

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
Wednesday, September 18, 2019
5:00 p.m. – Cayce City Hall – 1800 12th Street
caycesc.gov**

I. Call to Order

- A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

III. Presentations

- A. Presentation by Mr. Robert Evans re the City's Waterline Replacement Project

IV. Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2019-13 Amending Zoning Ordinance Section 6.2 ("Purpose of Districts") and Section 6.10 ("Design Overlay District") to Provide for a New Arts Design Overlay District – Second Reading
- B. Discussion and Approval of Ordinance 2019-14 Amending Zoning Map and Rezoning Property to Create a New Arts Design Overlay District – Second Reading
- C. Discussion and Approval of Ordinance 2019-15 Amending Zoning Ordinance Section 7.5 Temporary Uses to Add Language Concerning Halloween-related Events – Second Reading
- D. Discussion and Approval of Ordinance 2019-16 Amending the Sewer Use Ordinance – First Reading
- E. Discussion and Approval of Ordinance 2019-17 Amending City Code Section 40-92 ("Prohibited Discharges") of Article III ("Sewer System") of Chapter 40 ("Utilities") – First Reading
- F. Consideration and Approval of Resolution Supporting a Grant Application from the City of Cayce to the Municipal Association of South Carolina

V. City Manager's Report

VI. Council Comments

VII. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of possible contract negotiations for economic development concerning the City of Cayce

VIII. Reconvene

IX. Possible Actions by Council in follow up to Executive Session

X. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Carroll Williamson, Planning and Development Director

Date: September 13, 2019

Subject: Second Reading of an Ordinance Amending Zoning Ordinance Section 6.2 (“Purpose of Districts”) and Section 6.10 (“Design Overlay District”) to Provide for a New Arts Design Overlay District

Issue

Council approval is requested for the Second Reading of an Ordinance to amend the Zoning Ordinance to create the Arts Design Overlay District in order to permit additional uses and apply design standards that are favorable to artists and others who would like to live and work in the same location. The development standards are meant to further enhance a pedestrian-friendly downtown community.

Discussion

Staff is proposing a change to the Zoning Ordinance to create a design overlay for the area on State Street from Poplar Street south to Frink Street and Frink Street from State Street west to Foreman Street, including those properties on the western side of the intersection of Foreman Street and Frink Street. The overlay district extends to the rear property line of all properties contiguous to the right-of-way of Frink Street and State Street within these boundaries.

The purpose of the Arts Design Overlay District is to permit additional uses that would allow artists and business owners the flexibility to live and work in the same building. The overlay district also applies development standards that are conducive to a pedestrian-friendly downtown community. Additional highlights include:

1. Permits more uses than are currently allowed, the biggest one being it allows residential uses in commercially zoned districts. The intent is to encourage artists to live and work in the same area so that a true artist community can evolve in this section of the City;
2. Relaxes some of the sign requirements for commercial buildings, particularly wall signs mounted or painted on the building. The overlay district will put no restriction on the size of these signs, with the intent being that artists are freer to have creative signage on their building without a size limitation;
3. For **new construction**, the overlay district will 1) permit buildings to be built closer to the road right-of-way, 2) have no minimum parking requirement, and, 3) require all new parking be located to the rear or side of the building; and
4. All existing businesses will be allowed to continue to operate.

The Planning Commission considered the zoning request for creation of this Design Overlay District at their meeting on August 19, 2019. The zoning request was opened to the public. Approximately 30 people were in attendance with several members of the public speaking both for and against. The largest concern was the parking location requirement. The Planning Commission recommended and staff agreed to modify the language to only require parking on the side or rear yard when new structures are added to the property. Additionally, based on public comment, the Planning Commission recommended and staff agreed to modify the boundaries of the Overlay District to include the entirety of each contiguous lot, rather than a maximum number of feet from the right-of-way, as was originally proposed. One member of the public spoke against the no minimum parking requirement because of the concern over parking spillover onto his property from an adjacent property.

The Planning Commission voted on the zoning request to create the Arts Design Overlay District at the Planning Commission meeting on August 19, 2019.

Recommendation

The Planning Commission recommends Council approve Second Reading of an Ordinance to create the Arts Design Overlay District.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE 2019-13
Amending the Zoning Ordinance
Section 6.2 (“Purpose of Districts”)
and Section 6.10 (“Design Overlay
District”) to Add Language
Concerning a New Arts Design
Overlay District.

WHEREAS, Council has determined that it is in the best interest of the public to amend Section 6.2 Purpose of Districts and Section 6.10 Design Overlay District to add language concerning a New Arts Design Overlay District; and

WHEREAS, the Planning Commission held a regularly scheduled public hearing on this request to receive comments from the public; and

WHEREAS, the Planning Commission met on August 19, 2019, to review public comments and vote on recommending the amended Section 6.2 Purpose of the Districts and Section 6.10 Design Overlay District of the Cayce Zoning Ordinance and decided that they do recommend this amendment as shown on the attached document,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 6.2 Purpose of Districts and Section 6.10 Design Overlay District is hereby amended as shown on the attached document.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2019.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Section 6.2 Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in Article 1. Individually, each district is designed and intended to accomplish the following more specific objectives.

Residential Districts

RS-1, RS-2, RS-3 and RS-4 Single-Family Residential Districts: These districts are intended to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses. Densities are designed to vary from district to district.

RG-1 General Residential District: This district is intended to promote and accommodate residential development consisting of a variety of housing styles, types and densities (i.e. single family, manufactured, multi family, townhouses, etc.) consistent with the Comprehensive Plan and appropriate standards of public health, safety and welfare, and aesthetics. This District is further intended to provide land to accommodate housing units which meet the diverse economic and social needs of the resident population, while retaining the scale and character of existing neighborhoods.

RG-2 General Residential District, High Rise: This district is intended to accommodate high rise residential development in the form of air-space condominiums or rented apartments, and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses, employment opportunities and community facilities. It is further intended to permit development flexibility in meeting the demands and preferences of a changing housing market, and doing so in an orderly, compatible manner.

Commercial Districts

C-1 Office and Institutional Commercial District: This district is intended to accommodate office, institutional, and residential uses in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for use along major streets dominated by older houses in transition.

C-2 Neighborhood Commercial District: The intent of this district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the “convenience variety.” The size of this district should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas.

C-3 Central Commercial District: The intent of this district is to promote the concentration and vitality of commercial and business uses in the traditionally central

business areas of Knox Abbott Drive and State Street. This district encourages wall-to-wall or lot line to lot line development, sidewalks, and a pedestrian friendly environment, including direct access from sidewalks to store fronts.

C-4 Highway Commercial District: The intent of this district is to accommodate commercial development catering to the needs of the traveling public, and highway dependent commercial and business uses.

Industrial Districts

M-1 light Industrial District: The intent of this district is to accommodate wholesaling, distribution, warehousing, processing, light manufacturing, office and related business uses on individual lots and in business park settings.

M-2 Heavy Industrial District: The intent of this district is to accommodate certain industrial uses which, based on their operational characteristics, are potentially incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs

Special Purpose Districts

PDD Planned Development District: The intent of the Planned Development District (PDD) is to allow flexibility in development and encourage the use of innovative site planning techniques resulting in developments with improved design, character, and quality of new mixed use developments which preserve natural and scenic features of open spaces. A PDD is characterized by a plan that may incorporate housing of different types and densities and compatible commercial, institutional, and industrial developments. A PDD allows for the establishment of dimensional and use requirements unique to the property to accommodate flexibility in the arrangement of uses within the project for the general purpose of promoting and protecting the public health, safety, and general welfare.

In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

FH Flood Hazard District: It is the intent of this district to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to

floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Additionally, this district is intended to help maintain a stable tax base by providing for the sound use and development of flood-prone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the flood plain, and prolonged business interruptions; and to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

D-1 Development District: This is an agricultural holding zone. Land currently included in this zone is found generally on the fringe of the community where development has yet to intensify. Future development of this zone will necessitate rezoning in accord with the goals and objectives of the Comprehensive Plan.

DO-1 Design Overlay District: The purpose of the design overlay district(s) is to create and present an aesthetically pleasing physical environment with appropriate uses along the City's principal gateway routes, to include Knox Abbott Drive, 12th Street Extension, State Street, Frink Street, Charleston Highway and Airport Boulevard.

Section 6.10 Design Overlay District

Section 6.10-1 Creation; definition

There are hereby created ~~three~~four design overlay districts:

- (1) Knox Abbott Drive Design Overlay District, which shall parallel Knox Abbott Drive and shall extend from the street right-of-way the depth of each contiguous lot or 200', whichever is less.
- (2) 12th Street Extension Design Overlay District, which shall parallel 12th Street Extension from Poplar Street south to Taylor Road/Old Taylor Road, and shall extend from the street right-of-way the depth of each contiguous lot or parcel or 500', whichever is less.
- (3) I-77 Gateway Design Overlay District, which includes all properties between the CSX railroad right-of-way to the west, Congaree River to the East, Taylor Road/Old Taylor Road to the north, and City of Cayce city limits south of Interstate 77. See Exhibit A for the specific area.

- b. Prohibited Uses
 - i. Truck (stops) and freight terminals
 - ii. Billboards
 - iii. Outdoor sales and storage lots, including, but not limited to, vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal and salvage operations
 - iv. Sexually oriented businesses, night clubs and drinking places (bars and lounges)
 - v. Communication towers and antennas, with the exception of small wireless facilities as defined in Article 12
 - vi. Pawn shops, consumer cash lending secured by personal property
 - vii. Kennels
 - viii. Check cashing services

2) I-77 Gateway Design Overlay District

- a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.2.b, the uses permitted within the underlying zoning district shall apply, in addition to the following:
 - i. Residential- single-family and multi-family
 - ii. Light Industrial, commercial, office and institutional, public administration, and rural
- b. Prohibited Uses
 - i. Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building or structure
 - ii. Any operation primarily used as a distilling, refining, smelting, or mining operation
 - iii. Any trailer court, labor camp, junkyard or stockyard provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction, or maintenance or the use of office and administrative trailers in connection with the marketing of lots or condominium units for sale
 - iv. Any dumping, disposing, incineration, or reduction of garbage; provided however, this prohibition shall not be applicable to garbage compactors located near the rear of any building or any other approved location
 - v. Any use involving selling or exhibiting pornographic materials or illicit drug-related paraphernalia
 - vi. Any use involving selling the exhibition, either live or by other means to any degree, of nude or partially nude dancers or wait staff
 - vii. Any massage parlors or similar establishments
 - viii. Billboards
 - ix. Pawn shops, consumer cash lending secured by personal property
 - x. Check cashing services
 - xi. Kennels

- xii. Outdoor sales and storage lots, including but not limited to vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal, and salvage operations
- xiii. Mobile homes and mobile home parks
- c. Conditional Uses
 - i. Communication Towers and Antennas are permitted as a conditional use in accordance with Article 7, Section 7.8.

3) Arts Design Overlay District

a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.3.b, the uses permitted within the underlying zoning district shall apply, in addition to the following:

- i. Single-family detached residences
- ii. Accessory apartments permitted as part of a single family detached residence or as an accessory to a business permitted in the overlay district.
- iii. Duplexes.
- iv. Artisan-level production. The shared or individual use of hand-tools, mechanical tools, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Uses include: electronic goods, woodworks, food and bakery products, beverages, printmaking, leather products, jewelry and clothing/apparel, metal work, furniture, glass or ceramic production, and paper manufacturing.
- v. Neighborhood commercial (C-2) uses.
- vi. The following Accessory uses to primary single-family residential uses are exempt from the home occupation requirements of Sec. 7.7:
 - a) Real estate
 - b) Financial consulting
 - c) Art studios
 - d) Schools/classes less than 5 students per class
 - e) Home health care services
 - f) Personal care services.
- vii. Specialty and/or boutique furniture and home furnishing stores including bath, kitchenware, chinaware, linen, electric lamp/lighting, glassware and housewares.
- viii. “Brewpub” primarily being an eating and drinking establishment with a small brewery on the premises which produces beer, ale, or other malt beverage and where the majority of the beer produced is consumed on the premises, but also allows “brewpub” to sell its products at retail for off-site consumption.
- ix. Specialty and/or boutique wine and craft beer shops that allow for on-site and off-site consumption.

b. Prohibited Uses

- i. Pawn shops

- ii. Sexually-oriented businesses
- iii. Communication towers
- iv. Billboards
- v. Kennels
- ~~i. Check cashing services~~

Section 6.10-4 Development Standards

- 1) Knox Abbott Drive Design Overlay District
 - a. Signage shall be in accord with the requirements for signage in the C-3 District.
 - b. No portion of a building constructed of unadorned masonry or metal siding shall front on or face Knox Abbott Drive
 - c. Colors shall be consistent with the character of development
 - d. All service utility lines shall be placed underground
 - e. Walkways shall be provided between the building entrance and the sidewalk.
- 2) 12th Street Extension Design Overlay District
 - a. Signage shall be in accord with the requirements for signage in the C-3 District.
 - b. No portion of a building constructed of unadorned masonry or metal siding shall front on or face 12th Street Extension
 - c. Colors shall be consistent with the character of development
 - d. All service utility lines shall be placed underground
 - e. No strip shopping malls shall be allowed
 - f. Where possible, curb cuts and driveways shall be combined
 - g. All buildings shall observe a fifty (50) foot setback from 12th Street Extension. Except for walks, driveways and permitted signs, the required setback area (yard) shall be completely landscaped, in accord with guidelines contained in Article 10. No off-street parking shall be permitted in the required setback area
- 3) I-77 Gateway Design Overlay District
 - a. Setbacks and Buffers
 - i. 12th Street Extension
 - a) All buildings shall observe a 50' setback from 12th Street Extension right-of-way.
 - b) Except for walks, driveways and permitted signs, the required setback area (yard) shall be completely landscaped, in accordance with Article 10 of the Zoning Ordinance.
 - c) No off-street parking shall be permitted in the required setback area.
 - ii. Interior street right-of-way
 - a) No setbacks required off of interior rights-of-way.

- iii. All buildings on parcels with industrial uses shall observe a 50' setback from adjacent parcels with commercial or residential uses. This setback shall be completely landscaped in accordance with the *Landscaping* section of this Overlay District and Article 10 of the Zoning Ordinance.

b. Parking, Sidewalks, and Circulation

i. Parking Requirements

- a) Parking counts shall not exceed requirements outlined in Article 9 Supplemental Off-Street Parking and Loading Regulations.
- b) All parking shall be paved unless otherwise approved by the Planning Director.
- c) No parking is allowed within the 50' setback from 12th Street Extension
- d) The Planning Director may reduce parking counts by as much as 50% if the parking is being shared by different uses and if it meets regulatory requirements. Shared parking must comply with the following requirements:
 - (1) Parking shall be located within 500 linear feet from the primary entrance of all the lots or uses sharing the parking.
 - (2) Shared parking agreements must be documented through a written agreement of all lot owners of record.
- e) Parking structures are permitted but must meet this Overlay's *Building Design* requirements for parking structures.
- f) An effort should be made to locate parking to the side and/or rear of the building it serves. Parking lots shall not be closer than ten (10) feet of an inhabited structure to allow for sidewalks and landscaping. On-street parking shall not be closer than ten (10) feet of a building or structure.

ii. Sidewalks and Interior Streets

- a) All interior streets shall have sidewalks. Parallel or diagonal parking on the street is also encouraged and medians are allowed. Safety, sidewalk connectivity, street trees and on street parking are the components which are encouraged.
- b) All sidewalks shall have a minimum width of 5 feet. Sidewalks creating an urban condition abutting a building shall have a minimum width of 8 feet and a minimum width of 10 feet if street trees are located within the sidewalk
- c) Pedestrian access shall be provided from the street sidewalk to the building.

iii. Circulation

- a) Shared Drives and Access When applicable, driveways shall be shared throughout this Overlay District.

b) Drive-thru Facilities that require drive-thru access will be permitted as a special exception, following Article 7, Section 7.16 Special Exception General Criteria.

c. Building Design

- i. The maximum height of any structure other than hotels shall be fifty feet (50') and/or three floors. The maximum height of a hotel shall be five (5) floors or 50 feet, whichever is less. Height exceptions listed in Article 5, Section 5.2(4) shall apply.
- ii. A variety of facades and roofing is required along street frontage, to avoid large, uninterrupted planes.
- iii. To create variety and diversity, it is desirable to vary the masses within each building or structure so that uniformity of line and mass is avoided. In addition, building projections should provide interest and variety through the use of windows, doors, eaves and parapets. Building components should have proportions relative to the size and style of the building and interesting relationships to help avoid monotonous building elevations.
- iv. Material Selection Use of the following materials is required:
 - a) Natural Stone
 - b) Brick
 - c) Architectural precast concrete
 - d) Cast-in-place concrete with texture
 - e) New building materials, as they are developed or become available, will be given special consideration by the Planning Director provided their use is in harmony with the community appearance. Metal siding shall not be permitted unless specifically approved in writing by the Planning Director.
- v. Colors Natural, Earth tone colors, such as beiges and grays are required. Natural brick is allowed. Non-reflective finishes shall be used on exterior surfaces.
- vi. Other Structures and Items
 - a) Electro-Mechanical System Electro-mechanical systems that utilize state-of-the-art technology relative to control and passive solar heating and cooling are encouraged. Roof mounted equipment shall be enclosed or screened. On-grade equipment shall be screened by approved fencing and landscaping to required minimum heights. Exposed exterior mechanical, electrical and plumbing elements shall be screened. These elements shall be designed as part of the building architecture rather than as add-ons or appendages.
 - b) Refuse Containers Storage of all containers shall be screened from all views by an appropriately designed fence and/or landscaping.
 - c) Miscellaneous Exterior Structures No artificial vegetation, exterior sculptures, fountains or similar items shall be

constructed, placed or maintained on any Lot without the prior written approval of the Planning Director.

d) Solar Panels Solar panels shall be designed as an integral part of the structure and concealed from street view.

d. Landscaping

i. The purpose of the landscaping is to

a) Promote a compatible and unified landscape treatment.

b) Provide a pleasant and well maintained appearance.

c) Enhance the visual and environmental characteristics from the public rights-of-way around and within this Overlay District, particularly the access points into lots, Overlay entrance areas, and areas requiring screening or buffering and streetscapes.

d) Safeguard and enhance property values.

ii. Landscape Plan Requirements

a) Plant schedule listing all proposed plant materials, their quantities, botanical name and common name of plant materials, height and spread of plant materials at installation, spacing for plant materials, and any special notes regarding plant material specification.

b) Street, walkway, and parking area lighting locations.

c) Irrigation plans.

d) All plants shown on the submitted landscape plans shall be installed during the initial planting of the lot.

iii. Landscape Planting Standards

a) All plant material shall meet the current American Standard for Nursery Stock.

(1) Shade Trees-minimum of (3)-inch caliper at the time of installation. Must be large-maturing tree species.

(2) Street Trees-minimum of four (4)-inch caliper at the time of installation. Must be large-maturing tree species

(3) Accent Trees-minimum of three (3)-inch caliper or ten (10) feet in height for multi stem trees at the time of installation

(4) Evergreen Trees-minimum eight (8) feet height at the time of installation

(5) Evergreen Shrubs-minimum 18-inch height or five (5) gallon shrubs

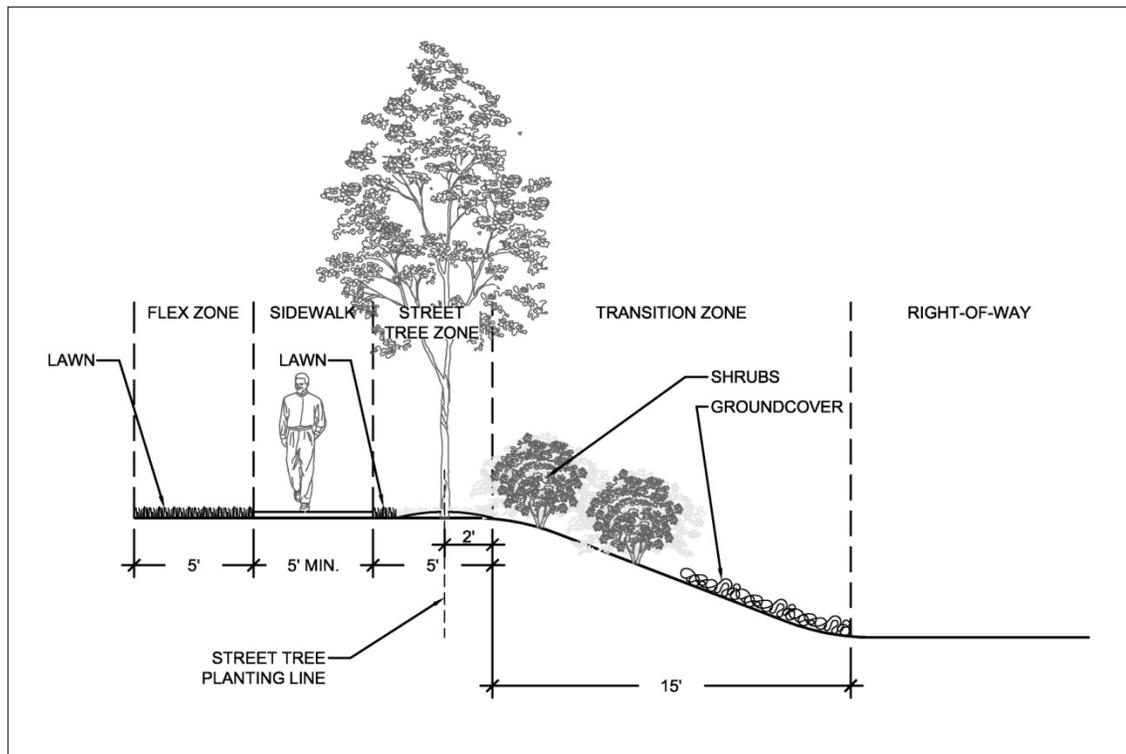
(6) Deciduous Shrubs-minimum 24-inch height or five (5) gallon shrubs

(7) Seasonal Interest Areas-planted to create full coverage of the bed at mid-season

(8) Sod-Bermuda is recommended

Caliper shall be measured with a diameter tape at 12 inches above ground. Height shall be measured from the soil line.

- iv. Minimum Landscape Requirements The following minimum landscape requirements have been developed to provide a consistent, high quality aesthetic to all areas of this Overlay District. These requirements have been separated into the following landscape areas
- a) Entrances Each entrance will be planted with a consistent landscape design that includes a variety of plant types that provide year-round seasonal interest.
 - b) Street Trees Species The primary street trees recommended to be planted are Lacebark Elm and Live Oaks, or other species as approved by the Planning Director, planted 40-foot on center.
 - (1) All street trees shall be limbed up to a minimum 8 feet height where applicable for visibility.
 - (2) All street trees not in tree grates shall be mulched with double hammered mulch.
- v. Perimeter Landscape Buffers Perimeter landscape buffers are important to provide a consistent, high quality view from adjacent streets. The transition zone indicated in the graphic below, refers to the grade change required to raise the building elevation out of the flood plain.



- a) Street Trees Street trees shall be planted in the street tree

zone along the street tree planting line, as shown in the graphic above. The street trees in the perimeter buffer will create a consistent planting edge and visually unify this Overlay District.

(1) Street trees shall be planted at 40 feet on center in perimeter landscape buffers. All street trees shall be limbed up to a minimum 8 feet height where applicable for visibility. A minimum area of 50 square feet shall be mulched uniformly at the base of each street tree.

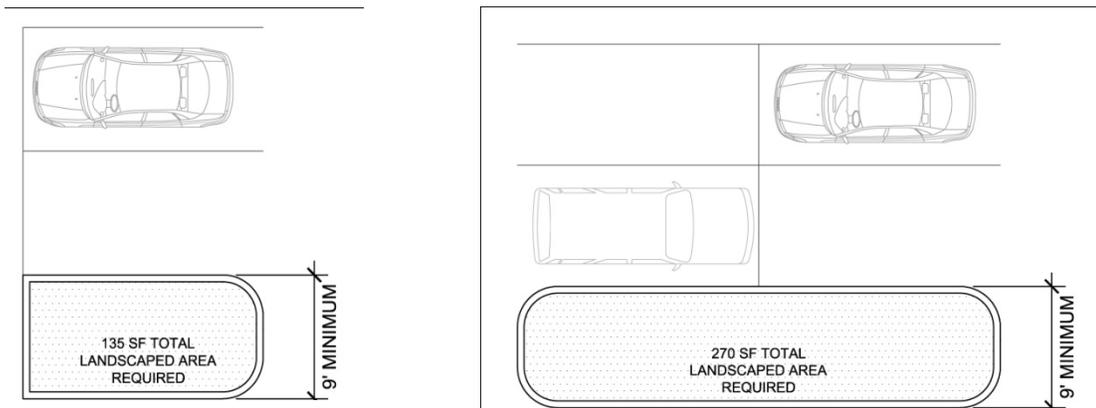
b) Shrubs Shrubbery shall be planted in the transition zone within perimeter planting buffers. A minimum of 50 shrubs shall be planted for every 100 feet of perimeter landscape buffer. A maximum of three types of shrubs shall be planted for every 100 feet of perimeter landscape buffer. All shrub planting beds shall be mulched.

c) Ground Covers/Perennials Ground cover/perennial landscape improvements shall be planted in the transition zone within the perimeter planting buffers. A minimum of 300 square feet of ground cover/perennial landscape improvements shall be planted for every 100 feet of perimeter landscape buffer. Ground cover/perennial landscape improvement areas shall be grouped in masses a minimum of 100 square feet in size. All ground cover/perennial landscape improvements areas shall be mulched.

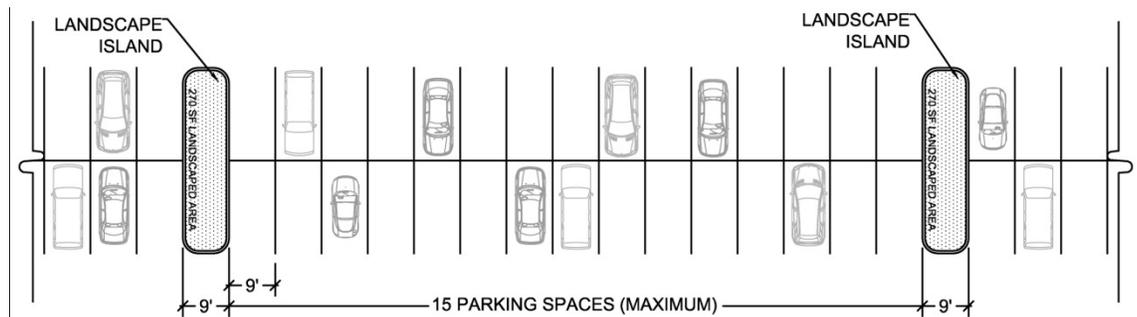
d) Lawn Lawn areas can be located within the flex zone, street tree zone, and the transition zone.

e) Buffering between different land uses in accordance with Article 10 of the Zoning Ordinance may be required.

vi. Parking Area Landscape All parking areas shall provide and maintain both interior and perimeter landscape improvements. These guidelines shall not apply to parking structures or on-street parking spaces within this Overlay District. Landscape islands located at the ends of parking bays or within parking bays shall be a minimum of 135 square feet for single bay parking areas and 270 square feet for double bay parking areas. The minimum width of landscape islands shall be 9 feet. See graphic below.

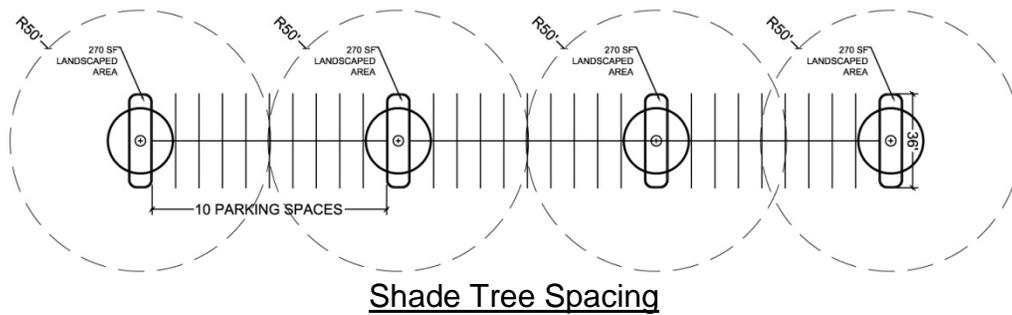


a) A maximum of 15 parking spaces are allowed in a continuous row without a required landscape island. See graphic below.



a) Parking islands All landscape improvement areas shall be protected from damage caused by vehicles using some method of vertical structure, i.e. curbs, wheel stops, or other similar structures. Parking islands used for stormwater management are permitted, as approved by the Planning Director.

b) Shade Trees One shade tree shall be required for every 2000 square feet of total parking area. Accent trees may be used in areas directly under or within close proximity of overhead power lines. Each parking space shall be within 50 feet of the trunk of at least one shade tree. Required shade trees for parking areas shall be located around the perimeter or in landscape islands within the parking area.



(1) All shade trees shall be limbed up to a minimum 8 feet height.

c) Shrubs All parking lots must be screened with shrubs or a permanent structure. Shrubs for screening shall be planted so that within two years of planting there is a continuous evergreen screen at a two (2) foot height.

vii. Building and Site Landscape The following requirements for building and site landscape will provide consistent, high quality site improvements for areas adjacent and around structures within this Overlay District. It is critical the building entrances, foundation plantings, outdoor gathering spaces, site circulation corridors, and other site areas promote a uniform aesthetic.

a) A minimum of 10% of the total site's impervious area shall be designated as site landscape areas. These areas shall include a mix of shade trees, accent trees, shrubs, and ground cover/perennial planting areas. Landscape site areas shall not include lawn areas.

viii. Landscape Maintenance The lot owner shall be responsible for the maintenance of all landscaped areas. These areas shall be maintained in perpetuity and in a high quality condition, including the replanting of plant materials as needed to replace unhealthy or dead specimens.

ix. Irrigation Drip and spray irrigation systems shall be installed to maintain the vitality and health of landscape improvements. In the event that irrigation water contains potential harmful minerals, irrigation systems will be required to include a filtering system to prevent stains to buildings, walkways, pavements, and other site elements.

e. Lighting

i. Lighting Design Concepts In general, site lighting shall be low glare lighting. Site lighting shall comply with this section and the City of Cayce ordinances. Within this Overlay District, all freestanding street lights and pedestrian lights used for lighting exterior spaces shall be the same style, height, color and type and intensity. On each lot, all other lighting fixtures shall be from the same family of fixtures with

regard to design, materials, color of fixture and color of light. No fiberglass poles shall be used. (Note: All lighting sources shall have internal cut-off optics, prismatic refractors, or building side shields to prevent glare to adjacent land uses).

- a) Exterior lights should be used to accent entrances and special features, roadways, parking and pedestrian corridors. High levels of light are not desirable. Intensity should be no greater than required for automobile and pedestrian safety.
 - b) Lighting of street front interior window displays in retail establishments is encouraged even after business hours to create visually interesting storefronts.
- ii. “Light Fixture Design” Light sources may be of a concealed type or ornamental visible type. The design of poles, bollards and fixtures shall be integrated with the general site design. Parking lot lighting shall be a “cut-off” luminaire design to avoid glare on adjacent properties. Up lighting of trees and fountains, accent lighting of shrubs and entrances and silhouette lighting may be used to create special effects.
- a) Building mounted lighting is restricted to private use areas such as courtyards and shall not be used for lighting parking areas or sidewalks. Building mounted light fixtures shall be shielded and shall not project above the fascia or roof line. The shields shall be painted to match the surface to which they are attached.
 - b) Colored, moving or flashing lights will not be permitted except for the Christmas holidays.
- iii. Listed below are the lighting standards for streets and parking:
- a) Streets/Parking/Driveway/Loading Area Fixture 320 watt Metal Halide Shoebox-style fixture mounted on 30-foot square, direct-embedded bronze aluminum poles are required.
 - b) A lighting plan with locations, types, heights and colors is required.
 - c) Lighting for Pedestrian Areas Lighting for sidewalks, plazas and other pedestrian areas shall be illuminated with pedestrian scaled lights that have more detail and interest than those used for streets/parking/driveway/loading areas. To illuminate a street along a sidewalk a mixture of both the pedestrian and parking lot style lights may be used but the Illuminating Engineering Society of North America (IESNA) standards may not be exceeded. Light-Emitting Diode (LED) or Metal Halide lamps are required, unless otherwise approved by the Planning Director.
 - d) Lighting Usage Access roads and pedestrian circulation areas shall be illuminated to provide safety in after-hours/night-time traffic circulation. Lights shall be integrated in the design

with other elements such as trees, pedestrian walks, crossings, signage and planting.

e) Lighting within parking areas shall be coordinated with parking lot design. Poles shall be located within the landscaped islands whenever feasible. Poles shall be mounted at ground level. Concrete pedestals are not allowed unless poles are located in areas where they are not protected from cars by a raised curb. Then they shall be located a minimum of 5 feet from the face of curb. The scale of the parking area should be considered in selection of pole height and spacing.

f) Types of Lighting Equipment Roadway and parking areas shall be lighted using LED or metal halide lamp fixtures.

iv. Pedestrian, entry and landscape areas shall be lighted with LED or metal halide lamp fixtures. Lights may be pole-mounted or bollard type, and must be located to provide safe and secure conditions.

f. Signage and Graphics

i. Purpose The purpose of the site sign standards is to establish a coordinated graphic program that provides project identification and directional communication in a distinctive and aesthetically pleasing manner.

ii. No signs whatsoever (including but not limited to commercial and similar signs as well as signs of contractors performing work on existing Parcels or Lots or signs to advertise the property for sale) shall, without the City of Cayce's written approval of plans and specifications thereof, be installed, altered or maintained on any parcel or lot, or on any portion of a structure or motor vehicle visible from the exterior thereof.

iii. General Requirements All signs, including identification, temporary, and informational, including those in setback areas, on loading docks, parking facilities, on buildings, storage areas, etc., along with appropriate plans and specifications, shall be first submitted to the Planning Director for written approval. Such plans and specifications for each sign shall include, but not be limited to the color(s), dimensions, location on the site, height, copy, type of illumination, and other characteristics. No sign shall be erected, substituted, changed, or modified on the property without the prior written approval by the Planning Director.

a) All temporary signs, including construction signs, "For Lease" or "For Sale" signs shall be approved by the Planning Director.

b) Signs may be electrified, but will be non-flashing.

c) Strip lighting rather than flood lights shall be used for sign lighting.

d) There are four types of signs employed within individual lots – identification, directional, vehicular control and temporary.

Any other type of sign treatment shall not be allowed unless granted a variance by the Planning Director. The Planning Director at its sole discretion shall have the authority to grant variances to this paragraph on a case by case basis.

- iv. Identification signs Each entrance to each lot shall have one sign, oriented to each street on which premises has frontage, identifying the name of the business located therein.
 - a) Streetscape identification signs for buildings with more than two occupants shall include only the building address and name. Individual occupant identification shall be confined to on-site directories and/or building mounted identification.
 - b) Freestanding or Ground Signs. Freestanding or ground signs are permitted for use, subject to the following requirements: The sign may not be placed within a required buffer area, but may be placed within other landscaped areas.
 - (1) For Lots with a frontage of less than 150 feet, signs shall not exceed 32 square feet in area, per sign face on double sided signs. Signs of up to 60 square feet in area, per sign face on double sided signs, may be allowed for properties with frontage of 150 feet or more with written Planning Director approval.
 - (2) One additional freestanding sign or ground sign may be allowed upon review by the Planning Director provided the Lot has a frontage greater than 150 feet. The sum of the area of all signs shall not exceed 80 square feet plus .25 square feet for each foot of street frontage in excess of 150 feet. No individual sign may exceed 60 square feet. Total square footage of two signs shall not exceed 160 square feet.
 - (3) Height of freestanding signs shall be in accord with the requirements of the C-3 Zoning District.
 - (4) Signs shall be located so as not to obstruct visibility at intersections.
 - c) Building/Wall Signs Wall signs are permitted, subject to the following requirements: Signs may either be flat and erected against the principle building face, or projecting, perpendicular to the building face.
 - (1) The sign shall not extend more than 8 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
 - (2) The sign must maintain a vertical clearance of not less than 9 feet above ground level.
 - (3) The sign may extend up to 8 inches into a front setback.

(4) The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on 2 adjacent walls of the same building, the connecting portion may extend to, but not beyond the face of the adjoining portion.

(5) Combined area of signs shall not exceed 10% of the square footage of the front of the building, excluding "false fronts".

(6) The sign may not prevent the free entrance and exit from any window, door or fire escape.

(7) The total sign area shall be the sum of all signs on the wall, including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs and signs on parapets above roof.

- v. Directional Signs Directional signs indicating building numbers, areas of specific tenants shall be of standard design and no more than ten and one-half (10.5) square feet in size for building address and pedestrian directional signs and thirty (30) square feet for tenant directories. They shall be of materials common to the architecture within this Overlay area, and as small as possible to provide driver visibility from a vehicle.
- vi. Vehicular Control Signs All vehicular control signs shall be of standard design and have panel faces and heights which meet the requirements of the U.S. Highway Transportation Standards.
- vii. Temporary Signs There are two types of temporary signs allowed on lots: construction and real estate marketing. Only one of each type of temporary sign shall be permitted on a site at any given time, and must be removed immediately upon completion of the construction or marketing activity. All temporary signs must be approved by the Planning Director prior to erection.
 - a) Temporary signs shall be of post and panel wood construction, and shall have a total height of no more than seven (7) feet. Message panels shall have a maximum size of forty (40) square feet.
 - b) All contractor or subcontractor signs shall be removed within thirty (30) days following completion of their project.
 - c) Temporary signs shall be non-illuminated.
- viii. Illumination Signs shall be illuminated only by a steady stationary, shielded light source, directed solely at the sign or internal to it, without causing glare for motorists, pedestrians or neighboring premises.
 - a) Illuminated signs may produce up to one foot candle of illumination four feet from the sign.
 - b) Neon signs are not permitted.

- c) Internally illuminated signs are allowed, but the background must be solid, illuminating only the message or logo.
- ix. Prohibited Devices
 - a) No sign shall move, make noise or employ blinking, flashing, or strobe lights, or exposed fluorescent lamps.
 - b) No sign, whether temporary or permanent, is permitted within any road right-of-way or intersection sight triangle.
 - c) To avoid confusion with traffic control signals and signs, colored lights and illuminated signs employing colors used in traffic signal lights are prohibited in view of any signalized intersection, and any imitation of official traffic signs or signals is prohibited.
- x. General Signage Specifications All components and finished signage within this program shall be manufactured by professional fabricators. An example of each contractor's and sub-contractor's previous work shall be reviewed prior to production.
 - a) All finishes shall be anodized aluminum and bear a five-year guarantee against chipping, peeling, fading, and chalking under normal use and exposure.
 - b) All steel shall be finished with primer, intermediate coat and topcoat.
 - c) All screws, brackets, and fasteners in contact with aluminum shall be stainless steel or aluminum; however, no fasteners shall be exposed to view.
 - d) All aluminum sheet for signage shall be 0.125 inch unless otherwise specified.
 - e) All seams where welding is required shall be ground smooth. All depressions or raised areas due to swelling shall be filled or ground smooth. Pop riveting in visually exposed areas will not be permitted.
 - f) All signs (where it applies) shall conform to standard SCDOT Manual on Uniform Traffic Control Devices for Streets and Highways specifications concerning break away features.
- xi. Installation All freestanding signs shall be mounted in concrete. Footing size shall be determined by fabricator/structural engineer. All concrete footings shall be covered over with four (4) inches of soil minimum.
 - a) Where required, the general contractor shall provide electrical stub-out for ground lighting of signs.
 - b) All building mounted sign installation methods shall be checked for strength by licensed engineer upon final determination of building construction materials.
 - c) All concrete footings shall be designed by licensed engineer.
 - d) All sign locations shall be approved by the Planning Director and must conform to all local codes with respect to height and setback requirements.

4) Arts Design Overlay District

a. Setbacks and Buffers

- i. C-3 Zoning District setbacks apply.

b. Parking

- i. No minimums; but Planning Director must approve parking plan to ensure it meets the demands of the proposed business.
- ii. For new construction without designated parking, parking must be located in the rear or side yard.

c. Landscaping for new development

- i. Plant one tree for every 5 parking spaces or contribute to tree fund to plant trees within the right-of-way
- ii. Commercial and industrial uses must buffer against residential uses with an eight (8) foot tall masonry wall or single line of evergreen trees (eight (8) feet in height at planting) providing a solid screen.

d. Signs

i. Commercial and Industrial

- a) No maximum square footage on wall signs
- b) Monument signs must meet C-3 Zoning District sign requirements, with the exception that common signage monument signs must not exceed seven (7) feet.

c) Monument signs

(1) Single street frontage- One monument sign per lot if one business. If multiple businesses in separate buildings on one lot, then one sign allowed per building^[THH]

(2) Multiple street frontage- one sign permitted per street frontage

ii. Residential with Commercial Accessory Uses

- a) One (1) monument sign with maximum four (4) foot sign area permitted in front of residence.

d)b) Maximum height of top of monument sign shall not exceed 5 feet.

Section 6.10-5 Exemptions

If Sections 6.10-3 or 6.10-4 conflict with a use or development standard that is specifically permitted in a PDD or DAD, then the PDD or DAD use or development standard shall prevail

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Carroll Williamson, Planning and Development Director

Date: September 13, 2019

Subject: Second Reading of an Ordinance Amending the Zoning Map and Rezoning Property to create a new Arts Design Overlay District

Issue

Council approval is requested for the Second Reading of an Ordinance to amend the Zoning Map and rezone property to create the Arts Design Overlay District.

Discussion

Staff is proposing a change to the Zoning Map to create a Design Overlay District for the area on State Street from Poplar Street south to Frink Street and Frink Street from State Street west to Foreman Street, including those properties on the western side of the intersection of Foreman Street and Frink Street (see attached map). The overlay district extends to the rear property line of all properties contiguous to the right-of-way of Frink Street and State Street within these boundaries.

The purpose of the Arts Design Overlay District is to permit additional uses that would allow artists and business owners the flexibility to live and work in the same building. The overlay district also applies development standards that are conducive to a pedestrian-friendly downtown community.

The Planning Commission considered the zoning map request for creation of this Design Overlay District at their meeting on August 19, 2019. The zoning request was opened to the public. Approximately 30 people were in attendance with several members of the public speaking both for and against. Based on public comment, the Planning Commission recommended and staff agreed to modify the boundaries of the Overlay District to include the entirety of each contiguous lot, rather than a maximum number of feet from the right-of-way, as was originally proposed.

The Planning Commission voted on the zoning map request to create the Arts Design Overlay District at the Planning Commission meeting on August 19, 2019.

Recommendation

The Planning Commission recommends Council approve Second Reading of an Ordinance to create the Arts Design Overlay District.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE 2019-14
Amending Zoning Map and Rezoning
Property to Create a New Design Overlay
District (Arts Design Overlay District)

WHEREAS, Staff, as an agent of the City, requested that the City of Cayce amend the Zoning Map to re-designate the properties comprising and shown on the attached map, to create a new design overlay district (Arts Design Overlay District); and

WHEREAS, the Planning Commission held a public hearing on this request to receive comments from the public and adjacent property owners; and

WHEREAS, the Planning Commission met on August 19, 2019, to review public comments and vote on recommending the rezoning request and voted to recommend this change to the existing zoning,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the properties hereinafter listed, and as shown on the attached sketch, are hereby rezoned and reclassified on the Zoning Map of the City of Cayce as the Arts Design Overlay District:

004655-04-015	005767-01-003	005767-02-016	005767-07-001	005769-01-002
004655-04-016	005767-01-005	005767-02-020	005767-07-002	005769-01-006
004655-04-017	005767-02-006	005767-03-001	005767-07-003	005769-08-001
004655-04-018	005767-02-007	005767-03-002	005767-07-004	005769-08-004
004655-04-019	005767-02-008	005767-04-008	005767-07-006	005769-08-013
004655-04-020	005767-02-009	005767-05-002	005767-07-007	005769-09-001
004655-06-001	005767-02-010	005767-05-004	005767-07-015	005769-09-002
004655-06-002	005767-02-011	005767-05-005	005767-07-016	005769-09-003
004655-07-002	005767-02-012	005767-05-009	005767-07-022	005769-09-004
004655-07-003	005767-02-013	005767-06-001	005767-08-001	
004655-08-001	005767-02-014	005767-06-004	005767-09-001	
004655-08-002	005767-02-015	005767-06-009	005769-01-001	

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2019.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

ARTS DESIGN OVERLAY DISTRICT



Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Carroll Williamson, Planning and Development Director

Date: September 13, 2019

Subject: Approval of an Ordinance amending Section 7.5 of the City Zoning Ordinance relating to Temporary Uses for Halloween-Related Events

Issue

Recently, several requests have been made to City staff concerning Halloween-related events like haunted houses and escape rooms. To permit this use for an extended period of time leading up to Halloween, the temporary use section of the Zoning Ordinance needs more specific language.

Discussion

This text amendment would specifically permit Halloween-related events from late September until November 1 as a temporary use in all commercial and industrial zoning districts. In order to reduce the impact to the surrounding properties, the text amendment would also require that these events be held completely inside of an enclosed building and must have adequate parking on site to meet this type of use.

As with all temporary uses, the permit will require the approval of the Planning Director, Public Safety, Fire Marshal, and Building Official.

The Planning Commission met on August 19, 2019, to hear Public Comment about the suggested changes. No one from the Public spoke on this text amendment. The Planning Commission voted on the requested text amendment at the planning commission meeting on August 19, 2019.

Recommendation

The Planning Commission recommends Council approve Second Reading of an Ordinance amending Section 7.5 of the City Zoning Ordinance relating to Temporary Uses for Halloween-related events.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE 2019-15
Amending the Zoning Ordinance
Section 7.5 (“Temporary Uses”) to
Add Language Concerning
Halloween-related events

WHEREAS, Council has determined that it is in the best interest of the public to amend Section 7.5 Temporary Uses to add language concerning Halloween-related events; and

WHEREAS, the Planning Commission held a regularly scheduled public hearing on this request to receive comments from the public; and

WHEREAS, the Planning Commission met on August 19, 2019, to review public comments and vote on recommending the amended Section 7.5 Temporary Uses of the Cayce Zoning Ordinance and unanimously decided that they do recommend this amendment as shown on the attached document,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 7.5 Temporary Uses is hereby amended as shown on the attached document.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2019.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Section 7.5 Temporary Uses

Section 7.5-1 Permit Required

The Planning Director is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed no more than twice within one year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Planning Director.

Section 7.5-2 Type and Location

The following temporary uses and no others may be permitted by the Planning Director, subject to the conditions herein.

- (1) Tents and other temporary structures for general assembly in the M-1, C-4, and D-1 Districts for a period not to exceed sixty (60) days.
- (2) Open lot sales of Christmas trees in all commercial and industrial Districts for a period not to exceed sixty (60) days.
- (3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- (4) Temporary "sale" stands in all commercial and industrial Districts for a period not to exceed sixty (60) days.
- (5) Portable classrooms in any district for an indefinite period; provided all applicable ordinance requirements are met.
- (6) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
- ~~(7)~~ Recreational vehicles as provided for in Section 9.8, which vehicles shall not be subject to the renewal constraints of Section 7.9-1

~~(7)~~(8) Halloween-related events are permitted from the last weekend in September to November 1 in all commercial and industrial districts. This use must be completely located inside of an enclosed building that meets building and fire code requirements for amusement and recreational industries. The

use shall provide off-street parking at a ratio of 1 space for every 200 square feet of gross floor area.

Section 7.5-3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

Section 7.5-4 Off-Street Parking

Unless specified by Tables 1 or 2 for a specific use, a minimum of five (5) off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

Section 7.6 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

- (1) The park site shall be not less than three (3) acres, and have not less than 200 feet frontage on a publically maintained public road.
- (2) The park shall be served by public water and sewer systems or other systems approved by DHEC, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) All dwelling spaces shall abut upon an interior all weather roadway of crushed stone, asphalt, concrete slag or other all weather material of not less than twenty (20) feet in width which shall have unobstructed access to a public street.
- (4) All on-site roadway intersections shall be provided with a street light.
- (5) Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
- (6) All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (7) Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.
- (8) Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the

street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.

- (9) No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.
- (10) The maximum number of manufactured home spaces shall not exceed eight (8) per acre.
- (11) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- (12) Existing trees and other natural site features shall be preserved to the extent feasible.
- (13) Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 10.1.
- (14) License Required, Revocation: A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.
 - Said license may be revoked by the Planning Director for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.
- (15) Site Plan Required: A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Blake Bridwell, Director of Utilities

Date: September 12, 2019

Subject: Revised Sewer Use Ordinance and City Ordinance Section 40-92

Issue:

Approval is needed to revise the Sewer Use Ordinance (SUO) by removing the separate Fats, Oils, and Grease (FOG) Control Policy. Approval for a revision to City Ordinance Section 40-92 is also needed for enforcement purposes.

Background/Discussion:

The existing SUO sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Cayce and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

The SUO has been revised as of November 2018. The revised SUO includes the removal of the FOG Control Policy in the Appendix, however the FOG Control Policy is referenced several times in the revised SUO. The City Attorney and DHEC have approved this revised SUO and DHEC recommends the segregation of the SUO and FOG Control Policy so that the City can adjust the FOG Control Policy without further governmental approvals, when conditions warrant. Governmental approvals are still required for revisions to the SUO.

The FOG Control Policy is to aid staff in the administration of the City of Cayce's Fats, Oils, and Grease Ordinance ("FOG Ordinance") designed to reduce the introduction and accumulation of fats, oils, and grease into the municipal wastewater collection system. This Policy establishes uniform permitting, maintenance and monitoring requirements for controlling the discharge of grease from food service facilities discharging into the wastewater collection system and for regulation of commercial grease haulers operating within the City of Cayce's collection system. This policy was last revised in July 2016. It was a part of the aforementioned SUO, also adopted and approved by City Council at that time.

The FOG Control policy will be a separate document as mentioned above. As a policy, the FOG Control Policy can be changed and modified without further approvals by City Attorney, DHEC, or City Council.

City is requesting a formal legal review of the proposed changes to the SUO.

Recommendation:

Staff recommends Council approve the revised SUO with the removal of the FOG Control Policy. Approval is also recommended for a revision to City Ordinance Section 40-92 per the attached revised language for enforcement purposes.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE 2019-16

Amending the Sewer Use Ordinance

WHEREAS, the City desires to amend its Sewer Use Ordinance to make certain technical and updating revisions as indicated by the attached document and further desires to remove and separate the current Appendix A (“City of Cayce Fats, Oil and Grease Control Policy Section”) from the Sewer Use Ordinance so as to allow it to function as a self-standing policy of the City subject to subsequent revisions as a City policy rather than as an ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

1. The attached document, in its final form with indicated changes included, is adopted as the Sewer Use Ordinance.
2. The attached Appendix A of the previous Sewer Use Ordinance entitled “City of Cayce Fats, Oils and Grease Control Policy Section” is approved as the City of Cayce Fats, Oils and Grease Policy (with deletion of the words “Appendix A” and the word “Section” from its title).

This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2019.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

SEWER USE ORDINANCE
CITY OF CAYCE, SC
(Revised July 2016 November 2018)



1800 12TH STREET • CAYCE, SC 29033

P. O. Box 2004 • CAYCE, SC 29171

(803) 796-9020 • FAX: (803) 739-5386

City of Cayce Sewer Use Ordinance
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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Cayce and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- ~~1-A.~~ To promote and protect the health and safety of the citizens of the City of Cayce;
- ~~2-B.~~ To prevent the introduction of pollutants into the City of Cayce Publicly Owned Treatment Works that will interfere with its operation;
- ~~3-C.~~ To prevent the introduction of pollutants into the City of Cayce 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;
- ~~4-D.~~ To protect both City of Cayce Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- ~~5-E.~~ To promote reuse and recycling of industrial wastewater and sludge from the City of Cayce Publicly Owned Treatment Works;
- ~~6-F.~~ To aid in preventing the introduction and accumulation of fats, oils, and greases into the municipal wastewater system which will or tend to cause or contribute to sanitary sewer blockages and obstructions;
- ~~7-G.~~ To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City of Cayce Publicly Owned Treatment Works; and
- ~~8-H.~~ To enable the City 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 City of Cayce Publicly Owned Treatment Works is subject.

This ordinance applies to all users of the City of Cayce Publicly Owned Treatment Works, whether directly or indirectly contributing. The ordinance authorizes enforcement of general requirements for users and 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.

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1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel. Any request for a modification or variance to the following requirements of this ordinance shall be in writing and shall provide the information set forth herein along with any information required by the FOG Control Policy.

1.3 Abbreviations

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

BMP	- Best Management Practice
BOD	- Biochemical Oxygen Demand
CFR	- Code of Federal Regulations
COD	- Chemical Oxygen Demand
EPA	- U.S. Environmental Protection Agency
FOG	- Fats, Oils and Greases
FSE	- Food Service Establishment
gpd	- gallons per day
IU	- Industrial User
mg/l	- milligrams per liter
NPDES	- National Pollutant Discharge Elimination System
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Conservation and Recovery Act
SCDHEC	- South S. Carolina C. Department of Health and Environmental Control
SIC	- Standard Industrial Classification
TSS	- Total Suspended Solids
U.S.C.	- United States Code

1.4 Definitions

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

Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Approval Authority. The State of South Carolina.

City of Cayce Sewer Use Ordinance
Authorized Representative of the User.

~~1.~~(1) If the user is a corporation:

~~1.~~(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

~~2.~~(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

~~2.~~(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

~~3.~~(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

~~4.~~(4) The individuals described in paragraphs 1 through 3, above, 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 City.

Best Management Practices or BMP. Management and operational procedures that are intended to prevent pollutants from entering a facility's waste stream or from entering a discharge point. BMPs are also schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage plus alternative means of complying with certain established categorical Pretreatment Standards and effluent limits as established in the Code of Federal Regulations.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at [twenty degrees Centigrade \(20°C-centigrade\)](#), usually expressed as a concentration (e.g., mg/l).

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical User. Any user whose discharge is covered under the categorical pretreatment standard.

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City of Cayce Sewer Use Ordinance

City. The City of Cayce.

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

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

Environmental Protection Agency ~~or~~ (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of 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.

Excessive Foaming. Foaming that can-not be contained within the POTW or adversely affects the operation of it.

Fats, oils, and greases. ~~means~~ Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules and non polar compounds (petroleum origin) which are in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°F) and one hundred fifty ~~(150)~~ degrees Fahrenheit ~~(150°F)~~ (zero (0°C) and sixty five (65°C) degrees centigrade). These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases” or “FOG”.

FOG Control Policy. ~~means~~ The written plan and procedures by which the superintendent implements and enforces the FOG control and management program ~~established herein~~. The policy applies to FOG Control Policy violations and matters of program noncompliance. Penalties for specific and programmatic infractions are addressed in the policy and set forth in the city's fee schedule.

Food Service Establishments ~~or~~ “(FSE)”. ~~means~~ Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a hot, non-drinkable food product in or on a receptacle requiring washing to be reused and any other facility which in the sole discretion of the Superintendent, must install a Grease Trap or Grease Interceptor prior to discharging kitchen or food preparation wastewater into the City of Cayce’s wastewater collection system.

Food Truck. A fully enclosed mobile kitchen that may be used to prepare, cook, or serve time/temperature control for food safety.

City of Cayce Sewer Use Ordinance

Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Gray Water. means ~~a~~All the liquid contained in a Grease trap or Grease Interceptor that lies below the floating grease layer and above the bottom solids.

Grease Hauler. means ~~a~~Any person or entity that collects the contents of Grease Traps and/or Grease Interceptors and transports the contents to an approved recycling or disposal facility. A Grease Hauler may also provide other services to FSE's related to Grease Trap and/or Grease Interceptor cleaning.

Grease Trap. ~~is a~~A device located within an FSE designed to collect, contain, separate, or remove Grease from the waste stream while allowing the sub-straight waste or Gray Water to discharge to the wastewater collection system by gravity. Also known as a grease removal device (GRD).

Grease Interceptor. ~~is a~~A vault located outside or inside of an FSE or IU designed to collect, contain, separate, or remove grease, sand fats, wax, flammable liquids, oils of hydrocarbon or petroleum origin and substances which may solidify or become viscous in the system from the waste stream while allowing the sub-straight waste or Gray Water to discharge to the wastewater collection system by gravity. Also known as a grease removal device (GRD).

Headworks Analysis. Determines the maximum amounts of various pollutants that could be discharged at the headworks of the POTW without violating the receiving stream limits. This analysis is based on the minimum flow of the receiving stream, discharges from other POTW's to the receiving stream, and contributions from all users to the City POTW. The Head Works Analysis is updated from time to time.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any domestic or non-domestic source regulated under section 307(b), (c) or (d) of the Act

Industrial User ~~or "(IU)".~~ A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Federal Water Pollution Control Act (33 U.S.C. 1342).

Industrial Waste. Liquid waste from industrial processes.

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

Interference. 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 including an increase in the magnitude or duration of a violation of the City'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.

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May. Is permissive.

Medical Waste. 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.

Minimum design capability. ~~is~~ The design features of a grease interceptor and its ability or volume required to effectively intercept and retain grease and settled solids from grease-laden wastewater prior to discharge to the public sanitary sewer.

Net Adjustment. Adjustment made to the user's Pretreatment Standard(s), based on the concentration of pollutant(s) in the user's intake water pursuant to Part 403.15 of 40 CFR.

New Source.

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

~~1-~~(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

~~2-~~(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

~~3-~~(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

~~2-~~(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

~~3-~~(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

~~1-~~(d) Begun, or caused to begin, as part of a continuous on-site construction program

~~1-~~(i) any placement, assembly, or installation of facilities or equipment; or

~~2-~~(ii) significant site preparation work including clearing, excavation, or removal of

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City of Cayce Sewer Use Ordinance

existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- 2.(e) 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 paragraph.

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

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause for violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Person. 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 governmental entities.

Permit. ~~is a~~ document that confirms approval issued by the Superintendent. The User is required to keep the Permit on the premises and produce it upon request of the Superintendent.

pH. Logarithm of the reciprocal of the weight concentration of hydrogen ions in moles ~~(gram moles)~~ per liter (mol/L) of solution.

Pollutant. Substances that include, but are not limited to, 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), and any other parameter that the superintendent interprets as having an effect on the POTW.

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

Pretreatment. 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. A set of procedures designed to help achieve the City the objective listed in Section 1.1 of this document.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

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Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.2 of this ordinance.

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

Receiving Stream. Is that body of water, stream, or watercourse receiving the discharge from a waste treatment plant, or that body of water, stream, or watercourse formed by the effluent from a waste treatment plant.

Recurring Violation. A minimum of three (3) violations of a similar nature in any six (6) consecutive month period.

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

Sewage or wastewater. Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with any groundwater, surface water, and storm water that may be present.

Shall. Is mandatory.

Significant Industrial User.

~~1~~(1) A user subject to categorical pretreatment standards; or

~~2~~(2) A user that:

~~1~~(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

~~2~~(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

~~3~~(c) Is designated as such by the City 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~~(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition

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received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant Noncompliance. Criteria used to identify important violations and/or patterns of noncompliance with the discharge limits or other provisions of the City Sewer Use Ordinance as defined in Section 9 of this ordinance.

Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.2 of this ordinance.

Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

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

Superintendent. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic Pollutant. Any pollutant or combination of pollutants listed astoxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA(a) or other Clean Water Acts.

Toxicity Test. A procedure approved by SCDHEC, in which the responses of aquatic organisms are used to measure or detect the presence or effects of one or more substances, wastes, or environmental factors, alone or in combination.

User.

1-(1) A source of indirect discharge.

2-(2) Is the responsible person or entity for the FSE operations or in the case of the individual FSE, the owner or proprietor of the food service operation. Where the FSE is a franchise operation, the owner of the franchise is the responsible person or entity. Where the FSE operation is owned by a corporation, the corporate representative is the responsible entity. Where two or more FSE share a common grease interceptor, the User shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located.

Utility Rate Schedule. A document updated from time to time which establishes the exact amounts of all categories of fees based upon various criterion such as meter sizes, flow, or other suitable criteria for the fee identified.

Waste Load Allocation. Is the establishment of flows, and pollutant limits and loads for the proposed non-domestic discharges based on the POTW Head Works Analysis which is updated from time to time.

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Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Collection System. That portion of the POTW which collects and conveys wastewater to the wastewater treatment plant, which consists of gravity or force mains, pumps, and other appurtenances.

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

1.5 Relationship of Ordinance to Wastewater Services Agreements

As to a User which also is a “Purchaser” within the meaning of the Wastewater Services Agreement among the City of Cayce, Town of Lexington and the Joint Municipal Water and Sewer Commission dated August 28, 2009, as amended (“the 2009 Agreement”), the terms and provisions of the 2009 Agreement and the Purchaser’s Wastewater Contribution Permit shall control over any conflicting terms and provisions of this ordinance. The City of Cayce acknowledges that the Town of Lexington and the JMW&SC each have a FOG program in place and are administering and overseeing these FOG Programs. Nothing in this Sewer Use Ordinance, or its exhibits hereto, shall impose additional requirements relating to these FOG programs of the Town of Lexington or JMW&SC, including, but not limited to, the provisions of paragraph 3.2 below.

SECTION 2 GENERAL SEWER USE REQUIREMENTS

2.1 General Standards

~~1-A.~~ Within City limits, if sewer service is available within a distance of two hundred and fifty (250) feet from the property boundary, the property owner shall tie-on to the City sewer line. In case of an existing building, the property owner shall initiate sewer service application process within one hundred and eighty (180) days from the date of sewer availability or the adoption of this ordinance, whichever is later, according to Section 2.1 B of this ordinance, provided that the existing septic tank is in working order. All newly constructed buildings shall be connected to the City sewer, if sewer service is available prior to the issuance of a certificate of occupancy. In the event that an owner does not tie on to sewer service, if available, the City shall charge for sewer service as if the service is being used pursuant to Sections 14 and 15. Property owners who, as of December 1, 2011, are known to the City not to be connected to, and discharging sewer into, the sewer system shall have the option to elect, in writing, to discontinue payment of the availability charge described in this subsection A but, upon exercise of that option, and any subsequent connection to the sewer system, shall be subject to payment of the then current fees described in subsection B. Property owners who do not discontinue payment of the sewer availability charge described in this subsection A shall be entitled, upon any subsequent connection to the sewer system, to a credit of the amount of subsection A charges paid against, but not to exceed, the amount of any subsection

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B fees due. Sewer service using privies, cesspools, and/or septic tanks is prohibited in the areas serviced by the City sewer. Existing septic tanks may not be repaired, modified, pumped out or in any way maintained in areas serviced by City of Cayce sewer. Septic tank owners will be required to initiate sewer service application process immediately upon expiration of septic tank capacity provided sewer service is available.

2-B. Any person desiring to connect with the City’s sanitary sewer system shall obtain a permit for such connection upon paying applicable fees and according to the procedure outlined in Section 4.4 of this ordinance.

3-C. Every building having plumbing fixtures installed intended for human habitation, occupancy, or use on premises abutting on a street, alley, or easement in which there is a public sewer shall have a separate connection with the City sewer, except by special permits in accordance with City of Cayce Code 40-99 adopting Southern Building Code. This ordinance is in Section 701.2 of Southern Building Code. Reuse of building sewers is not permitted, unless approved by the Superintendent.

4-D. Building sewer line work shall not be commenced until the plans and specifications have been approved by City of Cayce. Such work shall be performed under the supervision and to the satisfaction of the City of Cayce as outlined in City of Cayce Code Section 40-98. All building sewer line materials, grades, and sizes shall be according to the City of Cayce Code Section 40-99, which adopts the Southern Building Code. This ordinance is covered by Standard Plumbing Code Sections 7 - Sanitary Drainage. Sewer line construction or maintenance work shall follow the Occupational Safety and Health Administration SafetyStandards as outlined in 29 CFR 1910.

5-E. If a user located within another municipal jurisdiction contributes wastewater to the City of Cayce POTW, the user’s building sewer work shall be performed according to Section 2.1D of this ordinance. Failure to comply with this provision will result in refusal of sewer service by the City of Cayce.

6-F. Septic tank services or other maintenance services may not contract for the removal of septic tank sludge or any maintenance of septic tank on any property serviced by City sewer. Any company or firm which violates this provision shall be subjected to the same fines and other enforcement actions that are applicable to the user or septic tank owner.

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2.2 General Prohibited Discharge Standards

These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements:

1-A. No person shall discharge septic tank effluent or cesspool overflow to any open drain, ditch, stream, or well penetrating waterbearing formations, if cesspools and septic tanks are allowed in areas where no sewer service is available.

2-B. No user shall introduce or cause to be introduced into the POTW:

1) Any pollutant or wastewater which causes pass through or interference;

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City of Cayce Sewer Use Ordinance

~~2-2~~ Any pollutant or wastewater to which water is added for the purpose of diluting wastes that would otherwise exceed applicable maximum concentration limitations for any wastewater constituent; or

~~3-3~~ Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

2.3 Specific Prohibited Discharge Standards

The following are specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

~~1-A~~ 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°F (60°C) using the test methods specified in 40 CFR 261.21;

~~2-B~~ Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with lower than 5.0 or more than 10.0, unless the works is specifically designed to accommodate such discharges;

~~3-C~~ Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch (1/2") or 1.25 centimeter (1.25 cm) in any dimension;

~~4-D~~ Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

~~5-E~~ Wastewater having a temperature greater than ~~150~~140°F (~~65~~60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

~~6-F~~ Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

~~7-G~~ 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;

~~8-H~~ Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with [Section 3.4 of this ordinance](#) [The City of Cayce's FOG Control Policy](#);

~~9-I~~ Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

~~10-J~~ Wastewater which imparts color which cannot be removed by the treatment process at the POTW, such as, but not limited to, dye wastes and vegetable tanning solutions;

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- ~~11~~.K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- ~~12~~.L. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and other unpolluted discharges, unless specifically authorized by the Superintendent;
- ~~13~~.M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- ~~14~~.N. Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;
- ~~15~~.O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- ~~16~~.P. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- ~~17~~.Q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than limits established in Section 2.45 and 2.6;
- ~~18~~.R. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.
- ~~19~~.S. Discharge of sanitary wastewater into the storm sewer system without exception.

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

2.4 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- ~~1~~.A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with R.61-9.403.6(d)(2).
- ~~2~~.B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in R.61-9.403.6(f).
- ~~3~~.C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in R.61-9.403.13, that factors relating to its

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City of Cayce Sewer Use Ordinance
discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

~~4.D.~~ A user may obtain a net adjustment to a categorical standard in accordance with R.61-9.403.15.

2.5 State Pretreatment Standards

Any applicable pretreatment standards as adopted by the State of South Carolina are hereby incorporated as if fully listed herein.

2.6 Pretreatment Limits

Pollutant limits are established to protect against pass through and interference, and to comply with State and Federal Regulations. No ~~person-user~~ shall discharge wastewater containing in excess of the maximum allowable discharge limits as identified in the most current Industrial User wastewater ~~discharge-contribution~~ permits.

These limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Superintendent may impose mass limitations for a few or all pollutants, in addition to, or in place of, the concentration-based limitations listed in the Headworks Analysis in accordance with the pretreatment program.

2.7 Local Limits

A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. Any local limits established are to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the allowable local limits.

2.8 Discrepancy between Limits

In the event that a discrepancy occurs between one or more of the discharge limits as required by the National Categorical Pretreatment Standards, State Pretreatment Standards, ~~or Local~~ Pretreatment Limits, or the Local Limits, then the most stringent of the standards will govern.

2.9 City's Right of Revision

The City reserves the right to establish, by ordinance, more stringent standards or requirements on

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City of Cayce Sewer Use Ordinance discharges to the POTW. The City shall also have the right to establish, in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW:

~~1-A.~~ If the Superintendent feels that such discharges adversely affect the operation of the POTW;

~~2-B.~~ Based on the capacity of the POTW either hydraulically or pollutant loads as determined by the most recent Headworks Analysis; or

~~3-C.~~ To provide an equitable share to all users or for future anticipated discharges to the POTW.

2.10 Dilution

No user shall increase the use of process water, or in any other way dilute or attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.2 of this ordinance within the time limitations specified by the State or the Superintendent, whichever is more stringent. All facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be approved by the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge in compliance with the provisions of this ordinance or obtaining permits to construct or operate from other agencies or South Carolina Department of Health and Environmental Control (SCDHEC).

3.2 Additional Pretreatment Measures

~~1-A.~~ Whenever deemed necessary for protection or preservation of public health and safety and the POTW, the Superintendent may require users to restrict their discharge during peak flow

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periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

~~2~~.B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

~~3~~.C. Grease, oil, and sand interceptors shall be ~~provided~~ utilized for the proper handling of wastewater containing excessive amounts of grease and oil, which will or tend to cause or contribute to sanitary sewer blockages and obstructions, or sand; except that such interceptors shall not be required for residential users. Food Service Establishments, commercial establishments and other industrial generating wastewater containing fats, oils, or greases are subject to [the City of Cayce's Fats, Oils, and Grease Control Policy](#) and this ordinance.

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3.3 Accidental Discharge/Slug Control Plan

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

~~1~~.A. Description of discharge practices, including nonroutine batch discharges;

~~2~~.B. Description of stored chemicals;

~~3~~.C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge and any facility changes affecting the potential for a slug discharge as required by Section 6.6 of this ordinance; and

~~4~~.D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

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3.4 Hauled Wastewater

The following regulations shall apply to haulers of septic and industrial wastewater:

~~1~~.A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the City. The

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City of Cayce Sewer Use Ordinance

Superintendent shall require septic tank waste haulers to obtain wastewater discharge permits. All such discharges are subject to the appropriate fees based on out-of-town rates as described in Sections 14 and 15 of this ordinance.

2.B. The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance. All such discharges are subject to the appropriate fees based on out-of-town rates as described in Sections 14 and 15 of this ordinance.

3.C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge. Any industrial hauler who misrepresents the characteristics of the waste being discharged shall be subjected to immediate permit revocation, in addition to enforcement response actions according to Sections 10 and 11 of this ordinance.

4.D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

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SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure by a user to submit the required information may result in fines or termination of service as determined by the Superintendent.

4.2 Wastewater Discharge Permit Requirement

1.A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

2.B. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

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3-C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subject the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

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4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater without a permit into the City POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after forty five (45) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.

4.4 Wastewater Discharge Permitting: New Connections

Anyone who proposes to begin discharging into the POTW must obtain a permit prior to the beginning or recommencing of such discharge. The user shall fill out a form identifying the type of discharge, domestic or non-domestic. The user identifying the proposed discharge as domestic, shall certify as follows:

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

The user identifying the proposed discharge as domestic, shall be allowed to connect to the City sewer upon payment of the applicable fees defined in Section 14 of this Ordinance and in the most recent edition of City of Cayce-Utility Rate schedule. These fees shall include, but not limited to Tap Fee and the Impact Fee (Capacity Charge).

The user identifying the proposed discharge as non-domestic, shall fill out a waste survey questionnaire and an application form in accordance with Section 4.5 of this ordinance. All applications for wastewater discharges, whether domestic or non-domestic, must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

4.5 Wastewater Discharge Permit Application Contents

All users identifying the proposed discharge as non-domestic must fill out a waste survey questionnaire and submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

- 1-A. All information required by Section 6.1(B) of this ordinance;
- 2-B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- 3-C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- 4-D. Each product produced by type, amount, process or processes, and rate of production;
- 5-E. Type and amount of raw materials processed (average and maximum per day);
- 6-F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- 7-G. Time and duration of discharges; and
- 8-H. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Superintendent may revoke or modify a wastewater discharge permit according to Sections 5.4 and 5.6 of this ordinance.

4.6 Application Signatories and Certification

- 1-A. All non-domestic wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

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violations.”

~~2-B.~~ If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of Section 1.4 C must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative. Letters of Signatory Authority are to be submitted annually.

4.7 Wastewater Discharge Permit Decisions

A wastewater discharge permit application must be submitted one hundred eighty (180) days before expected discharge. Within forty five (45) days of Upon receipt of a complete application waste survey questionnaire furnished by the non-domestic user, the Superintendent will evaluate the data and determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit for the following reasons:

~~1-A.~~ Failure to furnish complete information as required in Sections 4.5 and 5.1 of this ordinance;

~~2-B.~~ Inadequate or inappropriate pretreatment proposed;

~~3-C.~~ Potential for discharge of toxic chemical(s);

~~4-D.~~ Failure to pay the appropriate fees;

~~5-E.~~ For falsifying or misrepresentation of proposed discharges or other information; and

~~6-F.~~ For any other reason(s) the Superintendent determines that the proposed discharges will adversely affect the operation of the POTW or the implementation of the local pretreatment program.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Waste Load Allocation

The Superintendent will evaluate the ~~waste survey questionnaire~~wastewater discharge permit application data furnished by the non-domestic user and may require additional information. ~~Within forty five (45) days of Upon receipt of a complete application waste survey questionnaire and other information,~~ the Superintendent will establish the waste load allocation limits for the proposed discharge. Upon payment of a non-refundable waste load allocation fee the Superintendent will issue a Waste Load Allocation, setting the discharge capacity and limits in the City POTW for the proposed discharges by the non-domestic user. The Waste Load Allocation will be issued for a period of one (1) year; or, until such time as the non-domestic user submits the final plans or sufficient documentation to

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the City and a permit is issued by the City, whichever comes first. The Waste Load Allocation is not transferable to any other user or for any other discharge than the proposed discharge. Payment of the waste allocation fee will secure the non-domestic user's capacity and limits in the City POTW as set forth in the Waste Load Allocation for a period of one (1) year, provided that suitable pretreatment facilities are proposed or sufficient documents are provided by the non-domestic user that are acceptable to the Superintendent and that will demonstrate to a reasonable certainty that the limits can be met. Approval of plans or documentation by the Superintendent does not relieve the non-domestic user from the liability of the design of the pretreatment facilities nor full compliance with any permits issued. Within one (1) year from the date of establishment of waste load allocation limits, the non-domestic user shall submit to the City, an updated and complete application form that matches any design numbers and criteria developed for DHEC permitting, final plans and other information as discussed under Section 4.5 of this ordinance. Failure to submit this information will result in the expiration of the Waste Load Allocation without further remedy unless a prior written request by the non-domestic user for an extension of the Waste Load Allocation has been received by the Superintendent prior to the Waste Load Allocation expiration date. An extension of the Waste Load Allocation will be for a period of up to an additional one (1) year and upon payment of an additional non-refundable waste load allocation fee, as well as other applicable fees that would be due based upon the allocated discharge limits as if the non-domestic user were discharging those limits even though the non-domestic user may not discharge until the operation permits are issued by SCDHEC pursuant to this ordinance. Within thirty (30) days from the date of Upon receipt of complete information, the Superintendent will determine whether or not to issue a wastewater discharge permit. The user may obtain the permit upon payment of the appropriate fees according to Sections 14 and 15 of this ordinance and the City of Cayce-Utility Rate Schedule.

5.2 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.3 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification

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to the City in accordance with Section 5.6 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

- ~~3~~(3) Effluent limits based on applicable pretreatment standards;
- ~~4~~(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- ~~5~~(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- ~~6~~(6) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

~~2~~B. Wastewater discharge permits may contain the following conditions:

- ~~1~~(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- ~~2~~(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- ~~3~~(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- ~~4~~(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- ~~5~~(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- ~~6~~(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- ~~7~~(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- ~~8~~(8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.4 Wastewater Discharge Permit Appeals

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City of Cayce Sewer Use Ordinance

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

- ~~1-A.~~ Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- ~~2-B.~~ In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- ~~3-C.~~ The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- ~~4-D.~~ If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions.

5.5 Wastewater Discharge Permit Modification

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- ~~A.~~ To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- ~~1-B.~~ To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- ~~2-C.~~ A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- ~~3-D.~~ Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- ~~4-E.~~ Violation of any terms or conditions of the wastewater discharge permit;
- ~~5-F.~~ Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- ~~6-G.~~ Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- ~~7-H.~~ To correct typographical or other errors in the wastewater discharge permit; or
- ~~8-I.~~ To reflect a transfer of the facility ownership or operation to a new owner or operator.

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5.6 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

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

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

5.7 Wastewater Discharge Permit Revocation

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- 1-A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- 2-B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
- 3-C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- 4-D. Falsifying self-monitoring reports;
- 5-E. Tampering with monitoring equipment;
- 6-F. Refusing to allow the Superintendent timely access to the facility premises and records;
- 7-G. Failure to meet effluent limitations;
- 8-H. Failure to pay fines;
- 9-I. Failure to pay sewer charges;

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- ~~10~~J. Failure to comply with the Administrative Order or compliance schedules;
- ~~11~~K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- ~~12~~L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- ~~13~~M. Unauthorized dilution of wastewater in lieu of treatment; or
- ~~14~~N. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

5.8 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of six months (180 days) prior to the expiration of the user's existing wastewater discharge permit.

5.9 Regulation of Waste Received from Other Jurisdictions

- ~~1~~A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.
- ~~2~~B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:
 - ~~1~~(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - ~~2~~(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - ~~3~~(3) Such other information as the Superintendent may deem necessary.
- ~~3~~C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - ~~1~~(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at

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least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;

- ~~2~~(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- ~~3~~(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;
- ~~4~~(4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- ~~5~~(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- ~~6~~(6) Requirements for monitoring the contributing municipality's discharge;
- ~~7~~(7) A provision ensuring the Superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent;
- ~~8~~(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement;

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SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

~~A~~. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

~~B~~. Categorical users shall submit the information set forth below.

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- ~~1~~(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- ~~2~~(2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- ~~3~~(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- ~~4~~(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- ~~5~~(5) Measurement of Pollutants.
 - ~~4~~(a) The categorical pretreatment standards applicable to each regulated process.
 - ~~2~~(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.
 - ~~3~~(c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
 - ~~4~~(d) The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.
 - ~~5~~(e) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in accordance with 40 CFR 403.6(e). Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the POTW or by the Industrial User with the written concurrence of the POTW. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the POTW or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the POTW until the POTW modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the

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regulated pollutant. An Industrial User must immediately report any such material or significant change to the POTW where appropriate new alternative categorical limits shall be calculated within 30 days in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW.

~~6~~(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

~~7~~(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.

~~8~~(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1 (B) (7) of this ordinance:

~~1~~A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

~~2~~B. No increment referred to above shall exceed nine (9) months;

~~3~~C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

~~4~~D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of

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wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

1-A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

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

3-C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Superintendent 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 ninety (90) days before the change.

1-A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.

2-B. The Superintendent may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.5 of this ordinance in response to changed conditions or anticipated changed conditions.

3-C. For purposes of this requirement, significant changes include, but are not limited to, flow increases

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of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

~~1-A.~~ In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately notify the Superintendent of the incident by telephone ~~or facsimile or by email~~. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

~~2-B.~~ Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which 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 ordinance.

~~3-C.~~ A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

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6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.8 ~~Notice of~~ Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent in writing within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling. If the City performed the sampling and analysis in lieu of the User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. Failure to notify the Superintendent of a violation will result in enforcement action being taken in accordance with the City's approved Enforcement Response Plan.

6.9 Notification of the Discharge of Hazardous Waste

1-A. Any user who commences the discharge of hazardous waste shall notify the Superintendent, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

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

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

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

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

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6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part

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136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by SCDHEC. The user shall report, to the City of all the sample analyses conducted according to 40 CFR Part 136 or SCDHEC approved procedures, including those that are not designed for periodic compliance reporting under Section 6.4 of this ordinance.

6.11 Sample Collection

~~1-A.~~ Except as indicated in Section B, below, the user must collect wastewater samples using 24-hour flow proportional composite samples. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

~~2-B.~~ Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

~~3-C.~~ For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by Section 6.4, the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

6.12 Timing

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

6.13 Record Keeping

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

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SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

~~1-A.~~ Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.

~~2-B.~~ The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

~~3-C.~~ The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All flow measuring devices shall be calibrated at least annually or according to the manufacturer's recommendations, whichever is more stringent once every six months. To insure accuracy, all water quality analysis shall be justified using blanks.

~~4-D.~~ Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

~~5-E.~~ Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this ordinance.

7.2 Search Warrants

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

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SECTION 8 - CONFIDENTIAL INFORMATION

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

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in a newspaper of general circulation in the municipality where the POTW is located, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other User that violates paragraphs (C), (D), or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through,

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including endangering the health of POTW personnel or the general public;

- D. Any discharge of a pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days after ~~of~~ the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, ~~any~~ required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of the Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

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SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Compliance Orders

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

10.5 Cease and Desist Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements; and
- (B) Take such appropriate remedial or preventive action as may be needed to properly address

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a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Administrative Fines

- A. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not less than one hundred dollars (\$100.00) and not to exceed two-thousand dollars (\$2000.00). Such fines shall be assessed on a per violation, per day basis. In the case of a continuing violation, each day's offense shall be counted as a separate and distinct offense. Fines for a continuing violation shall be assessed for each day during the period of violation. Depending on the severity of the violation, the City may elect to take other enforcement action(s) with or without imposing a fine. In the case of recurring violations of a similar nature, escalation from a Notice of Violation to an administrative fine will occur after three (3) occurrences in a consecutive six (6) month period.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 Emergency Suspensions

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

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its

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contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.7 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- E. Violation of the pretreatment standards in Section 2 of this ordinance;
- F. Falsifying reports;
- G. Failure to install monitoring equipment (intentional);
- H. Improper sampling scheme;
- I. Violation of compliance schedule; or
- J. Wastewater dilution, in lieu of treatment.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action

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SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition Lexington County Court of Common Pleas through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a civil penalty of not more than two-thousand dollars (\$2000.00), pursuant to South Carolina Code Section 6-11-285, per violation per day.. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including medical treatment of injured City employees, sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

11.3 Criminal Prosecution

A. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two- thousand

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dollars (\$2000.00) per violation, per day, or imprisonment for not more than two years, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.4 Public Property Damage

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued

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hereunder, or any other pretreatment standard or requirement is hereby declared a damage to public property and shall be corrected or abated as directed by the Superintendent. Any person(s) creating damage to public property shall be subject to the provisions of the City of Cayce Code 28-42 Tampering with Property of Public Utilities and Code 28-54 Injuring Public Property and Property Open to Public, governing such damage, including reimbursing the City for any costs incurred in removing, abating, or remedying said damage.

12.5 Informant Rewards

The Superintendent may pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative fine levied against the user, the Superintendent may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed three thousand dollars (\$3,000).

12.6 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

~~(A)~~A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

~~(B)~~B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.

~~(C)~~C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

~~1~~(1) An upset occurred and the user can identify the cause(s) of the upset;

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~~2.~~(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

~~3.~~(3) The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

~~A.~~(a) A description of the indirect discharge and cause of noncompliance;

~~B.~~(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

~~C.~~(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

~~(4)~~D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

~~(5)~~E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

~~(6)~~F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

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13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.2(A) of this ordinance or the specific prohibitions in Sections 2.2(B)(3) through 2.2(B)(6) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

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13.3 Bypass

A. For the purposes of this section,

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(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "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 assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
(2) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless

A(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B(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 back-up 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(c) The user submitted notices as required under paragraph (C) of this section.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

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SECTION 14 - WASTEWATER TREATMENT RATES

To provide facilities for conveying and treating the wastewater, to recover the annual operating costs, and to provide sludge management costs, the City adopts the following types of fees. The amount of

City of Cayce Sewer Use Ordinance

each of the fees established herein is detailed in the most recent City of Cayce-Utility Rate Schedule which is updated from time to time. All users shall pay the appropriate fee as determined by the Superintendent based upon the rates in the Utility Rate Schedule and the type of service being provided.

14.1 Fees

- (1). Application Fee. A user shall pay a fee at the time of initial application for service.
- (2). Survey Questionnaire Fee. Fee for the analysis of waste survey information for the proposed wastewater discharge to determine if the user must have a wastewater contribution permit.
- (3). Capacity Reservation Fee. Fees for providing a reservation of capacity in the City POTW for a specific period of time.
- (4). Tap Fee. Fees for providing the connection to the City POTW.
- (5). Impact Fee (Capacity Charge). Fees for the impact of wastewater discharges on the City POTW system. The impact on the City POTW will be assessed using the Guidelines for Unit Contributory Loadings as published by SCDHEC (latest edition).
- (6). Sewer Availability Fees. City may charge for sewer when sewer service is available adjacent to any property in use, or otherwise occupied, even if a property is not discharging wastewater to the City sewer.
- (7). Monthly Usage Fees. All users are subjected to a monthly fee based on the rate system adopted by the City.
- (8). Surcharge Fees. All industrial users shall be subjected to the following types of surcharges. The exact amount is based on the current rates adopted by the City.
 - (a) BOD exceeding 250 mg/l
 - (b) TSS exceeding 250 mg/l
 - (c) Other pollutants, if available, in amounts exceeding the “pro-rata” share based upon the flow using the allowable remaining balance as determined by the Headworks Analysis and making an equitable distribution of the unused balance of pollutants to all users requesting additional capacity and subject to the approval of the Superintendent.
- (9). Permit Fees. The City may charge FSEs and waste haulers a wastewater discharge fee for review of plans or other documentation, processing, and issuance of wastewater discharge permits associated with the disposal of septage and/or grease.
- (10). Dumping Fees. The City may charge a per gallon fee to Industrial, Septic and Grease Haulers

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14.2 Measurement

City of Cayce Sewer Use Ordinance

A-(1) Monthly Usage Measurement.

- *(a) The City may install a separate meter for sewer service to the user for measurement of the monthly sewer flow.
- *(b) If the user is also a City water user, and the City feels that it is impractical to install separate flow measurement equipment for the sewer line serving the user, it is permissible to use the water meter serving the user as the basis for the monthly sewer fee.
- *(c) In the event that the user is not a water customer or has no water meter, the City may at its discretion make a determination of a flat rate monthly fee based upon similar types of users and their discharges or may monitor flows temporarily to obtain an average flow as a basis for the monthly charge, install a meter in well water supply line at owners expense, or use any other equitable method of determining an average usage.
- *(d) If the City determines that it is impractical to install a separate meter for measurement of sewer flow and uses any alternate method for determination of monthly sewer fees, the user has the right to pay the City for all costs to install a separate meter for sewer. In addition to the costs for the installation of the meter there will be a separate monthly fee for maintenance and reading of the separate meter.

B-(2) Surcharge Measurement. Surcharges shall be billed on a monthly basis to all permitted users who have additional capacity of any pollutant beyond the pro-rata share based on flows as determined by the headworks analysis. The monthly Surcharge Fee shall be based on the permitted amount of each pollutant or on the actual discharge of any pollutant, whichever is greater. However, if the amount of pollutant discharged is in excess of the permitted amount there may be fines and penalties in accordance with Section 10 of this Ordinance.

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SECTION 15 – MISCELLANEOUS PROVISIONS

14.3 Pretreatment Charges and Fees

To provide for reimbursement of the development cost of the City's Pretreatment Program, for recovery of the annual operating costs, and for maintenance of the pretreatment program, the City herein adopts the following categories of fees. The amount of each of the fees established herein is detailed in the most recent City of Cayce-Utility Rate Schedule which is updated from time to time. All users shall pay the appropriate fees as determined by the Superintendent based upon the rates in the Utility Rate Schedule and the types of service being provided.

- A. Pretreatment Application Fees. Fees for wastewater discharge permit applications including the cost of processing such applications in the following two part process:
 - (1) Waste Load Allocation Fee. A non-refundable fee paid by the non-domestic user prior to the issuance of the Waste Load Allocation. The Waste Load Allocation insures the non-domestic user of the capacity and loading limits in the City POTW for a period of one (1) year, within which time final plans or sufficient documentation must be submitted to the City and a Wastewater Discharge Permit must be issued.

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(2) Wastewater Discharge Permit Fee. Fee for review of final plans or other documentation, processing, and issuance of pretreatment permits.

B. Annual Fee. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users. This fee is billed at the beginning of each fiscal year, in the first week of the month of July. Failure to pay the required dues by the due date will result in fines and/or surcharges.

C. Fees for reviewing and responding to accidental discharge procedures and construction.

D. Fees for filing appeals.

E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

14.4 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION ~~14-15~~ - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. This ordinance shall supersede the previous sewer use ordinance and amendments thereof.

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Appendix A

City of Cayce Fats, Oil and Grease Control Policy Section

1: Purpose and Objectives:

The objective of this Policy is to aid in administration of the City of Cayce's Fats, Oils, and Grease Ordinance ("FOG Ordinance") designed to reduce the introduction and accumulation of fats, oils, and greases into the municipal wastewater collection system.

This Policy establishes uniform construction, maintenance and monitoring requirements for controlling the discharge of grease from food service facilities discharging into the wastewater collection system and for regulation of commercial grease waste haulers operating within the City of Cayce's (City's) collection system.

Section 2: Definitions: The following definitions apply to this Policy.

City means the City of Cayce Utilities Department

Fats, oils, and greases means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules and non polar compounds (petroleum origin) which are in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty five (65) degrees centigrade). These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG".

Food Service Establishments (FSE): Those establishments that engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs, and that use one or more of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. Those establishments that engage in the preparation of precooked and frozen food materials and meat cutting preparation and applicable to all "Food Service Establishments" that discharge wastewater containing grease to the City of Cayce Sanitary Sewer System including but not limited to the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

Food service establishment owner or owner means in the case of individual FSE, the owner or proprietor of the food service operation. Where the FSE is a franchise operation, the owner of the franchise is the responsible person or entity. Where the FSE operation is owned by a corporation, the corporate representative is the responsible entity. Where two or more FSE share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease

interceptor or the property on which the grease interceptor is located.

Gray water means all of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.

Grease waste hauler (GWH) means a person and/or company who collect the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services to a FSE related to grease interceptor maintenance.

Grease Interceptor is a large underground concrete vault; or other similar engineered material, located outside of an FSE designed to collect, contain, separate, or remove Grease from the waste stream while allowing the sub-straight waste or Gray Water to discharge to the wastewater collection system by gravity. Interceptors shall be in conformance with the provisions of the South Carolina Plumbing Code.

Grease removal device (GRD) refers generically to grease traps and grease interceptors.

Grease trap means a device located in a FSE usually under a sink designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity. Traps shall be in conformance with the provisions of this Policy and the South Carolina Plumbing Code.

Superintendent. The person designated by the City to supervise the operation of the POTW, including but not limited to, the implementation of the City's Grease Management Program (GMP), and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized City representative.

Section 3: General

Requirements: Section 3.01:

Applicability:

The administrative, operational, and general requirements of this Policy are applicable to ALL FSE, new or existing. All FSE shall have grease removal and handling equipment approved by the City. Establishments whose grease removal device (GRD) is not in accordance with this standard shall be given a compliance schedule with a deadline not to exceed six (6) months from initial notification date to bring this equipment into compliance or install adequate equipment approved by the City. The Superintendent or designated city representative shall provide assistance in the facilitation of the FSE FOG training. In addition, educational materials shall be available through the GMP and City's website.

Section 3.02: Grease Removal Devices:

Plans and specifications for all new GRD's must be submitted to the City for reviewed and approved

by the City of Cayce Inspection Department and the Industrial Pretreatment Program prior to installation. Prior to placing any new GRD into operation, the Cayce Inspection Department and the Industrial Pretreatment Division shall inspect the GRD to assure compliance of approved GRD. No New FSE will be allowed to initiate operations until proper Grease Traps and/or Grease Interceptors, as appropriate, are installed by the FSE in accordance with this ordinance, and are approved by the City.

Grease traps and interceptors shall be provided for the proper handling of wastewater containing excessive amounts of fats, oil or greases, which will or tend to cause or contribute to sanitary sewer blockages and obstructions, except that such interceptors shall not be required for residential users. Food Service Establishments (FSE), commercial establishments and other industrial generating wastewater containing fats, oils or greases are subject to this ordinance. All existing and new FSEs must have Grease Traps and/or Grease Interceptors installed and approved by the City in accordance with the City FOG Control Policy. Grease Traps and/or Grease Interceptors shall be provided for all permitted food as defined by SCDHEC to include restaurants, cafeterias, snack bars, fast food restaurants or carry out food restaurants or any other areas such as service station or residential complex wash racks, automatic car washes or auto service areas, coin laundries, hospitals or other businesses which, in the opinion of the City, deem them necessary to for the proper handling of wastes generated by each business. All GRD units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such GRD units shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

All Grease Traps and Interceptors shall be installed in accordance with the City's most recently adopted version of the International Plumbing Code. Grease Interceptors shall be installed in accordance with the requirements contained in all applicable local plumbing codes and must be installed by a licensed plumbing contractor. Wastewater from domestic facilities and other similar fixtures shall not be introduced into a Grease Trap or Grease Interceptor by the FSE under any circumstances.

1. Design and Sizing: Grease Traps and Grease Interceptors must be sized in accordance with the City of Cayce's FOG Control Policy formulae set forth in (A), (B), or (C) of the City of Cayce's *Grease Trap and Grease Interceptor Tank Sizing Guide* (Exhibit 1) unless the City approves sizing calculations signed and sealed by a registered professional engineer in accordance with the Fixture Unit Calculation Method set forth in (D) of the City of Cayce's *Grease Trap and Grease Interceptor Tank Sizing Guide* (Exhibit 1).
 - (a) All FSEs must submit, for each Grease Trap and Grease Interceptor, cut sheets, plans, and specifications. These documents must be submitted to the City prior to the FSE's installation of the Grease Trap and/or Grease Interceptor. An approval letter for each new Grease Trap or Interceptor must be issued by the City to the FSE prior to construction and/or installation of the Grease Trap and/or Grease Interceptor by the FSE. The construction and location criteria for Grease Interceptors must be in accordance with Environmental Protection Agency (EPA) Guidance Document, "On site Wastewater Treatment and Disposal Systems," Chapter 8.
2. New FSEs Design and Sizing: New FSEs are any FSE's that are undergoing a change of use which necessitates the issuance of a new SCDHEC food service permit or are newly constructed and include existing FSE's expansion or renovation to provide food services. All New FSEs are required to install Grease Traps and/or Grease Interceptors, as appropriate, in compliance with

the City's *Grease Trap and Interceptor Sizing Guide*. (Exhibit 1)

3. For Existing FSEs operating with GRD's that were installed prior to the effective date of this ordinance. These FSEs will generally be permitted to operate and maintain existing Grease Traps and/or Grease Interceptors provided they are in proper operating condition. If a Grease Trap or Grease Interceptor installed prior to the effective date of this ordinance does not allow for measurement and sampling to demonstrate that the Grease Trap or Grease Interceptor is in compliance with this regulation, the FSE must modify or replace the Grease Trap or Grease Interceptor as provided below within six months from the date of the revised sewer ordinance.
4. The City, in its sole discretion, may approve a proposed modification of an existing Grease Trap or Grease Interceptor which allows for measurement and sampling of the existing Grease Trap or Grease Interceptor to demonstrate that the Grease Trap or Grease Interceptor is in compliance with the City of Cayce's FOG Control Policy. Any proposed modification to meet this requirement must be submitted to the City for review no later than six months from the date of the revised FOG policy.
5. If not modified pursuant to paragraph (4) above, the existing Grease Trap or Grease Interceptor must be replaced with a new Grease Trap or Grease Interceptor, as appropriate, in compliance with the City of Cayce *Grease Trap and Interceptor Sizing Guide* (Exhibit 1).
6. Existing FSEs shall not connect new dishwashers, garbage grinders, or domestic sewer to any Grease Trap or Grease Interceptor. The City, in its sole discretion, may grant a variance to this requirement in circumstances in which the City determines that compliance with this requirement would be unduly burdensome or impractical due to physical condition or layout of the FSE.

A. Design and Structural Criteria for Exterior Grease Interceptors:

Grease Interceptors shall conform to the following general criteria when being designed and constructed:

1. Location: Any Grease Interceptor shall be located in the FSE's lateral sewer line between all fixtures which may introduce grease into the City's wastewater collection system. Grease Interceptors must be located as close to the source of the wastewater service line at the building as physically possible, while remaining accessible for cleaning and maintenance. All Grease Interceptors shall be located where they are easily accessible for inspection, cleaning, and maintenance.
 - (a) In cases where existing FSEs do not have a Grease Interceptor installed and where the installation of an outdoor Grease Interceptor is feasible in the City's sole discretion, the Grease Interceptor must be installed by the FSE in accordance with this Ordinance and must be approved by the City in writing in advance of installation.

In situations where it is not feasible for an existing FSE to install an underground Grease Interceptor, the FSE is required to install adequate and approved Grease Traps for use on individual fixtures, including, but not limited to: pot sinks, mop sinks, pre-rinse sinks, wok ovens, floor drains, and any other drains where the potential for introduction of Grease exists. In such cases, Grease Traps will be considered adequate and will be approved by

the City only if a flow control device is placed on the inlet that prevent overloading and a sample port is placed on the outlet of each Grease Trap

2. Design and Sizing: The design and size of all interceptor units must comply with Exhibit 1 & 3 of this ordinance. The size, type and location of each grease interceptor shall be approved by the City based on plans and specifications submitted to by the user. FSEs must comply with standard details GR #1 (Exhibit 3) and GR #2 (Exhibit 3) for standard Grease Interceptor installation. Grease Interceptors may be installed in series, if volume required is more than 1500 gallons. When installed in series, the first tank shall not have a baffle or center tee (see standard detail GR #2, Exhibit 3). Design is the responsibility of the user/owner/developer. No device shall be installed prior to written approval from the City.
3. No Grease Interceptor less than 1,000 gallons total capacity will be approved for installation by the City unless acceptable engineering calculations sealed by a professional engineer registered in the state of South Carolina and demonstrating that a smaller size has satisfactory capacity are provided by the FSE Owner to the City and are approved by the City. The City retains sole discretion to approve or deny approval of a Grease Interceptor less than 1,000 gallons total capacity in all circumstances, even in the event such engineering calculations are provided.
4. A minimum hydraulic retention time of 24 minutes at actual peak flow between the influent and effluent baffles, with 25 percent of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived materials to rise and accumulate.
5. Grease Interceptors shall be precast or cast in place minimum 4000 psi concrete vaults. The City, in its sole discretion, may allow the use of other materials upon written request for approval prior to installation. Grease Interceptors shall contain the following:
 - (a) Two-way cleanouts must be provided by the FSEs on the inlet and outlet lines of the Grease Interceptor.
 - (b) Open top inlet tee must extend to 2/3 the depth of the fluid level of the vault.
 - (c) The vault shall have a baffle wall with a minimum 3" air gap for venting at the top and an open top tee extending to 2/3 from the bottom of the vault.
 - (d) Open top outlet tee must extend to 2/3 from the bottom of the vault.
 - (e) Anti-flotation design with proper base course and compacted sub-grade are to be used to prevent settling where conditions warrant.
6. Access Manholes shall be provided by the FSE directly above all three tees for inspection and maintenance. Access manholes shall have an installed diameter of 24 inches, a maximum weight of 50 pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as "risers" into the grease interceptor shall also be, at a minimum, 24 inches in diameter. The access manholes shall

extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities. Manhole frames and covers shall conform to the following criteria:

- (a) An access opening shall be provided by the FSE above the inlet, baffle wall, and outlet tees and shall be easily removable by one person. A minimum 6” diameter traffic rated clean out with a concrete collar extending down through the vault top may be provided by the FSE above the baffle wall tee in lieu of an access manhole.
- (b) Manhole frames and covers shall be grey iron castings, ASTM A48, Class 30 Iron with all bearing surfaces machined.
- (c) Acceptable manufacturer: US Foundry Model 680; and provide HS-20 rated frame and cover where applicable.

B. Interior Grease Traps:

Grease Traps shall conform to the following general criteria when being designed and constructed:

1. Location: All Grease Traps shall be located between all fixtures in the FSE and the interior piping which is connected to City’s wastewater collection system. The FSE is required to install adequate and approved Grease Traps for use on individual fixtures, including, but not limited to: pot sinks, mop sinks, pre-rinse sinks, ovens, floor drains, and any other drains where the potential for introduction of grease

exists. Each grease trap shall be so installed and connected that it will be readily accessible for cleaning and inspection at all times.

- (a) In cases where circumstances will not allow for the installation of an outdoor in ground grease interceptor and only with the approval of the City, the FSE may be allowed to install an indoor GRD. The FSE shall submit plans and specs to include unusual circumstances warranting a GRD. The application shall (i) describe the FSE (i.e., hours of operation, type of food sold and average number of customers served on a weekly basis); (ii) describe the food preparation process for the business; (iii) the type of proposed interior grease trap; and (iv) processes and procedures used to ensure FOG does not leave the grease trap into the City’s wastewater system. If approved, the GRD variance shall be in force until there is either (i) a change in ownership of the FSE; (ii) evidence demonstrates that a GRD is no longer necessary; (iii) evidence that the GRD is not keeping FOG out of the City’s wastewater system; and/or (iv) remodeling of the kitchen or facility.

- (2) Design and Sizing: Sizing of any Grease Trap must be in accordance with the City of Cayce’s *Grease Trap and Interceptor Sizing Guide* (attached as Exhibit 1). The minimum size of grease traps shall be based on the maximum rate of flow of all fixtures discharging into the grease trap multiplied by a retention factor of 1.5 minutes. No grease trap shall be installed with an approved rate of flow less than 20 gallons per minute or a retention capacity of less than 40 lbs. No garbage disposal or dishwasher shall be connected to or discharged into any grease trap.

- (3) Grease traps shall be constructed of durable materials satisfactory to the Superintendent and shall have a full size gas tight cover, which can be readily removed. Each grease trap shall have a water seal of not less than 2” in depth or the diameter of its outlet, whichever is greater. No single in-line grease trap shall serve more than two separate fixtures. Grease traps shall be installed and vented in accordance with the International Plumbing Code.

- (4) Cleaning and maintenance should generally be performed in accordance with the Grease Trap

manufacturer's recommendations. However, despite this provision, cleaning and maintenance must be performed as often as and in the manner necessary to achieve full compliance with the City of Cayce FOG Control Policy, even if such cleaning and maintenance exceeds that recommended by the manufacturer. At a minimum, Grease Traps must be cleaned on a quarterly basis but as often as necessary to insure FOG are not discharged into the collection system.

C. Inspection and Operational Approval:

The FSE must notify the City 72 hours in advance, during the normal work week, when the Grease Trap and/or Grease Interceptor is ready for final inspection by the City. The City must give final approval prior to the FSE covering any Grease Interceptor. Where the City denies approval of the Grease Interceptor for a new FSE, the City may elect to submit a request to the appropriate building official requesting that certificates of occupancy be withheld until the Grease Interceptor is constructed in accordance with this specification and is approved by the City.

Section 4: Alternative grease removal devices or technologies:

Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by the Superintendent prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The City may approve these types of devices depending on manufacturer's specifications on a case by case basis. The FSE may be required to furnish analytical data demonstrating that grease discharge concentrations to the City's wastewater collection system will not exceed the established limitations.

The use of biological or other additives as a grease degradation or conditioning agent is not permissible for use within the Cayce's collection system. Flushing a GRD with hot water, or the use of chemicals or other agents to dissolve or emulsify grease and allow it to flow into the wastewater treatment system, is a violation of this Policy

Section 5: Records Maintenance, Reporting and Retention:

A. Record Keeping:

Each FSE shall maintain records of all Grease trap or interceptor maintenance. To including the date and time of the maintenance, details of any repairs required and dates of repair completion, cleaning and any other records pertaining to the grease trap or interceptor. These records shall be made available for review upon request by the Superintendent. Each FSE shall also maintain a file on-site which contains the following information:

1. The (as-built) drawings of the plumbing system, if available. If as-built drawings are not available, other drawings of sufficient detail to depict the plumbing layout of the FSE.
2. Receipts/reports from grease waste haulers and plumbing repairs.
3. Grease waste hauler information.

The FSE shall maintain a written record of grease trap or interceptor maintenance and cleaning for three (3) years. All such records will be available for inspection by the City at all times. These records

shall include but not be limited to (See Exhibit 4):

1. FSE name and physical location
2. Date and time of grease trap or interceptor service
3. Name and signature of grease waste hauler performing said service
4. Established service frequency and type of service.
5. Number and size of each grease interceptor serviced at FSE location
6. Total volume of waste removed from each grease trap or interceptor
7. Destination of removed wastes, food solids, and wastewater disposal
8. Signature and date of FSE personnel confirming service completion
9. Such other information as required by Superintendent.

The file shall be available at all times for inspection and review by the Superintendent. The failure to maintain complete records or to provide such records to the Superintendent upon request constitutes a violation of this Policy.

Annually the city will mail each FSE a request to submit copies of all grease trap and/or interceptor cleaning to the City for review. FSE will have 30 days to provide copies of these records.

Section 6: Pumping/Cleaning and Maintenance:

Interceptor pumping frequency: Each FSE shall have its grease trap(s) and/or interceptor(s) pumped at a **minimum frequency of once every 90 days** but as often as necessary to insure FOG is not discharged in to the collection system. In addition to required pumping, each FSE shall determine additional frequency at which its grease interceptor(s) shall be pumped according to the following criteria:

1. When the floatable grease layer exceeds six (6) inches in depth as measured by an approved dipping method, or;
2. When the settleable solids layer exceeds eight (8) inches in depth as measured by an approved dipping method, or;
3. When the total volume of captured grease and solid material displaces more than 25 percent of the capacity of the interceptor as calculated using an approved dipping method, or;
4. When the interceptor is not retaining/capturing oils and greases.

Each FSE shall be responsible for the costs of installing, inspecting, pumping, cleaning, and maintaining its grease trap or interceptor. Since the FSE is liable for the condition of their

pretreatment devices it is recommended they witness all cleaning/maintenance activities to verify that the grease trap or interceptor is being fully cleaned and properly maintained. All FSE that have grease traps or interceptors shall utilize a GWH who has been permitted by the SCDHEC for pumping services. Pumping services shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids from the trap and/or interceptor. Recycling of wastewater is not permissible.

The following are the pumping practices required of registered grease waste haulers (Steps 1-12):

- Step 1.** Record reading using appropriate dipping method (sludge judge reading, etc.).
- Step 2.** Skim the entire grease cap and debris from the top of the Grease trap or Interceptor. The trap or interceptor may need to be agitated slightly to loosen the grease cap.
- Step 3.** Place the vacuum tube all the way into the Grease Interceptor to withdraw remaining solids from the bottom.
- Step 4.** Vacuum water out of the Grease trap or Interceptor.
- Step 5.** Clean the sides and bottom of the Grease trap or Interceptor. This may be done by “back flowing” the water from the pump truck or by using an alternative water source to hose down the trap or interceptor. Make sure the Grease trap or Interceptor is completely clean.
- Step 6.** Vacuum the remaining water out of the Grease trap or Interceptor.
- Step 7.** Check that the sanitary “Tees” on the inlet and outlet sides of the Grease Interceptor are not clogged, loose, or missing.
- Step 8.** Verify that the baffle is secure and in place.
- Step 9.** Inspect the Grease trap or Interceptor for any cracks or other defects.
- Step 10.** Allow FSE contact to inspect the cleaning for their approval. It is the responsibility of each FSE to inspect its Grease trap or Interceptor during and after the pumping and cleaning procedure to ensure that the Grease trap or Interceptor is properly cleaned out and that the structure is sound and all fittings and fixtures inside the Grease trap or Interceptor are in working condition and are functioning properly.
- Step 11.** Check that lids are securely and properly seated after completion of pumping.
- Step 12.** Provide a copy of the waste hauler manifest to the FSE

A. Disposal Requirements: Wastes removed from each grease trap or interceptor shall be disposed of at a facility permitted by the SCDHEC to receive such wastes. Neither grease nor solid materials removed from interceptors shall be returned to any grease trap, interceptor, private sewer line or to any portion of the City’s wastewater collection system or water reclamation facilities.

Section 7: Right of Entry:

The City will perform a physical inspection of each FSE facility on a routine schedule to insure compliance with all conditions specified in this FOG policy.

1. The City (or its designee) shall have right-of-entry on or upon the property of any FSE subject to this Policy for the purpose of inspection, determination of compliance, or enforcement action. The City shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, ability to establish limits, inventory, records examination and copying, and the performance of any other duties which the City reasonably deems necessary to determine compliance with this Policy.
2. Where security measures are in place which require proper identification and clearance before entry into the premises, the property owner or commercial enterprise shall make necessary arrangements with its security guards so that, upon presentation of proper credentials, the City will be permitted to enter without delay for the purposes of inspecting the site and investigating any complaints or alleged violations of this Policy.
3. The City shall have the right to set up on the property such devices as are necessary to conduct sampling and/or metering and shall have the power to require written statements, certificates, certifications, or the filing of reports relating to complaints or alleged violations of this Policy.
4. All grease removal devices (GRD) shall be easily accessible and shall not be obstructed by landscaping, parked cars, or other obstructions. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the responsible party at the written or verbal request of the City. The costs of clearing such access shall be borne by the responsible party.

Section 8: Grease Waste Hauler (GWH)

Prior to a GWH providing grease trap or interceptor cleaning service within the Cayce wastewater collection system the hauler must have a current SCDHEC approved permit number. They must also have a current City of Cayce business license if performing this service within the city limits.

A. Spill Reporting:

Any accident, spill, or other discharge of grease or gray water which occurs within the City shall be reported to the City by the waste hauler as soon as possible but not longer than 24 hours after the incident. The waste hauler shall comply with all procedures contained in federal, state and local regulations. The waste hauler shall be responsible for all clean-up procedures and costs.

B. Record Keeping:

Grease waste haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and grease disposal from businesses located in the wastewater collection service area. Records are required for each trip to a disposal facility to include the vehicle, date, amount of waste and name of disposal or recycling facilities. These records shall remain available for a period of at least three years. The failure to provide information to the City within ten days of

a written request is a violation of this Policy and may result in revocation license. The City may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this Policy. Repeated failure of a GWH to submit required or requested reports in a timely manner or the repeated submission of incomplete reports will result in the City revoking the haulers business license, the hauler being banned from providing grease removal service within the Cayce utility service area and reporting of suspect actions to SCDHEC for permit compliance evaluation.

Section 9: Enforcement

A. Administrative Enforcement Activities:

The City is authorized, but not limited to taking the following actions in response to noncompliance with the Fats, Oils and Grease Policy:

1. Written Notice of Deficiency [NOD]
2. Written Notice to Correct [NTC]
3. Notice of Violation [NOV]
4. Enforcement Meeting
 - (a) Administrative Order [AO]
 - (b) Initiation of Self-Monitoring
 - (c) Employee Training Requirement
 - (d) Consent Order (may contain Schedule of Compliance)
5. Administrative Fines and Re-inspection Fees. Penalties per EPA's Streamlining Rule, SC Reg. 61-9 and as set forth and established by City Council on Appendix B to the City Code
6. Payment of Remediation/Clean-Up Costs and/or Cost Recovery
7. Termination of (Sewer and/or Water) Service [TOS]

B. Recovery of costs:

When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the City, the Superintendent may assess the expenses incurred by the City to clear the obstruction, repair damage to the facility, and any other expenses or damage of any kind or nature suffered by the City. The Superintendent shall file a claim with the FSE or any other person or entity causing such damages seeking reimbursement for any and all expenses or damages suffered by the City. If the claim is ignored or denied, the Superintendent shall notify the City Attorney to take such measures as shall be appropriate to recover any expense or to correct other damages suffered by the City.

C. Remedies nonexclusive:

The remedies provided for in this Policy are not exclusive. The City may take any, all, or any combination of these actions against a person violating this Policy. Enforcement of violations will

generally be in accordance with this Policy; however, the City may take other action against any person when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any person in violation of this Policy.

APPENDIX B - FEE SCHEDULE

Chapter 40. Utilities

Article III. Sewer System

Division 2. Sewer Rates,

Tap Fees

§ 40-119. Fats, oils and grease:

FSE First reinspection (violation) fee\$250.00

FSE Successive reinspection (violation) fee\$500.00

Septic Waste Disposal fee \$0.09 per gallon

Grease Waste Disposal fee \$0.16 per gallon

Hauler Truck Cleaning fee \$100.00

STATE OF SOUTH CAROLINA	)	ORDINANCE 2019-17
	)	Amending City Code Section 40-92
COUNTY OF LEXINGTON	)	("Prohibited Discharges") of Article
	)	III ("Sewer System") of Chapter 40
CITY OF CAYCE	)	("Utilities")

WHEREAS, the City desires to amend City Code section 40-92 ("Prohibited Discharges") of Article III ("Sewer System") of Chapter 40 ("Utilities") to clarify enforcement capabilities through its Fats, Oils and Grease Control Policy,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

Section 40-92 ("Prohibited Discharges") of Article III ("Sewer System") of Chapter 40 ("Utilities") of the Cayce City Code is hereby amended to read:

"No person shall deposit in, allow to escape into, or cause or permit to escape into the sanitary sewer system of the city any material or substance that would damage or injuriously affect the operation of the system, which deposits shall include, but not be limited to, petroleum products, fats, oils, greases, chemicals, clothing, rags, remnants, gases, refuse or any other substance that will affect, injure, or retard the biological treatment system receiving such waste material. By reference, prohibited substances are also cited in the sewer use ordinance latest edition. Non-compliance with this section, the sewer use ordinance, or the Fats, Oils and Grease (FOG) policy also authorizes the city to take enforcement actions as described in the enforcement sections of the sewer use ordinance or the FOG policy."

This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2019.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Attachment A

Sec. 40-92. Prohibited discharges.

No person shall deposit in, allow to escape into, or cause or permit to escape into the sanitary sewer system of the city any material or substance that would damage or injuriously affect the operation of the system, which deposits shall include, but not be limited to, petroleum products, **fats, oils, greases**, chemicals, clothing, rags, remnants, gases, refuse or any other substance that will affect, injure, or retard the biological treatment system receiving such waste material. By reference, prohibited substances are also cited in the sewer use ordinance **latest edition. Non-compliance with this section, the Sewer Use Ordinance, or the FOG policy authorizes the City to take enforcement actions as described in the enforcement section of the FOG policy.**

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: September 13, 2019

Subject: Resolution in support of a grant application from the City of Cayce to the Municipal Association of South Carolina

Issue

The City of Cayce plans to submit a grant application to the Municipal Association of South Carolina (MASC) for the Hometown Economic Development Grant opportunity. As part of the grant application, the City is required to include a resolution of Council in support of the application.

Discussion

MASC has opened a grant opportunity for cities and towns in South Carolina to implement economic development projects that will make a positive impact on the quality of life in their communities. The City of Cayce plans to apply for a grant and request \$25,000 in funding. Grant funds would be used for establishment of an arts and culture district. Establishment of an arts district will benefit both the City and stores/artists. The arts district will include:

- Allowing Live/Work uses throughout the district for properties
- Flexibility in design – front setbacks will be greatly reduced
- Parking requirements will be reduced and flexible parking options will be available
- Public Art pieces, such as sculptures and murals
- Distinct signage

This grant requires a 15% match by the City. The total project will be \$28,750 to implement, of which \$25,000 would be grant funds and \$3,750 would be City match. The grant application is currently in development and will be submitted by the due date of September 27, 2019.

Recommendation

Staff recommends Council approve the resolution in support of the City's grant application to MASC for the Hometown Economic Development Grant opportunity.

STATE OF SOUTH CAROLINA	)	RESOLUTION
	)	COMMITTING THE CITY OF CAYCE
COUNTY OF LEXINGTON	)	TO PROVIDE A LOCAL MATCH
	)	FOR A MUNICIPAL ASSOCIATION
	)	OF SOUTH CAROLINA
CITY OF CAYCE	)	HOMETOWN ECONOMIC
	)	DEVELOPMENT GRANT

WHEREAS, this Resolution is made regarding the submission of an application for Hometown Economic Development Grant funds to the Municipal Association of South Carolina on or before September 27, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Cayce, in Council, duly assembled, that:

The City of Cayce (“City”) commits to provide a local cash-in-kind match of \$3,750, which equals the minimum 15% local match required by the Municipal Association of South Carolina, to support the City of Cayce application for a \$25,000 Hometown Economic Development Grant. These grant and local matching funds will be used for the establishment of an Arts and Culture District. Council will follow its procurement policy adopted in accordance with SC Code of Laws Section 11-35-50 when securing all services and products purchased with funds awarded from a Hometown Economic Development Grant.

APPROVED this ____ day of _____, 2019.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, CMC, Municipal Clerk