, tourist home, efficiency apartment, house or similar building operated primarily as a commercial enterprise for the purpose of rental and lodging on a daily or weekly basis.

Condominium means one or more buildings containing two or more single-family units owned individually and provided with, or adjacent to, public streets or roads and having one water connection for each unit.

Control authority means the Town of Blacksburg acting through its authorized representative, the mayor.

Development means any residential subdivision; real estate development, commercial, industrial or institutional; real estate development, commercial, industrial or institutional complex.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the State of South Carolina.

Domestic wastewater means liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

Easement means an acquired legal right for the specific use of land owned by others.

EPA means the United States Environmental Protection Agency, or where appropriate, the term duly authorized official of said agency.

EPA Pretreatment Regulation means EPA Regulation 40 CFR part 403, titled "*General Pretreatment Regulations for Existing and New Sources of Pollution.*"

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication of the EPA's proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

Federal categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with the Act which applies to a specific category of industrial users, and provides limitations on the introduction of pollutants into the POTW.

Garbage means the solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Grab sample means a sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge or discharge means the discharge or the introduction of pollutants from any nondomestic source into the POTW (including holding tank waste discharged into the system).

Industrial means any building used by the occupant to manufacture, assemble, or process goods classified in the standard industrial classification manual (SIC).

Industrial user means any person that is a source of indirect discharge.

Industrial wastes means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Industrial wastewater means wastewater containing nondomestic pollutants.

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

May is permissive. See *Shall*.

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

Multiple-family dwelling unit means any building, apartment or mobile home park containing two or more single-family dwelling units and having one water connection for all dwelling units.

National Pollution Discharge Elimination System or NPDES permit means a permit issued to a POTW pursuant to section 402 of the Act.

National prohibitive discharge standard or prohibitive discharge standard means any prohibitions applicable to all nondomestic discharges regarding the introduction of pollutants into the POTW developed under the authority of the Act.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

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 categorical 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 on a site at which no other source is located;
 - 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 of 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 above but otherwise alters, replaces, or adds to the existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. 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 are 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 definition.

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

Pass through means a discharge which exits the POTW into the 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 control authority's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state and local government entities.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

POTW director means the Town of Blacksburg control authority.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment program means the program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the control authority in compliance with EPA pretreatment regulation and approved by the approval authority.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or standards means prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in this article.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.

Publicly Owned Treatment Works (POTW) means a treatment works as defined by the Act, which is owned by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of domestic and industrial wastewater. It includes sewers, pipes, and other conveyances only if they convey wastewater to the

POTW treatment plant. The term "POTW" means and also includes any wastewater system that conveys wastewater to the POTW from persons or users of the town's POTW who are located outside the town.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwaters, stormwaters and surface waters that are not emitted intentionally.

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

Septic tank means a private domestic wastewater treatment system consisting of an underground tank, distribution box and drainfield designed and constructed in accordance with any or all existing local and state requirements.

Sewage means the same as wastewater.

Sewer means a pipe or conduit for carrying wastewater.

Shall is mandatory. *See May*.

Significant industrial user means:

- (1) All industrial users of the control authority's wastewater disposal system subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
- (2) A user that:
 - a. Discharges an average 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity on the POTW treatment plant; or
 - c. Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in subsection (2)(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR 403, determine that such user should not be considered a significant industrial user.

Significant noncompliance (SNC) means a violation of discharge limitations that meets one or more of the following criteria or a violation of compliance schedule milestone as follows:

- (1) Chronic violations in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations in which 33 percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRCs. There are two groups of TRCs:
 - a. For conventional pollutants (BOD, TSS, fats, oil and grease): TRC equals 1.4 or 40 percent over the limit.
 - b. For all other pollutants except pH: TRC equals 1.2 or 20 percent over the limit.
- (3) Any other violation of a pretreatment effluent limit (daily maximum or monthly average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the treatment system personnel or the general public);
- (4) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the town's use of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which the town determines will adversely affect the operation or implementation of the local pretreatment program.

Single-family dwelling unit means any building, house, mobile home or apartment unit, occupied for living purposes by a single family and owned, leased or rented by a single family and owned, leased or rented by the occupant on a continuing basis for 30 days or more per year.

Slug load means any discharge to the POTW at a flow rate or concentration which could cause a violation of the prohibited discharge standards of this article.

Standard Industrial Classification (SIC) Code means a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office Of The President, Office of Management and Budget.

Storm sewer or storm drain means a sewer which carries stormwater and surface water and drainage, but excludes domestic or industrial wastewater.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting therefrom.

Subdistrict means any residential subdivision, real estate development, commercial, industrial or institutional complex.

Suspended solids means total suspended matter that either floats on the surface, or is in suspension in, water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Town means the Town of Blacksburg, South Carolina.

Townhouse means one or more buildings containing two or more single-family units owned individually and provided with, or adjacent to, public streets or roads and having one water connection for each unit.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with 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, maintenance, or careless or improper operation.

User means any person who contributes, causes or permits the contribution of wastewater into the town's POTW including persons who contribute such wastes from mobile sources.

Wastewater means the liquid and water-carried industrial or domestic wastewater from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which are contributed or permitted to enter the POTW.

Wastewater contribution permit means a permit issued to significant industrial users specifying term and conditions for discharge of industrial wastewater to the POTW.

Wastewater system means all facilities for collecting, conveying, pumping, treating and disposing of wastewater.

Wastewater treatment plant means any arrangement or devices and structures for treating wastewater.

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Ord. No. 97-06-1, § 1(1.3), 6-10-1997)

Secs. 15-275—15-290. Reserved.

DIVISION 2. SEWER USE REQUIREMENTS

Sec. 15-291. Prohibited uses.

These general prohibitions apply to all users of the POTW whether or not the user is a significant industrial user or subject to any federal, state, or local pretreatment standard or requirement.

- (1) *Interference and pass through.* No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through.
- (2) *Stormwater.*
 - a. No person shall discharge or cause to be discharged into any sanitary sewers any stormwater, surface water, uncontaminated groundwater, roof runoff, or subsurface drainage.
 - b. Stormwater and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the control authority, be discharged to storm sewers or storm drains; in their absence, authority may be granted to discharge into the sanitary sewer system upon written application.
- (3) *Prohibited discharges.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or waste into the POTW.
 - a. Any cloth, rags, textile remnants or wastes, cloth, scraps, etc. which will not pass through a one-fourth-inch mesh screen or its equivalent in screening ability.
 - b. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
 - c. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.
 - d. Any garbage that has not been properly shredded.

- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- f. Any materials which form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
- g. Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps, or sewage treatment works.
- h. Any wastewater having a pH less than 6.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to the POTW or equipment.
- i. Any wastewater containing pollutants, including oxygen demanding pollutants, such as BOD and COD, released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, to cause interference with the POTW.
- j. Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- k. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or sums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act: the Solid Waste Disposal Act, the Clean Water Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- l. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart sufficient color to the treatment plant's effluent to render the waters injurious to public health, secondary recreation, or aquatic life and wildlife; to adversely affect the palatability of fish or aesthetic quality; or to impair the receiving waters for any designated uses.
- m. Any wastewater having a temperature greater than 150 degrees F (55 degrees C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed 104 degrees F (40 degrees C).
- n. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the control authority in compliance with applicable state or federal regulations.

- o. Any trucked or hauled pollutants, except at discharge points designated by the control authority.
 - p. Stormwater, surface water, uncontaminated groundwater, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater unless specifically authorized by the control authority.
 - q. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - r. Fats, oils, greases of animal or vegetable origin, whether emulsified or not, containing substances which may solidify or become viscous, in concentrations greater than 100 mg/l.
 - s. Any sludges, screenings or other residues from the pretreatment of industrial wastes.
 - t. Any medical wastes, except as specifically authorized by the control authority.
 - u. Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
 - v. Any material that would be identified as hazardous waste according to 40 CFR 261, if not disposed of in a sewer except as may be specifically authorized by the control authority.
 - w. Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances or NPDES permit limitations.
 - x. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
 - y. 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.
 - z. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - aa. Recognizable portions of the human or animal anatomy.
 - bb. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.
 - cc. Any solid or viscous pollutants which will cause obstruction to the flow in the treatment facility resulting in interference.
- (4) *Waste storage and floor drains.* Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or material storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

- (5) *Waste of unusual strength.* The control authority, without limitation by other sections of this article, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the town under approved conditions. The control authority may prohibit entry to particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes of the sewage system. Should such be the case, town council will be immediately notified.
- (6) *Federal (national) categorical pretreatment standards.*
 - a. Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR chapter I, subchapter N, parts 405—471.
 - 1. Where a categorical pretreatment standard is expressed in terms of either mass or concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits.
 - 2. When wastewater subject to a categorical pretreatment standard is mixed with a wastewater not regulated by the same standard, the control authority may impose an alternate limit using the combined wastestream formula in the EPA general pretreatment regulations.
 - 3. A user may obtain a variance from categorical pretreatment standards in accordance with the EPA general pretreatment regulations.
 - b. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.
- (7) *Specific pollutant discharge (local limitations).* To implement the general and specific discharge prohibitions provided by this article, the following specific discharge limits shall apply to all POTW users unless otherwise specified by a wastewater contribution permit issued by the control authority.

<i>Pollutant</i>	<i>Daily maximum concentration 24 - hour composite sample</i>
BOD	275 mg/l
COD	750 mg/l
TSS	250 mg/l
TKN	40 mg/l

- (8) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
- (9) *Federal requirements.* Federal requirements and limitations on discharges as contained in the EPA general pretreatment regulations shall apply in any case where they are more stringent than state requirements and limitations, or those in this article.

- (10) *Right of revision.* The town reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives of this article.
 - (11) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment, to achieve compliance with the limitations contained in the federal categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant discharge limitation developed by the town or state.
- (Ord. No. 97-06-1, § 2(2.1), 6-10-1997; Ord. No. 2004.02-1, 3-9-2004; Ord. No. 2004.03-1, 3-30-2004)

Sec. 15-292. Conditional discharges.

(a) The town may, at its discretion, allow industrial waste which exceeds the limitation of section 15-291(7) to be discharged into the sanitary sewerage system, provided that the person discharging such waste shall agree to the payment of a surcharge to offset any cost to treat that BOD or suspended solids in excess of allowable limits. This surcharge shall be imposed in addition to any other charges made for sewer service. The surcharge covering the cost of treatment of said industrial wastes shall be determined in the following manner:

- (1) The control authority shall fix the rate to be charged during the new fiscal year, at the beginning of said fiscal year, for the excess BOD or suspended solids, from actual costs per 1,000 pounds removed from the combined domestic and industrial wastes as experienced at the treatment plant during the preceding fiscal year.
- (2) The rate shall be applied to the amount of excessive BOD and suspended solids as determined by averaging at least three waste discharge samples taken in accordance with provisions of section 15-353.

(b) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this article and which in the judgment of the control authority may have a deleterious effect upon the sewers, sewage treatment plant processes, equipment or receiving waters, or which otherwise may create a hazard to life, limb, property or constitute a public nuisance, the control authority may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewage charges.

(c) If the control authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the control authority, and subject to the requirements of all applicable codes, ordinances and laws. A construction permit shall be obtained from DHEC before installation or modification of any pretreatment facilities begins.

(d) Grease, oil and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, grit or other harmful ingredients; except that no such interceptors shall be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the control authority, and shall be so located as to be readily accessible for cleaning and inspection.

(e) Where preliminary treatment of flow-equalizing facilities is provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(f) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the control authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the control authority.

(g) If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this article, the facility responsible for such discharge shall immediately notify the control authority, so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the control authority detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.

(Ord. No. 97-06-1, § 2(2.2), 6-10-1997)

Sec. 15-293. Compliance with federal and state pretreatment guidelines.

(a) In addition to the prohibited and conditionally prohibited waste discharges in this article, industrial/commercial discharges shall be in compliance with federal and state pretreatment standards, specifically 40 CFR 403 and state regulation R.61-9.403.

(b) The limits for concentrations and/or wastewater characteristics in this article are subject to change depending upon NPDES permit requirements placed upon the receiving waters.

(Ord. No. 97-06-1, § 2(2.3), 6-10-1997)

Sec. 15-294. Mandatory tie-in to public sewer system.

(a) Any property owner whose property line is within 300 feet of a public sewer shall be required to connect to the public sewer system. Where a public sewer system is not available, the building sewer shall be connected to a private sewage disposal system complying with state

health regulations. At such time as a public sewer becomes available to a property served by a private disposal system, a direct connection shall be made to the public sewer system within 90 days of being notified by the town. The property owner being required to provide a connection to the public sewer within a specified time allowance shall be provided proper notice by the control authority.

(b) Abandoned septic tanks will be pumped out and filled with sand.
(Ord. No. 97-06-1, § 2(2.4), 6-10-1997)

Sec. 15-295. Miscellaneous.

(a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, manhole or cover, appurtenance or equipment which is a part of the municipal sewage works.

(b) Privies, cesspools, and septic tanks shall be prohibited in sewer service areas.

(c) Any discharge of septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating waterbearing foundations shall be prohibited.

(d) Any discharge of sanitary wastewater into the storm sewer system shall be prohibited, without exception.

(e) Any service to adjacent unincorporated areas shall be prohibited.
(Ord. No. 97-06-1, § 2(2.5), 6-10-1997)

Sec. 15-296. Permissive use of public sewer.

(a) *Sewer connections permission.* The control authority shall reserve the right to inspect and grant permission for all connections to the sewerage system and require the payment of a tap fee before permission to connect can be granted to any person. The tap fee shall be as specified by the town.

(b) *Wastewater discharge rate.* Whenever the total volume of sewage to be discharged by any person in any one day is such that it proves detrimental to the operation of the sewer system, such person shall be required, at no expense to the town, to construct holding or storage tanks in order to equalize the discharge over a 24-hour period. Such tanks shall be so equipped as to thoroughly mix the sewage so that its quality shall be uniform when discharged to the public sewers. The control of the volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the control authority. Notice shall be given to the control authority when normal operations of the person will be interrupted for 24 hours, or longer, and when and in what quantities wastes will be available for discharge.
(Ord. No. 97-06-1, § 2(2.6), 6-10-1997)

Secs. 15-297—15-310. Reserved.

DIVISION 3. WASTEWATER PRETREATMENT

Sec. 15-311. When required; compliance schedule; approved required.

(a) Whenever the waste characteristics of sewage being discharged, or proposed to be discharged, by any person exceed those requirements of this article or where necessary in the opinion of the control authority, the person shall construct or cause to be constructed at no expense to the town such wastewater pretreatment facilities as may be required to reduce the objectionable characteristics or constituents to come within the maximum limits provided for in this article.

(b) The facilities shall be constructed in accordance with a compliance schedule specified by the town, the state, or EPA, whichever is more stringent.

(c) Plans, specifications, and other pertinent information relating to proposed wastewater pretreatment facilities shall be submitted for the approval of the control authority, and no construction of such facilities shall be commenced until such approval is obtained in writing. The review of such plans shall in no way relieve the user from the responsibility of complying with the provisions of this article and all other local, county, state, and other authorities having jurisdiction. Any changes in pretreatment facilities shall be approved by the control authority prior to initiation of the changes.

(d) Where wastewater pretreatment facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the town.
(Ord. No. 97-06-1, § 3(3.1), 6-10-1997)

Sec. 15-312. Pretreatment program administration charge.

The town may levy a monthly fee to defray the cost of administration of the pretreatment program in accordance with federal and state requirements. The amount of this charge shall be periodically established based upon the following:

- (1) Reimbursement of costs of setting up and operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;
- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (4) Permitting; or
- (5) Other fees as the town may deem necessary to carry out the requirements of the pretreatment program.

(Ord. No. 97-06-1, § 3(3.2), 6-10-1997)

Sec. 15-313. Wastewater contribution permit.

(a) All significant industrial users shall obtain a wastewater contribution permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the control authority to be significant industrial users shall obtain a wastewater contribu-

tion permit within 180 days of receiving notification of the control authority's determination. Industrial users who do not fit the significant industrial user criteria may, at the discretion of the control authority, be required to obtain a wastewater contribution permit.

(b) All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic wastewater shall request from the control authority a significant industrial user determination. If the control authority determines or suspects that the proposed discharge fits the significant industrial user criteria, he will require that a wastewater contribution permit application be filed.

(c) Users required to obtain a wastewater contribution permit shall complete and file with the town, an application in the form prescribed by the control authority. Significant industrial users shall apply for a permit within 90 days after notification of the control authority's determination in subsection (b) of this section.

(d) Upon receipt of a complete permit application including any and all requested supporting documentation and data, the application will be evaluated by the control authority. A determination will be made to issue or deny the permit within 90 days thereafter. The control authority is authorized to:

- (1) Issue a wastewater contribution permit containing such conditions as are necessary to effect the purposes of this article.
- (2) Issue a wastewater contribution permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements.
- (3) Modify any permit upon not less than 60 days notice and pursuant to provisions of this article.
- (4) Revoke or suspend any permit pursuant to provisions of this article.
- (5) Deny a permit application when in the opinion of the control authority such discharge may cause or contribute to pass through or interference of the POTW.

(e) Permit modification.

- (1) Modification of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:
 - a. Changes in the ownership of the discharge when no other change in the permit is indicated.
 - b. A single modification of any compliance schedule not in excess of four months.
 - c. Modification of construction compliance schedule in permits for new sources.
- (2) Within nine months of the promulgation for a federal categorical pretreatment standard, the wastewater contribution permit of users subject to such standard shall be revised to require compliance.

(f) Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(g) Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under EPA pretreatment regulation. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the control authority.

(h) Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, a new user, different premises, or a new or changed operation.

(i) A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this section a minimum of 180 days prior to the expiration of the existing permit.

(j) Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the town. Permits may contain discharge limitations and conditions as deemed appropriate by the town to ensure compliance with this article. Discharge limitations and conditions may be more stringent than federal or state limitations and conditions if determined necessary to ensure compliance with all applicable federal, state, and local regulations.

(Ord. No. 97-06-1, § 3(3.3), 6-10-1997)

Sec. 15-314. Grease, oil and sand separators.

Grease, oil and sand separators or traps shall be provided when in the opinion of the control authority they are necessary for the proper handling and control of liquid wastes containing grease, oil or in excessive amounts. Such separators shall not be required for private living quarters of dwelling units, but may be required for certain industrial or commercial establishments, public eating places, hospitals, hotels, schools, or other institutions. Such separators shall be readily accessible for inspection by the control authority and shall be cleaned and maintained in continuously efficient operation at all times by the person at no expense to the town.

(Ord. No. 97-06-1, § 3(3.4), 6-10-1997)

Sec. 15-315. Control manhole.

Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage or other approved works, or if pretreatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the control authority so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of the waste discharge.

(Ord. No. 97-06-1, § 3(3.5), 6-10-1997)

Sec. 15-316. Hauled wastewater.

Septic tank waste shall not be introduced into the POTW.
(Ord. No. 97-06-1, § 3(3.6), 6-10-1997)

Sec. 15-317. Accidental discharge/slug control plans.

At least once every two years, the control authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The control authority may require any user to develop, submit for approval, and implement such a plan. Alternatively, the control authority may develop such a plan for any user. Any accidental discharge/slug control plan shall address, at a minimum, the following:

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

(Ord. No. 97-06-1, § 3(3.7), 6-10-1997)

Secs. 15-318—15-330. Reserved.**DIVISION 4. INDUSTRIAL DISCHARGE PERMIT REPORTING REQUIREMENTS****Sec. 15-331. Monitoring and reports required.**

(a) *Requirements enumerated.* Monitoring and reporting requirements for industrial dischargers shall be as specified on the industrial discharge permit. Industrial users are subject to the following reporting requirements as required by the EPA general pretreatment regulations, their wastewater contribution permit, and this article:

- (1) *Baseline monitoring reports.* Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination, whichever is later, existing categorical users shall submit to the control authority a baseline monitoring report as required by EPA general pretreatment regulations. At least 90 days prior to commencement of their discharge, new users, and users that become categorical users shall submit to the control authority a baseline monitoring report as required by the EPA general pretreatment regulations.

- (2) *Compliance schedule progress reports.* All users subject to compliance schedules shall submit a progress report to the control authority as specified by the EPA general pretreatment regulations or the compliance order.
- (3) *Report of compliance with categorical standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, users subject to such standards shall submit a report of compliance as required by the EPA general pretreatment regulations.
- (4) *Periodic compliance reports.* All significant industrial users shall be required to submit a report indicating the nature and concentration of pollutants in their discharge. Said reports shall be as specified by the user's wastewater contribution permit.
- (5) *Reports of changed conditions.* All users must notify the control authority of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.
- (6) *Reports of potential problems.* In the case of any discharge that may cause potential problems for the POTW, the user shall immediately notify the control authority. Within five days following such discharge, the user shall submit a written report describing the cause of the discharge and the measures to be taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, 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 article.
- (7) *Notification of discharge of hazardous wastes.* The industrial user shall notify, in writing, the control authority, the state, and EPA of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste in accordance with EPA general pretreatment regulations.

(b) *Noncompliant users notified.* Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause why the proposed action should not be taken.

(Ord. No. 97-06-1, § 4(4.1), 6-10-1997)

Sec. 15-332. Confidential information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(b) When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, nondischarge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.
(Ord. No. 97-06-1, § 4(4.2), 6-10-1997)

Secs. 15-333—15-350. Reserved.

DIVISION 5. OPERATION AND CONTROL

Sec. 15-351. Inspections.

The town will inspect the facilities of any user to ascertain whether requirements of this article are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town, approval authority, and EPA or their representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or observation in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
(Ord. No. 97-06-1, § 5(5.1), 6-10-1997)

Sec. 15-352. Danger to public health and safety.

In the event of imminent danger to the public health and safety, the town and duly authorized representatives, shall be permitted to take such emergency action as may be deemed necessary in the operation of the sewerage system including, but not limited to, the right to close down any sewer or portion of the sewerage system for the purpose of making connections, alterations, or repairs. During such event, the town will make every effort to minimize inconvenience and return the service to full operation as quickly as possible.
(Ord. No. 97-06-1, § 5(5.2), 6-10-1997)

Sec. 15-353. Determination of character and concentration of wastes.

(a) The wastewater of each industrial discharger into the town's sewerage system shall be subject to periodic inspection for a determination of character and concentration not less than semiannual, or more often as may be deemed necessary by the control authority. Such inspection and tests shall be made immediately after any approved process change which might affect the quantity or quality of the waste discharge.

(b) Sewage samples shall be collected in such manner as to be representative of actual volume and quality of waste. The collection of samples shall be at the control manhole provided for as specified in the industry's wastewater contribution permit. Procedures used in all sample collections, measurements, tests and analyses shall be in accordance with 40 CFR 136.

(c) The determination of the flow, character, and concentration of industrial wastes, as provided herein, shall be used as a basis for charges, surcharges, and compliance with this article.

(d) The results of all sampling of industrial wastewater done in accordance with 40 CFR 136 must be reported to the town.

(e) In case of a violation of permit limits, the industry must notify the control authority within 24 hours after becoming aware of the violation, resample, and submit the results of all tests within 30 days.

(Ord. No. 97-06-1, § 5(5.3), 6-10-1997)

Sec. 15-354. Measurement of flow.

(a) The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the town water department or other water authority. In the event that a person discharging wastes into the sanitary sewer system produces evidence satisfactory to the control authority that greater than ten percent of his water used does not reach the town's sanitary sewer, the user may apply to the control authority for a reduced percentage of total water consumption to be used in computing sewer charges.

(b) Where the person discharging wastewater into the sanitary sewers of the town procures any part or all of his water supply from sources other than the one recognized and accepted by the control authority, all or part of which is discharged into the sanitary sewer, the person discharging said waste shall install and maintain at his expense water meters of a type approved by the control authority for the purpose of determining the proper volume of flow to be charged. The control authority has a right to read such private meters.

(Ord. No. 97-06-1, § 5(5.4), 6-10-1997)

Sec. 15-355. Connection to sewer system.

(a) Any person desiring connection to be made with the sewerage system shall make application on the appropriate form to the control authority, stating the name of the owner of the property, the location of the lot, and kind of connection desired. Every such application shall be signed by the person making the application and shall be accompanied by the appropriate connection fee. Fees shall be those as periodically adopted by the town council.

(b) Any sewer taps shall conform to the requirements of the control authority in location, size, type, materials and method used, and shall be accomplished only by a licensed plumber authorized by the control authority. It shall become the responsibility of each person requesting connection to the public sewer to notify the control authority and arrange for final inspection of the connection before placing in use.

(c) It shall be unlawful for any person to make, or undertake to make, or cause to be made, any connection to the sewerage system without first having made application, paid the fee, and received approval.

(Ord. No. 97-06-1, § 5(5.5), 6-10-1997)

Sec. 15-356. System abuse.

Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that person, and shall be held accountable for all expenses incurred by the town or other property owners as a result of the abuse.

(Ord. No. 97-06-1, § 5(5.6), 6-10-1997)

Sec. 15-357. Private wastewater systems.

All sewage disposal within the area of the town shall be regulated by the control authority, and disposal shall be by public sewers.

(Ord. No. 97-06-1, § 5(5.7), 6-10-1997)

Secs. 15-358—15-370. Reserved.

DIVISION 6. ENFORCEMENT

Sec. 15-371. Administrative remedies.

(a) *Notification of violation.* Whenever the control authority finds that any user has violated or is violating this article, wastewater contribution permit, or any prohibition, limitation or requirements contained therein, or any other pretreatment requirement, the control authority may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of a liability for any violations occurring before or after receipt of the "Notice of Violation."

(b) *Consent orders.* The control authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) of this section.

(c) *Show cause hearing*

- (1) The control authority may order any user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater contribution permit, to show cause why a proposed enforcement action should not be taken. In the event the control authority determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The control authority shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.
- (3) A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty, nor is any action or inaction taken by the control authority under this section subject to an administrative appeal.

(d) *Administrative orders.* When the control authority finds that an user has violated, or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement, the control authority may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation; or
- (4) Disconnect.

(e) *Emergency suspensions.*

- (1) The control authority may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW, or causes the POTW to violate any condition of its NPDES or nondischarge permit.
- (2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the "Notice of Suspension" to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to

any individuals. The control authority shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the control authority prior to the date of the above-described hearing.

(f) *Termination of permit.* Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having its wastewater contribution permit terminated:

- (1) Failure to accurately report the wastewater constituents and characteristics of their discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of the conditions of the permit.

(g) *Notification of termination.* Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under subsection (c) of this section why the proposed action should not be taken.
(Ord. No. 97-06-1, § 6(6.1), 6-10-1997)

Sec. 15-372. Civil penalties.

Any user who is found to have failed to comply with any provisions of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to \$2,000.00 per day per violation. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued hereunder.
(Ord. No. 97-06-1, § 6(6.2), 6-10-1997)

Sec. 15-373. Other available remedies.

Remedies, in addition to those previously identified in this division, are available to the control authority who may use any single one or a combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (1) *Criminal violation.* The district attorney for the judicial district may, at the request of the control authority, prosecute noncompliant users who violate the provisions of this article.

- (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the control authority may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
 - (3) *Water supply severance.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
 - (4) *Public nuisance.* Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person creating a public nuisance shall be subject to the provisions of this Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.
- (Ord. No. 97-06-1, § 6(6.3), 6-10-1997)

Sec. 15-374. Reconnection.

It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with the provisions of this article, or any other reason, until specifically approved in writing by the control authority. Said approval shall be contingent upon satisfaction of all the provisions of this article including, but not limited to, payment of all penalties, charges, claims, damages, judgments and costs incident thereto.

(Ord. No. 97-06-1, § 6(6.4), 6-10-1997)

Sec. 15-375. Hearings.

(a) *Initial adjudicatory hearing.* An applicant whose wastewater contribution permit is denied, or is granted subject to conditions the applicant deems unacceptable, a user assessed a civil penalty, or a user issued an administrative order shall have the right to an adjudicatory hearing before a hearing officer designated by the control authority upon making written demand, identifying the specific issues to be contested within 30 days following receipt of the wastewater contribution permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision of the contested action within 60 days of the receipt of the demand for a hearing.

- (1) *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed, and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (2) *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach mutual resolution.

(b) *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (a) of this section may be appealed, to the town council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with this Code. Failure to make written demand within the time specified herein shall bar further appeal. The town council shall make a final decision on the appeal within 90 days of the date the appeal was filed.

(c) *Official record.* When a final decision is issued under subsection (b) of this section, the town council shall prepare an official record of the case that shall include all notices, motions, and other like pleadings; a copy of all documentary evidence introduced; a certified transcript or narrative summary of any testimony taken; and a copy of the final decision of the town council.

(d) *Judicial review.* Any person against who a final order or decision of the town council is entered, pursuant to the hearing conducted under subsection (b) of this section, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice, but not thereafter, with the Superior Court of Cherokee County along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the town council shall transmit to the reviewing court the official record.

(Ord. No. 97-06-1, § 6(6.5), 6-10-1997)

Sec. 15-376. Annual publication of significant noncompliance.

At least annually, the control authority shall publish in a newspaper of general circulation in the town a list of those industrial users which were found to be in significant noncompliance with applicable pretreatment standards and requirements during the previous 12 months.

(Ord. No. 97-06-1, § 6(6.6), 6-10-1997)

Sec. 15-377. Affirmative defenses to discharge violations.

(a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards in accordance with EPA general pretreatment regulations.

(b) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in section 15-421(b) and (c) in accordance with 40 CFR 403.5 of the EPA general pretreatment regulations.

(c) Bypass is prohibited except in accordance with 40 CFR 403.17 of the EPA general pretreatment regulations.

(Ord. No. 97-06-1, § 6(6.7), 6-10-1997)

Secs. 15-378—15-390. Reserved.

DIVISION 7. SEWER EXTENSIONS

Sec. 15-391. Developer to construct sewer extensions.

Construction of sanitary sewer facilities in any new development shall be the responsibility of any person performing such development.

(Ord. No. 97-06-1, § 7(7.1), 6-10-1997)

Sec. 15-392. Plans and specifications.

Any new development proposing to build sanitary sewers or extensions to existing sanitary sewers which will connect directly or indirectly into the town's sanitary sewerage system shall conform its plans and specifications to the requirements of the control authority.

- (1) The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and shall be approved by any and all local, county, and state authorities having jurisdiction.
- (2) All private construction of sewers for subdivisions or private developments shall comply with all applicable sections of "Ten State Standards", latest edition. The plans and specifications must be approved by the SCDHEC and the control authority prior to construction. Construction shall be subject to periodic inspections by the control authority, and completed facilities must be inspected prior to being placed in service.
- (3) All construction projects shall adhere to all current OSHA safety requirements.

(Ord. No. 97-06-1, § 7(7.2), 6-10-1997)

Sec. 15-393. Approval procedures.

Approval of systems shall be accomplished in accordance with the following procedures:

- (1) Submit preliminary construction plans to the town in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the town's system or other disposal system.
- (2) Receive preliminary approval from the town and other jurisdictional agencies.
- (3) Prepare construction drawings and documents to the town's approval.
- (4) Secure all other agency approvals of construction drawings and contract documents.
- (5) Upon receipt of all approvals, proceed with construction, notifying the town of construction schedules.
- (6) Provide the town and its authorized representatives with permission for on-site inspection during construction.

(Ord. No. 97-06-1, § 7(7.3), 6-10-1997)

Sec. 15-394. Construction contractor.

Construction of the proposed sewer facilities shall be accomplished by a contractor licensed under the laws of the state.

(Ord. No. 97-06-1, § 7(7.4), 6-10-1997)

Sec. 15-395. Engineer certification.

Upon completion of construction, the engineer employed by the person shall inspect and furnish to the town at no cost to the town, a certificate of completion indicating that the subject sewer facilities have been constructed in accordance with the approved plans and specifications, and all permits issued by any and all local, county, and state authorities having jurisdiction. The engineer shall also provide one copy of reproducible "Record Drawings."

(Ord. No. 97-06-1, § 7(7.5), 6-10-1997)

Sec. 15-396. Project warranty.

The owner or his authorized agent shall submit a warranty which is a legal instrument in which the owner warrants the materials, equipment and construction of the system for 12 months. The owner shall further warrant to the town that all fees have been paid by him such that there is no outstanding indebtedness remaining and holding the town harmless in each instance.

(Ord. No. 97-06-1, § 7(7.6), 6-10-1997)

Sec. 15-397. System conveyance to town.

(a) Sanitary sewer facilities constructed within new developments may be conveyed to the town when all other requirements of this article have been met and approved, and provided all such sewers are located within public right-of-way or easements of adequate widths to provide maintenance vehicle access.

(b) Sewer systems to be conveyed to the town will be done by the owner preparing and submitting to the town an instrument of conveyance, conveying the constructed system to the town at no cost to the town and the system shall thereafter be owned, operated and maintained by the town as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

(Ord. No. 97-06-1, § 7(7.7), 6-10-1997)

Sec. 15-398. Sewer tap location.

All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the "Record Drawings."

(Ord. No. 97-06-1, § 7(7.8), 6-10-1997)

Sec. 15-399. Compatibility with future plans.

All sewer system extensions must be compatible with present and future plans and needs of the town.

(Ord. No. 97-06-1, § 7(7.9), 6-10-1997)

Sec. 15-400. Sewer connections.

(a) Old building sewers may not be used in connection with service to new buildings, unless it can be proven to the town that the old building sewer meets the requirements for an acceptable installation.

(b) All buildings shall have separate services in the connection to the main sewer collector line unless a special permit is issued for unusual cases.

(c) Sewer service connections shall be constructed using material, methods, and minimum grade as required by the latest edition of the Southern Plumbing Code.

(Ord. No. 97-06-1, § 7(7.10), 6-10-1997)

Secs. 15-401—15-420. Reserved.**DIVISION 8. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS****Sec. 15-421. Bypass.**

(a) 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.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.

(c) Notification required.

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact

dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Prohibited bypass exceptional.

- (1) Bypass is prohibited, and the control authority may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under subsection (c) of this section.
- (2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in subsection (d)(1) of this section.

(Ord. No. 97-06-1, § 8(8.1), 6-10-1997)